

**COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**  
**Ordinance No. 2019- 15**

**An Ordinance Amending the Municipal Code of the City of Hobart  
Concerning PUD Planned Unit Development Districts**

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") has been informed that there is a need to regulate PUD Districts within the City; and

WHEREAS, the Hobart Plan Commission has requested a specific rule to be embodied in an ordinance included in the Hobart Municipal Code amending PUD Districts; and

WHEREAS, the Council through this Ordinance, to address these matters legislatively and to spread same upon the public record.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart as follows:

*SECTION ONE.* The Municipal Code of the City of Hobart ("Code"), in Chapter 154 entitled "ZONING," is hereby amended by striking out in its entirety §154.295 (E), such subsection entitled "*To that end, the effect of the regulations,*" and inserting in lieu thereof the following new subsection:

(E) To that end, the effect of the regulations contained in this chapter as to use, bulk, yards, height, and the development regulations contained in subchapter entitled SITE PLAN commencing in §154.415, may be waived or modified to provide relief there from to allow unconventional development in the specific Planned Unit Development project. The community may then benefit from such desirable but unconventional developments and be protected and insured through the limitations and conditions placed upon and made part of the ordinance granting the specific "Planned Unit Development District" (Prior Code, § 24-152) (Ord. 97-15; Ord. 2001-41; Ord. 2006-42, § 1)

*SECTION TWO.* The Code is hereby amended by striking out in its entirety §154.296 (C), such subsection entitled "*Planned Unit Development, Office Service, Planned Business Park and Manufacturing.*" and inserting in lieu thereof the following new subsection:

(C) Planned unit development – Office Service, Planned Business Park, Manufacturing. Any development consisting of Office Service, Planned Business Park, Manufacturing/Light Industrial or any mix of said uses on not less than 5 acres development plan, and in accordance with development regulations outlined in subchapter entitled SITE PLAN commencing in §154.415, and in which more than 80% of the interior floor area of all buildings to be included in the development is used customarily relating to office-service, planned business park, and/or manufacturing/industrial use(s), with a balance of the interior floor area, if any, being

intended for the business or commercial uses as reasonably relate to the support or convenience of the intended uses or their occupants.

*SECTION THREE.* The Code is hereby amended by striking out in its entirety §154.301 and subsequent subsections within, such section entitled "*COVENANTS AND MAINTENANCE*" and inserting in lieu thereof the following new Section:

§ 154.301 COVENANTS AND MAINTENANCE.

The Plan Commission is authorized to require and accept covenants and restrictions governing allowed uses, development standards and design within a planned unit development, as follows.

(A) All covenants, required by the Plan Commission, shall be prepared and submitted by the applicant. Such covenants shall set forth in detail and provide for a provision for the release of the restriction by execution of a document so stating and suitable for recording. Covenants authorized by the Plan Commission shall be, signed by the Plan Commission President and Secretary and by all of the owners of property in the area involved in the petition for whose benefit the covenant was created. The covenants shall provide that their benefits run to the Plan Commission and shall be specifically enforceable by the Plan Commission in addition to the property owners.

(B) The Plan Commission may require the recording of the covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities and other cited public and semi-public purposes. The covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specific period of time, the covenants shall automatically terminate. If the termination does occur, the petitioners shall then submit for approval by the Plan Commission a modified final detailed plan for the land, otherwise consistent with the approved preliminary planned unit development.

(C) The Plan Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for the development and design of property in a planned unit development. The development and design standards may include, but are not limited to, requirements as to the following:

- (1) Lot area;
- (2) Floor area;
- (3) Ratios of floor space to land space;
- (4) Areas in which structures may be built ("buildable area");
- (5) Open space;
- (6) Setback lines and minimum yards;
- (7) Building separations;

- (8) Height of structures;
- (9) Signs;
- (10) Off-street parking and loading space;
- (11) Relevant design guidelines, as set forth the City of Hobart Design Guidelines; and
- (12) Phasing of development.

(D) Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities, including private streets, jointly shared by the property owners if the facilities are a part of the planned unit development, and, in such instances legal assurances shall be provided and recorded which show that the private organization is self-perpetuating.

(E) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(F) All private streets shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that the vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit. (Prior Code, § 24-158) (Ord. 97-15; Ord. 2001-41)

*SECTION FOUR.* The Code is hereby amended by striking title block §154.308 entitled "*BUSINESS AND MANUFACTURING DEVELOPMENT AND DESIGN GUIDELINES*" and inserting in lieu thereof the following new title block:

§ 154.308 BUSINESS AND MANUFACTURING DEVELOPMENT REGULATIONS.

*SECTION FIVE.* The Code is hereby amended by striking out in its entirety §154.308 (C) and subsequent subsections within, such section entitled "*Site Layout: Orientation, Circulation, and Parking, all uses:*" and inserting in lieu thereof the following new subsection:

(C) Maximum Height

Building height shall be defined as the vertical distance as measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof on the following uses:

- (1) Office Service Uses:

- (a) Maximum height on lots/parcel/site less than twenty (20) acres shall not exceed thirty feet (30') in height.
  - (b) Maximum height on lots/parcel/site twenty (20) acres or greater shall not exceed forty feet (40') in height.
- (2) Planned Business Park Uses:
- (a) Maximum height on lots/ parcel/site less than twenty (20) acres shall not exceed thirty-five feet (35') in height.
  - (b) Maximum height on lots/parcel/site twenty (20) acres or greater shall not exceed forty-five feet (45') in height.
- (3) Manufacturing and Light Industrial Uses:
- (a) Maximum height on lots/parcel/site less than twenty (20) acres shall not exceed forty feet (40') in height.
  - (b) Maximum height on lots/parcel/site twenty (20) acres or greater shall not exceed fifty feet (50') in height.

*SECTION SIX.* The Code is hereby amended by striking out in its entirety §154.308 (D) and subsequent subsections within, such section entitled "*Street, Vehicular, and Pedestrian Circulation.*" and inserting in lieu thereof the following new subsection:

(D) Outside Sales, Display, and Storage.

- (1) All office-service, planned business park, and/or manufacturing/light industry uses services, processing or storage shall be conducted in completely enclosed buildings unless outside/outdoor sales, displays, and storage complies with the indicated regulation hereafter.
- (2) Outside/outdoor sales, displays, and storage, uses, service, processing or storage within an office-service, planned business park, and/or manufacturing/light industry use shall be conducted in completely enclosed buildings, except when outside/outdoor sales and display are in conjunction with "drive-in / drive-thru" establishments type use offering goods and services directly to customers waiting in parked motor vehicles, and shall be in compliance with open lot selling regulations when applicable.
  - (a) Outside/outdoor sales, displays, and storage is a minimum of one hundred fifty feet (150') from any residential district, and then only if the open storage is completely non- visible by reason of a wall or opaque fence, or as otherwise indicated hereafter.
  - (b) Outside/outdoor sales, displays, and storage approved and documented permanent outdoor sales, display, and storage areas shall be permitted accessory uses, tied to the primary use and in compliance with the following and open lot selling regulations when applicable.
  - (c) Outside/outdoor sales, displays, and storage shall not be located in any setbacks, easements, right-of-way, or off-street parking or loading service areas.
  - (d) Outside/outdoor sales, displays, and storage shall be located behind the front or exterior wall of the main building facing any street and

when applicable shall comply with all lot requirements in HMC §154.307.

- (e) Outside/outdoor sales, displays, and storage shall not cover more than five percent (5%) of the lot area or an area in excess of twice the ground floor area of the main building on the lot, whichever is less.
- (f) Outside/outdoor sales, displays and storage shall be screened according to the provisions of this section.
- (g) No outside/outdoor sales, displays, and storage shall occur within any right-of-way.
- (h) Outside/outdoor sales, displays, and storage areas, regardless of size, shall be hard-surfaced, dustfree pavement. The pavement type and thickness shall be reviewed at the Site Plan Review Committee prior to obtaining Plan Commission approval, taking into consideration soil conditions and traffic loading. Pervious pavements and pavers including durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads shall also be considered. Sales and display areas shall be of concrete, asphaltic pavement, or other permanent paving material and shall be maintained in good condition.
  1. The maximum area for outdoor sales and display shall not exceed ten percent (10%) of the primary structure or primary tenant space.
  2. Every approved permanent outdoor sales and display area shall be within twenty feet (20') of the primary structure.
  3. Screening shall be provided for outdoor sales and display areas that are greater than five hundred square feet (500) in size to reduce visibility of the outdoor sales and displays from the parking lot and primary roadways by installing a minimum twenty-four inch (24") opaque wall constructed from the same building material as the primary structure, and integrated into the design of the primary structure. The wall may be topped with a transparent fence.
  4. Outdoor sale and display of merchandise within an area of five hundred (500) square feet or less shall not block handicapped parking areas, parking lot access aisles, and shall maintain a forty-two inch (42") clearance on all sidewalks.
- (i) A Type 1 landscaped buffer yard as described in §154.200(E) may also be used. Plant material may be clustered for better view of displays.
- (j) Screening. Outdoor storage of the types described below shall be screened with an opaque fence, split face block wall, continuous evergreen screen, or a combination of the three. The screen must measure a minimum of eight feet (8') in height. The fences or walls shall be compatible with or constructed from the same building material as the primary structure, and integrated into the design of the primary structure.

- (k) Storage in Required Setbacks. No portion of any setback shall be used for permanent storage except during construction and in accordance with the terms of this section.
- (3) Bulk storage for any use in which bulk storage is permitted for structures, buildings or aboveground tanks used for bulk storage of flammable or explosive liquids, gases or other materials shall meet screening requirements in §154.423(G).
  - (a) Bulk storage shall not be located closer than fifty feet (50') to the property line.
  - (b) Bulk storage shall be enclosed within an opaque fence, or equivalent, of not less than eight feet (8') high, except as otherwise required by HMC §154.308 Outdoor Sales, Display, and Storage Standards (this section).
  - (c) Bulk storage lots shall be screened according to the provisions of this section.
- (4) However, open off-street loading facilities and open off-street parking of employee, customer/consumer motor vehicles may be unenclosed, except for the screening of parking and loading facilities as may be required under the provisions as set forth herein.

*SECTION SEVEN.* The Code is hereby amended by striking out in its entirety §154.308 (E) and subsequent subsections within, such section entitled “*Outside Sales, Display, and Storage.*” and inserting in lieu thereof the following new subsection:

(E) *Off-Street Parking and Loading.*

- (1) *Parking:* The HMC §§154.355 - 154.361, as amended, sets forth minimum requirements for parking lot design and buffering. Parking areas shall be planned to transition from the streetscape to the structure and to provide for adequate planting and safe pedestrian movement. The following regulations supplement those requirements.
  - (a) *Minimum Parking Requirements:*
    1. One (1) space per one thousand square feet (1,000) of gross floor area or one (1) space for each two employees on the premises during the largest shift, whichever is greater.
    2. Parking areas, wherever possible, shall be located to the side and rear of structures and away from streets and highways, thereby using buildings or other architectural elements as a visual barrier.
    3. Parking spaces shall not directly abut structures. Provide adequate space fifteen feet (15') minimum for walkways and landscaping between parking and structures.
    4. Landscape plantings and trees shall be required on the perimeter and within parking lots to reduce the visual impact of large open areas of pavement and to reduce the buildup of heat on dark colored paving (heat island effect) and reduce stormwater runoff. Refer to the City of Hobart Design Guidelines.

- (2) *Loading Berths.* HMC §§154.360 and 154.361 sets forth minimum requirements for loading berths. The following regulations supplement those requirements:
- (a) Loading areas shall be located as specified in above and:
    - 1. Loading berths shall be designed with a minimum sixty foot (60') concrete apron area immediately adjacent to the structure.
    - 2. Loading berths shall provide for a minimum total depth of one hundred thirty feet (130') of clear area pavement (no parking included).
    - 3. Loading berths shall be designed with a minimum twelve foot (12') by sixty foot (60') clear area dedicated for ingress-egress to the loading berth.
    - 4. Loading berths shall be prohibited within two hundred feet (200') of a residential use.
  - (b) Loading areas shall be recessed into the mass of the building or creatively blend it into the landscape using building offsets, screen walls, berms and other design techniques.
  - (c) All loading areas and delivery doors shall be screened so as not to be visible from, or cast light into any adjacent residential area while vehicles are parked or moving. Landscaping can be used to supplement the screening.

*SECTION EIGHT.* The Code is hereby amended by striking out in its entirety §154.308 (F) and subsequent subsections within, such section entitled "*Off-Street Parking and Loading.*"

*SECTION NINE.* The Code is hereby amended by striking out in its entirety §154.308 (G) and subsequent subsections within, such section entitled "*Bufferyards and Screening.*"

*SECTION TEN.* The Code is hereby amended by striking out in its entirety §154.308 (H) and subsequent subsections within, such section entitled "*Landscaping Requirements: Type, Size, Coverage, Placement and Management.*"

*SECTION ELEVEN.* The Code is hereby amended by striking out in its entirety §154.308 (I) and subsequent subsections within, such section entitled "*Building and Façade Design.*"

*SECTION TWELVE.* The Code is hereby amended by striking out in its entirety §154.308 (J) and subsequent subsections within, such section entitled "*Fence and Walls.*"

*SECTION THIRTEEN.* The Code is hereby amended by striking out in its entirety §154.308 (K) and subsequent subsections within, such section entitled “*Signage.*”

*SECTION FOURTEEN.* The Code is hereby amended by striking out in its entirety §154.308 (L) and subsequent subsections within, such section entitled “*Stormwater Detention.*”

*SECTION FIFTEEN.* The Code is hereby amended by striking out in its entirety §154.308 (M) and subsequent subsections within, such section entitled “*Environmental Standards.* Performance standards as noted in HMC sections:”

*SECTION SIXTEEN.* The Code is hereby amended by striking out in its entirety §154.308 (N) and subsequent subsections within, such section entitled “*Exterior Lighting.*”

*SECTION SEVENTEEN.* The Code is hereby amended by striking out in its entirety §154.308 (O) and subsequent subsections within, such section entitled “*Mechanical and Service Areas: Screening and Placement.*”

*SECTION EIGHTEEN.* The Code is hereby amended by striking out in its entirety §154.309 and subsequent subsections within, such section entitled “*RULES AND PROCEDURES GOVERNING MODIFICATIONS TO AND WAIVERS OF PERMITTED USES, DEVELOPMENT REQUIREMENTS, AND DESIGN GUIDELINES.*” and inserting in lieu thereof the following new Section:

**§154.309. RULES AND PROCEDURES GOVERNING MODIFICATIONS TO AND WAIVERS OF PERMITTED USES, DEVELOPMENT REGULATIONS, AND DESIGN GUIDELINES.**

- (A) This section applies to all petitions or applications to the Plan Commission for waiver or modification of any permitted uses, development regulations and City of Hobart Design Guidelines applying to Planned Unit Development Districts. The Plan Commission is authorized to establish written rules, not inconsistent with this section, governing the nature of proceedings to grant an approval or waiver or make a modification under this section. Plan Commission rules and procedures shall govern as to all issues and proceedings not specifically covered by this Section or rules adopted by the Commission under the authority of this subsection.
- (B) For the purposes of this section, applications and petitions to the Plan Commission for waiver or modification of any permitted uses, development regulations or City of Hobart Design Guidelines applying to Planned Unit Development Districts shall be classified as "minor" if the modification or waiver

sought is insubstantial in light of the totality of the project, will not add or change uses permitted in an existing PUD District, and does not affect public safety or convenience.

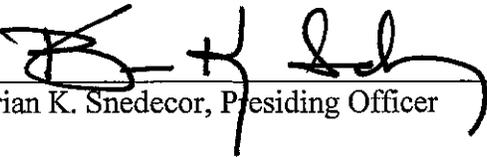
- (C) A public hearing before the Plan Commission shall be held before any petition or application for waiver or modification of any permitted uses, development regulations or City of Hobart Design Guidelines applying to Planned Unit Development Districts is granted. Notice of the public hearing shall be given in the same manner as notice given under LC. §36- 7-4-604(b) and (c). The hearing shall be conducted at a public meeting of the Planned Commission, and every interested party and member of the public shall be heard. The Plan Commission may adopt reasonable time limitations upon presentations to the Commission during the hearing, and the Commission shall allow written statements to be submitted in lieu of oral statements. Notwithstanding the foregoing language of this subsection, minor petitions or applications for waiver or modification of development regulations or City of Hobart Design Guidelines applying to Planned Unit Development Districts may be granted without public hearing pursuant to the Plan Commission's customary rules of procedure.
- (D) Appeal may be taken by a petitioner or applicant from a decision of the Plan Commission upon the petition or application under this section to the Common Council by filing a request for appeal with the Clerk-Treasurer, in writing, who shall cause the request to be placed on the agenda for the Council's next regularly scheduled public meeting. The Request shall detail the decision appealed from, the grounds for the appeal, and a statement of any supporting law or facts. The appellant may appear before the Council at the meeting and be heard concerning the appeal. The Council shall issue its ruling on the appeal by majority vote which will be reduced to writing, signed by the presiding officer, and served upon the appellant and the Plan Commission. The Council may grant the relief requested, sustain the Plan Commission's decision, or remand the matter to the Plan Commission for further action consistent with the Council's directions.

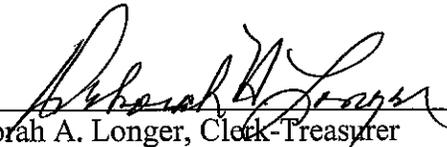
(Ord. 2018-23, §3)

*SECTION NINETEEN:* This ordinance shall become effective upon its adoption in the manner required by law, and upon publication thereof pursuant to I.C. §36- 3-4-6-14(b) in two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4 (a).

*SECTION TWENTY:* All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 21<sup>st</sup> day of AUGUST, 2019.

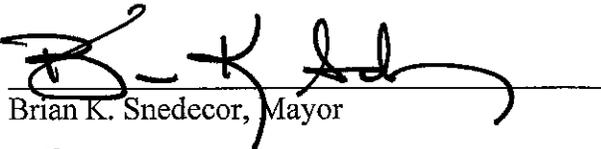
  
Brian K. Snedecor, Presiding Officer

ATTEST:   
Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 21<sup>st</sup> day of August, 2019 at the hour of 7:15 pm.

  
Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 21<sup>st</sup> day of August, 2019.

  
Brian K. Snedecor, Mayor

ATTEST:   
Deborah A. Longer, Clerk Treasurer

**CERTIFICATION AND REPORT TO  
COMMON COUNCIL OF THE CITY OF HOBART ON  
AMENDMENT OF THE ZONING ORDINANCE**

CERTIFICATION TO: Common Council of the City of Hobart

FROM: Sergio Mendoza  
City Planner

RE: Change to be made to the Zoning Ordinance, Chapter 154  
Sec. 154.295 PLANNED UNIT DEVELOPMENTS  
DISTRICTS

DATE: July 17, 2019

PETITIONER: City of Hobart Plan Commission  
414 Main Street,  
Hobart, Indiana 46342

REQUEST: To Amend Chapter 154 of the Hobart Municipal Code  
Sec. 154. 295 PLANNED UNIT DEVELOPMENTS  
DISTRICTS

PLAN COMMISSION PETITION NO.: PC 19-12E

DATE OF PLAN COMMISSION ACTION: July 11, 2019

DEADLINE FOR COMMON COUNCIL ACTION: October 9, 2019

**CERTIFICATION**

**ACTION TAKEN BY PLAN COMMISSION:**

(Recommendation to the Common Council to Approve the change as requested  
( Favorable Recommendation)

CONDITIONS: None

VOTE: 8-0

I certify that the foregoing information accurately represents the action taken on this matter by the City of Hobart Plan Commission.

  
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Sergio Mendoza, City Planner  
CITY OF HOBART