

**ORDINANCE NO. 2015-29**

**AN ORDINANCE OF THE CITY OF HOBART, INDIANA  
PROVIDING THAT THE ZONING ORDINANCE OF THE CITY OF HOBART,  
LAKE COUNTY, INDIANA BE AMENDED BY CHANGING AN  
ESTABLISHED B-2 ZONE TO PUD SENIOR HOUSING ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 15-15** be adopted and that the Council rezone this property.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana:

SECTION 1. That, the City Zoning Ordinance No. 93-59 as amended and readopted as amended under Ordinance No. 2001-41 and entitled "Zoning Ordinance of the City of Hobart, Indiana", and particularly the zone maps which are made a part of said Ordinance No. 93-59, be and the same is hereby amended by making certain changes as follows:

By changing the following described real estate on the zone maps from its established zoning B-2 (Central Business Districts) classification to PUD (Planned Unit Development) zoning classification:

Parcel 1: Part East 1/2 of the Northeast 1/4, Section 6, Township 35 North, Range 7 West of the 2nd PM more particularly described as follows: Beginning at a point on the North line of said Section 6 and 252.5 feet West of the Northeast corner thereof; thence West along the North line of said Section 6, a distance of 409.13 feet, more or less to a point 662.5 feet East of the West line of the East 1/2, Northeast 1/4 of said Section 6; thence South parallel to the West line of the East 1/2, Northeast 1/4 of said Section 6, a distance of 495 feet; thence East parallel to the North line of said Section 6, a distance of 408.05 feet more or less to a point 252.5 feet West of the East line of said Section 6; thence North parallel to the East line of said Section 6, a distance of 495 feet to the point of beginning, Lake County, Indiana.

Parcel 2: Part East 1/2 of the Northeast 1/4, Section 6, Township 35 North, Range 7 West of the 2nd PM, more particularly described as follows: Beginning at the Northeast corner of said Section 6; thence West along the North line of said Section 6, a distance of 252.5 feet; thence South parallel to the East line of the East 1/2, Northeast 1/4 of said Section 6, a distance of 495 feet; thence East parallel to the North line of said Section 6 a distance of 92.5 feet; thence North parallel to the East line of said Section 6, a distance of 100 feet; thence East parallel to the North line of said Section 6, a distance of 160 feet to the East line of said Section 6; thence North along

the East line of said Section 6, a distance of 395 feet to the point of beginning Lake County, Indiana.

Parcel 3: Part East 1/2 of the Northeast 1/4, Section 6, Township 35 North, Range 7 West of the 2nd PM, described as follows: Beginning at a point on the East line of said Section 6 and 495 feet Southerly of the Northeast corner thereof; thence North 90 degrees 00 minutes 00 seconds West and parallel to the North line of said Section 6 a distance of 472.29 feet; thence South 01 degrees 17 minutes 00 seconds East and parallel to the East line of said Section 6, a distance of 45.00 feet; thence South 67 degrees 16 minutes 00 seconds East, a distance of 516.92 feet more or less to the East line of said Section 6; thence North 01 degree 17 minutes 00 seconds West along the East line of said Section 6, a distance of 244.81 feet to the point of beginning, Lake County, Indiana.

#### Exhibit A: Covenants for RealAmerica PUD Senior Housing District

SECTION 2. The City Council now finds that the above zone change will not be injurious to the public health, safety, morals and general welfare of the community and the use or value of the area adjacent to the property included in this Ordinance will not be affected in a substantially adverse manner and the need for the change in zoning herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Council further finds that the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with the comprehensive plan.

SECTION 3. The Common Council of the City of Hobart finds the zone change will take effect upon the following conditions being fulfilled by the owner:

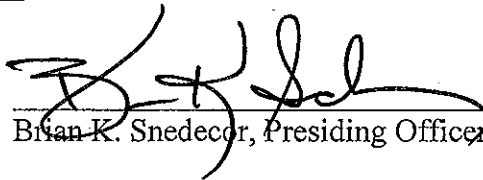
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of passage of this Ordinance.

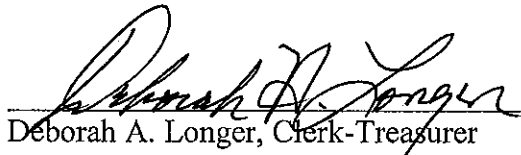
SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise provided for by law.

PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this

21<sup>st</sup> day of October, 2015.

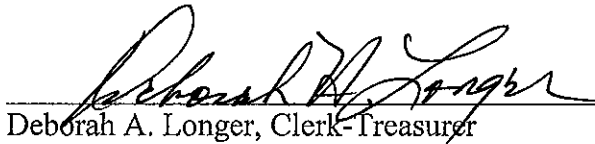
  
\_\_\_\_\_  
Brian K. Snedecor, Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

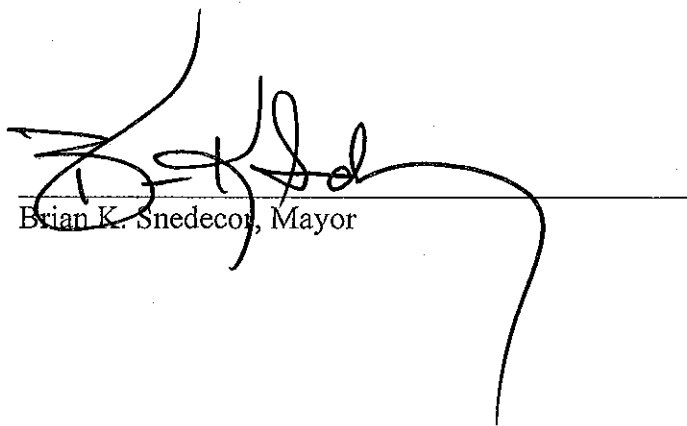
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

21<sup>st</sup> day of October, 2015 at 6:45 o'clock P.M.

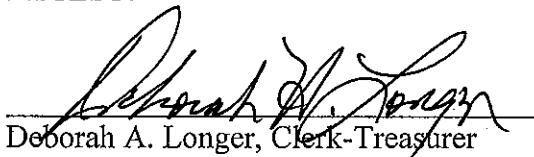
  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 21<sup>st</sup> day of

October, 2015.

  
\_\_\_\_\_  
Brian K. Snedecor, Mayor

ATTEST:

  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

## **EXHIBIT A**

### **COVENANTS FOR REALAMERICA PUD SENIOR HOUSING DISTRICT**

#### **I. USE AND BULK REGULATIONS IN THIS PLANNED UNIT DEVELOPMENT.**

(A) Use and bulk regulations applying specifically to this PUD are set forth in this subchapter.

(B) Also applying this PUD are additional regulations set forth in other subchapters and sections of this chapter of the Hobart Municipal Code as follows:

- (1) Section 154.004, Zoning districts, establishment and application;
- (2) Section 154.005, Rules and interpretation of district boundaries;
- (3) Section 154.006, General provisions and supplementary district regulations;
- (4) Section 154.007, Definitions;
- (5) Sections 154.295 et seq., Planned Unit Development Districts;
- (6) Sections 154.320 et seq., Mobile Homes and Mobile Home Parks;
- (7) Sections 154.355 et seq., Off-Street Parking and Loading;
- (8) Sections 154.375 et seq., Signs;
- (9) Sections 154.420 et seq., Site Plan, Tree Preservation and Site Plan
- (10) Sections 154.460 et seq., Non-conforming Uses and Non-conforming Buildings;  
And
- (11) Sections 154.480 et seq., Administration and Enforcement.

(Prior Code, § 24-102) (Ord. 97-15; Ord. 2001-41)

Citations to the Hobart Municipal Code above shall to apply to the version of the code in effect at the adoption date of this ordinance and to any revision of said code shall apply to the same or similar subject which may be in acted in the future.

#### **II. PURPOSE.**

To develop and construct quality senior apartment housing with competitive rental rates through the use of Low Income Housing Tax Credits for senior aged individuals, and families who actively seek to live in growth areas with good retail, employment opportunities and within close proximity of a medical community. The high-quality single-story rental units and three-story rental unit are to be managed and operated by a highly trained and experienced individual(s) from RealAmerica, LLC.

### **III. PERMITTED USES.**

The following listed uses are permitted within said REALAMERICA PUD SENIOR HOUSING DISTRICT provided the use does not violate any performance standards listed in the following section:

#### **(A) Residential**

- (1) Two (2)-single family up to eight (8)-single family attached residential dwelling units.
- (2) Multi-story residential dwelling unit complex.
- (3) Maximum number of permitted residential tenant rental units shall not exceed ninety-six (96).

#### **(B) Recreational**

- (1) Open or enclosed space privately operated and maintained for residential tenant use only, including picnic shelters, outdoor pavilions, parks, pools, etc.

#### **(C) Accessory Structures and space**

- (1) Single-story residential tenant rental units are permitted one attached structure (garage) shall not exceed two-hundred sixty-five (265) square feet.
- (2) Multi-story residential tenant rental structure shall house attached, enclosed accessory structures and space.

### **IV. LIMITATIONS OF USE.**

Permitted uses in said REALAMERICA PUD SENIOR HOUSING DISTRICT are subject to the following additional limitations:

- (A) One registered resident tenant in each dwelling unit shall be an age of fifty-five (55) or older
- (B) No individual resident tenant in each dwelling unit shall be under the age of forty (40).
- (C) No individual tenant shall cause to increase the School City of Hobart student population.
- (D) Any guest of registered resident tenant shall not exceed visitation status for more than two (2) weeks per year.

- (E) Home occupation with the intent to cause on site client visitation for delivery of goods or services is prohibited, excluding any on site resident tenant occupation for goods or services delivered off site.
- (F) Detached accessory structures (garages, shed, storage facility, etc.) are prohibited

**V. MAXIMUM LOT SIZE.**

Maximum lot size for said REALAMERICA PUD SENIOR HOUSING DISTRICT is as follows:

- (A) Eight and a half (8.5) acres

**VI. MAXIMUM FLOOR AREA RATIO.**

Maximum floor area ratio in said REALAMERICA PUD SENIOR HOUSING DISTRICT of all buildings and structures on said shall not exceed 0.4.

**VII. MINIMUM RESIDENTIAL UNIT FLOOR AREA.**

Minimum residential floor area per dwelling unit in said REALAMERICA PUD SENIOR HOUSING DISTRICT of all buildings and structures shall be as prescribed:

- (A) One bedroom
  - (1) Seven-hundred ten (710) square feet of living space
- (B) Two bedroom
  - (1) Eight-hundred ninety (890) Square feet of living space

**VIII. MINIMUM FRONT YARD**

Minimum front yard requirements for said REALAMERICA PUD SENIOR HOUSING DISTRICT are as follows:

- (A) Residential structures under fifteen (15') in height:
  - (1) Thirty (30') feet from said PUD property lot line.
  - (2) Thirty (30') feet from public right-of-ways.
  - (3) Fifteen (15') feet from private right-of-ways.
- (B) Residential structures over fifteen (15') in height:
  - (1) Sixty-five (65') feet from said PUD property lot line.

- (2) Sixty-five (65') feet from public right-of-ways.
- (3) Thirty (30') feet from private right-of-ways.

**IX. MINIMUM SIDE YARD**

Minimum side yard requirements for said REALAMERICA PUD SENIOR HOUSING DISTRICT are as follows:

- (A) Residential structures under fifteen (15') in height:
  - (1) Ten (10') feet from any adjacent and unattached residential structure.
  - (2) Thirty (30') feet from said PUD property lot line.
  - (3) Thirty (30') feet from public right-of-ways.
  - (4) Thirty (30') feet from private right-of-ways.
- (B) Residential structures over fifteen (15') in height:
  - (1) Thirty (30') feet from any adjacent and unattached residential structure.
  - (2) Sixty-five (65') feet from said PUD property lot line.
  - (3) Sixty-five (65') feet from public right-of-ways.
  - (4) Thirty (30') feet from private right-of-ways.

**X. MINIMUM REAR YARD**

Minimum rear yard requirements for said REALAMERICA PUD SENIOR HOUSING DISTRICT are as follows:

- (A) Residential structures under fifteen (15') in height:
  - (1) Twenty (20') feet from any unattached residential structure.
  - (2) Thirty (30') feet from said PUD property lot line.
  - (3) Thirty (30') feet from public right-of-ways.
  - (4) Thirty (30') feet from private right-of-ways.
- (B) Residential structures over fifteen (15') in height:
  - (1) Twenty (20') feet from any adjacent and unattached residential structure.

- (2) Seventy- five (75') feet from said PUD property lot line.
- (3) Seventy- five (75') feet from public right-of-ways.
- (4) Thirty (30') feet from private right-of-ways.

## **XI. HEIGHT STANDARDS.**

Maximum Building Height for said REALAMERICA PUD SENIOR HOUSING DISTRICT shall be determined by the vertical distance from the curb level, or its equivalent, opposite the center of the front of the structure to the highest point of the exterior of the structure and comply with the following:

- (A) Single story resident tenant structures, including all accessory structures, shall not exceed fifteen (15') feet in height.
- (B) Multi-level resident tenant structures shall not exceed forty feet (40') in height.

## **XII. DESIGN STANDARDS.**

Minimum Design Standards for said REALAMERICA PUD SENIOR HOUSING DISTRICT shall meet all design standards requirements listed to foster the maintenance of an attractive, healthful, efficient and stable neighborhood environment.

### **(A) Material, structure.**

- (1) Minimum of fifty percent (50%) brick and or stone combination shall be maintained on all exterior resident tenant structures, and attached accessory structures in any combination of vertical and horizontal setting.
- (2) Vinyl siding of a minimum 0.044 inch thickness shall not exceed fifty percent (50%) on all exterior resident tenant structures and attached accessory structures.
- (3) All buildings and structures shall meet Gold Rating National Green Standards, or equivalent.

### **(B) SIGNS**

- (1) One (1) monument sign shall be permitted at each entrance adjacent to a public or private access right-of-way.
- (2) Monument signs shall carry an information face not to exceed twelve (12) square feet in area and not exceed than six (6) feet in height.
- (3) Street Signs shall be privately maintained and in accordance with public safety recommendations.
- (4) Single story residential tenant structures shall include one (1) nameplate signs, not



exceeding 2 square feet bearing only the name of the occupant and/or the street number.

- (5) Multi-story residential tenant structure may have 1 identification sign for each building bearing only the name of the building and/or the name of the management firm, not exceeding six (6) square feet in area.
- (6) Public or quasi-public buildings or structures, parks or communal open space, and off-street parking areas for resident tenant and guest use shall be for identification purposes and signs bearing only information pertaining to the premises as is reasonably necessary for the convenience of the resident tenant or guest and shall not exceeding six (6) square feet of total sign area.
- (7) Flashing signs are prohibited.

#### (C) PARKING

- (1) One and a half (1.5) parking spaces per resident tenant multi-story dwelling unit.
- (2) Two (2) off street parking spaces per single-story dwelling unit
- (3) Parking stalls shall be a minimum of nine (9') feet by twenty (20') feet.
- (4) On street parking shall be permitted on only one side of the road.
- (5) Parking shall be prohibited on one (1) side of the street and the curb of said street shall be painted and maintained yellow and carry NO PARKING signs every thirty feet (30').

#### (D) FENCING

- (1) Maximum Six (6') feet height allowed.
- (2) Chain link material permitted
- (3) Permitted only adjacent to the multistory resident tenant structure for "bark park"

#### (E) INFRASTRUCTURE

- (1) Streets for vehicular access.
  - (i) Interior streets shall be privately maintained, including repair and accessible from debris and natural elements.
  - (ii) Shall be a minimum width of twenty-four feet (24').
- (2) Sidewalks shall be constructed on both sides of the street at a minimum of five feet (5') wide.

- (3) Curbs, concrete roll design, shall be installed along all roads and parking lots and comply with city standards.
- (4) Pedestrian Connectors, including sidewalks and trails, are privately maintained and shall be a minimum width of five feet (5').
- (5) Street Lights
  - (i) Shall be privately maintained at each road intersection and cul-de-sac.
  - (ii) There shall be a minimum of six (6) street lights within the parking area for the multi-story building.
  - (iii) There shall be one (1) residential pole light in the front yard of each single-story residential tenant dwelling unit.
  - (iv) All street lights in said RealAmerica PUD Senior Housing District shall be maintained operable and lit from dawn to dusk.
- (6) Street Names shall be proposed or recommended, and approved by the Hobart Plan Commission.
- (7) Public and private utilities shall include thirty foot (30') easements unless identified within a fifty foot (50') right-of-way.
- (8) Fire Hydrants, shall be installed and maintained
  - (i) One (1) every three-hundred linear feet (300') along interior access roads.
  - (ii) One (1) fifty feet (50') within the multistory resident tenant structure, or as assigned by the Hobart Fire Chief or designee.

**XIII. LANDSCAPE STANDARDS.**

Minimum Landscape Standards for said REALAMERICA PUD SENIOR HOUSING DISTRICT shall meet the City of Hobart standards set forth in Section 154.424 (F) (2) (b) and including the following:

- (A) Off street parking for multi-tenant residential structure
  - (1) One (1) shade tree shall be located within a parking island at a minimum of every eight (8) parking stalls.
- (B) Thirty foot (30') landscape buffer along the east, south, and west property line:
  - (1) Minimum of twenty-five percent (25%) of landscape buffer area should be maintained with a variety of shade trees species.

- (2) Minimum of twenty-five percent (25%) of landscape buffer area should be maintained with evergreen trees and shrubbery.

#### **XIV STORMWATER.**

Minimum Stormwater Standards for said REALAMERICA PUD SENIOR HOUSING DISTRICT shall meet the City of Hobart standards set forth in Chapter 152 of the Hobart Municipal Code, including the following:

- (A) Maintain a twenty-five foot (25') natural vegetative riparian easement along the most southern and western property lot lines and abutting any adjacent creeks or waterways.
- (B) Onsite stormwater holding facility with a Best Management Practice (BMP) outfall approved by the Hobart Stormwater Coordinator.
- (C) Twenty percent (20%) of the lot shall incorporate an approved on site Green Infrastructure measure.
- (D) Longterm property management agreement shall be incorporated as subsection of said RealAmerica PUD Senior Housing District Ordinance.

#### **XV REFUSE DISPOSAL SERVICE**

Said REALAMERICA PUD SENIOR HOUSING DISTRICT shall maintain all refuse disposal for service, maintenance, and management as private including:

- (A) Single-story resident tenant structures shall hold individual refuse disposal waste receptacles within enclosed structures to be placed out on day of service only.
- (B) Multi-story resident tenant structure shall have an internal communal refuse disposal service location, to be transferred by property personal to an approved external location.
- (C) Refuse recycling shall be offered at the discretion of the property owner for said RealAmerica PUD Senior Housing District.

**CERTIFICATION AND REPORT TO  
COMMON COUNCIL OF THE CITY OF HOBART ON  
ZONE MAP CHANGE**

CERTIFICATION TO: Common Council of the City of Hobart

FROM: Sergio Mendoza, City Planner

RE: Change to be made on the zone map.

DATE: October 7, 2015

PETITIONER: Executive Investments, LLC  
10711 America Way, Ste. 200  
Fishers, IN 46038

REQUEST: Change zone from a B-2 (Central Business Districts) to PUD  
(Planned Unit Development)

PROPOSED USE: Senior multi-family housing development

GENERAL LOCATION: SW corner of Lake Park Avenue & 10<sup>th</sup> Street

**LEGAL DESCRIPTION**

Parcel 1: Part East 1/2 of the Northeast 1/4, Section 6, Township 35 North, Range 7 West of the 2nd PM more particularly described as follows: Beginning at a point on the North line of said Section 6 and 252.5 feet West of the Northeast corner thereof; thence West along the North line of said Section 6, a distance of 409.13 feet, more or less to a point 662.5 feet East of the West line of the East 1/2, Northeast 1/4 of said Section 6; thence South parallel to the West line of the East 1/2, Northeast 1/4 of said Section 6, a distance of 495 feet; thence East parallel to the North line of said Section 6, a distance of 408.05 feet more or less to a point 252.5 feet West of the East line of said Section 6; thence North parallel to the East line of said Section 6, a distance of 495 feet to the point of beginning, Lake County, Indiana.

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PLAN COMMISSION PETITION NO.: 15-15

DATE OF PLAN COMMISSION ACTION: October 1, 2015

DEADLINE FOR CITY COUNCIL ACTION: December 30, 2015

CERTIFICATION:

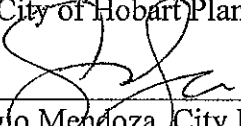
ACTION TAKEN BY PLAN COMMISSION:

Recommendation to the Common Council to Approve the change of zone requested  
(**Favorable** recommendation)

CONDITIONS: None

VOTE: 7-0

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

  
\_\_\_\_\_  
Sergio Mendoza, City Planner  
City of Hobart