

ORDINANCE NO. 2014- 39

**AN ORDINANCE OF THE CITY OF HOBART, INDIANA
PROVIDING THAT THE ZONING ORDINANCE OF THE CITY OF HOBART,
LAKE COUNTY, INDIANA BE AMENDED BY AMENDING ORDINANCE 1993-67,
AN ESTABLISHED PUD FOR AN UPDATE TO THE COVENANTS**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 14-33** be adopted and that the Council amend Ordinance 2004-01, to include additional uses.

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:

Exhibit A: The Code of By-Laws dated February 7, 1994 to "The Islands of Barrington Ridge Townhomes Association, Inc." for the Barrington Ridge Subdivision, Unit 3, Article IV, Section 4.01, paragraph S: "Plantings"

Exhibit B: An easement for the installation and maintenance of landscaping along the Easterly four (4) feet of the property a distance of four hundred twenty-five feet (425) South from the Northeast corner of the property, including ingress and egress for maintenance purposes.

SECTION 2. The City Council now finds that the above amendment to the PUD 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:

Conditions imposed by Plan Commission: The Council to approve Amendment to the PUD for Petition 09-09 as a significant modification.

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

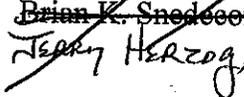
SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of passage of this Ordinance.

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.

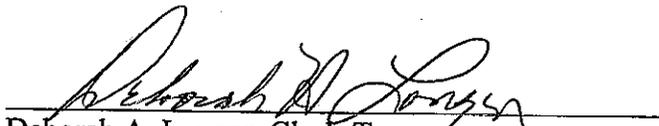
PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 3rd day of December, 2014.

ATTEST:

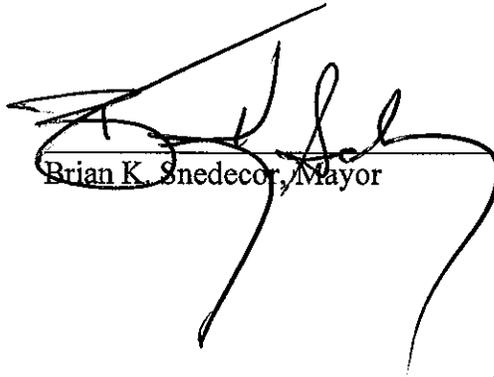

Deborah A. Longer, Clerk-Treasurer.


Brian K. Snedecor, Presiding Officer


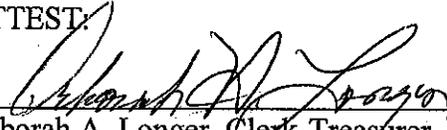
Presented by me to the Mayor of the City of Hobart, Indiana, for her approval and signature this 3rd day of December, 2014 at 7 o'clock P. M.


Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 4th day of December, 2014.



Brian K. Snedecor, Mayor

ATTEST:


Deborah A. Longer, Clerk-Treasurer

EHX A

2014 074296

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2014 NOV 21 AM 8:57

AMENDMENT
MICHAEL B. BROWN
RECORDER

The following sections to the CODE OF BY-LAWS dated February 7, 1994 to "The Islands of Barrington Ridge Townhomes Association, Inc." are hereby amended as follows:

Article IV, Section 4.01, paragraph S: "Plantings" (Some species removed, some added, sentence added.)

"...and must be of the following types:

- a. Bradford Pear
- b. Sugar Maple
- c. Sunburst Locust
- d. Shademaster Locust
- e. Red Sunset Maple
- f. Arborvitae
- g. Red Spire Pear
- h. Spruce

Installation, removal, or significant modification to all plantings requires the prior written approval of the Board."

FILED
NOV 20 2014
PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

Article IV, section 4.01, paragraph Y: "Area, Width and Yard Regulations", subparagraph 1: "Front Yard" (Replaced in its entirety.)

"1. **Front Yard.** All setbacks shall per the filed plat of survey filed November 15, 1993 and filed as plat book 075, page 63. The unbuilt lots 11, 12, 13, 14, 15 and 20 setbacks shall additionally comply with the drawing from Torrenga Engineering titled "Unit 3 Barrington Ridge, Development in the City of Hobart, Lake County, Indiana Proposed Setback Lots 11, 12, 13, 14, 15 and 20" and dated September 5, 2014, attached hereto."

Approved by HOA Members on October 2, 2014.

Paul Payne, President

Denise Payne, Vice-President

Matt Holtman, Treasurer

State of Indiana
County of Lake
Before me, a Notary Public,
personally appeared, Paul Payne
Denise Payne, and Matthew
Holtman, and I acknowledged
the execution of this
document this 10th day of
November, 2014.

Jennifer L. Connell
my commission expires 1-13-2019

016445

NO SALES DISCLOSURE

Approved Assessor's Office

State of Indiana)
) SS;
County of Lake)

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Jeffrey Greiner, MANAGER of Pavilion Group LLC, and acknowledged the execution of this instrument this 8th day of October, 2014.

Bonnie Greiner
Notary Public

State of Indiana)
) SS;
County of Lake)

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Paul Payne, President of Barrington Islands Townhome Association, Inc., and acknowledged the execution of this instrument this 10th day of ~~October~~ ^{November}, 2014.

Annifer L. Connell
Notary Public
Commission expires 1-13-19

State of Indiana)
) SS;
County of Lake)

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Denise E Payne, Vice President of Barrington Islands Townhome Association, Inc., and acknowledged the execution of this instrument this 10th day of ~~October~~ ^{November}, 2014.

Annifer L. Connell
Notary Public
Commission expires 1-13-19

State of Indiana)
) SS;
County of Lake)

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Elaine Chan, Secretary of Barrington Islands Townhome Association, Inc., and acknowledged the execution of this instrument this 10th day of ~~October~~ ^{November}, 2014.

Annifer L. Connell
Notary Public
Commission expires 1-13-19

State of Indiana)
) SS;
County of Lake)

Before me the undersigned, a Notary Public for Lake County, State of Indiana, personally appeared Matthew Holtman, Treasurer of Barrington Islands Townhome Association, Inc., and acknowledged the execution of this instrument this 10th day of ~~October~~ ^{November}, 2014.

Annifer L. Connell
Notary Public
Commission expires 1-13-19

ETH B

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2014 074295

EASEMENT AM 8:57

THIS AGREEMENT made this 8 day of October 2014, by and between Pavilion Group LLC (hereinafter "Grantor") and Barrington Islands Townhome Association, Inc. (hereinafter "Grantee").

WHEREAS, Grantor represents and warrants that he owns and has fee simple title to a certain parcel of real estate located in Lake County, Indiana, described as follows:

Lot 1 in Pavilion Addition recorded in Plat Book 103 Page 18 in the Office of the Recorder of Lake County, Indiana.

WHEREAS, the Grantee owns real estate located adjacent to the Grantor's real estate described above, and the Grantee desires to obtain an easement for the installation and maintenance of a landscape screening along the Eastern border of the Grantor's property.

NOW, THEREFORE, in consideration of ten dollars (\$10.00) paid to the Grantor by Grantee and other good and valuable consideration, the Grantor does hereby grant to Grantee, its heirs, successors, tenants, and assigns, an easement across his property described as follows:

An easement for the installation and maintenance of landscaping along the Easterly four feet of the property a distance of four hundred twenty-five feet (425) South from the Northeast corner of the property, including ingress and egress for maintenance purposes..

This easement is given for the sole purpose of the installation and maintenance of landscaping along the Eastern border of the property, and it is agreed and understood that it is not to be construed as an easement given to the exclusion of the Grantor, his heirs and assigns, or to others granted a similar right.

The Grantee hereby acknowledges that it shall be solely responsible for the purchase, installation and maintenance of all landscaping in the Easement.

This easement is perpetual and is granted to the Grantee, his heirs, tenants, successors and assigns, forever.

IN WITNESS WHEREOF, the parties hereto having duly signed this agreement.

PAVILION GROUP LLC

BARRINGTON ISLANDS TOWNHOME ASSOCIATION, INC.

By: [Signature]
Jeffrey Greiner

By: [Signature], Title

Owner/Manager
Title

By: Denise E. Payne, Title
vice president

016444

By: Elaine Chernin, Title
Secretary

By: [Signature], Title
Treasurer

FILED
NOV 20 2014
PEGGY HOLING-KATONA
LAKE CO. AUDITOR

NO SALES DISCLOSURE NEEDED

Approved Assessor's Office

By: B

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

CERTIFICATION TO: Common Council of the City of Hobart

FROM: Sergio Mendoza., City Planner

RE: Amendment to the PUD for Barrington Ridge, Unit 3, Lots 11-thru 15 & Lot 20 and maintenance agreement

DATE: November 21, 2014

PETITIONER: Luxor Homes, II, Inc./Randy Hall
1578 E. 85th Avenue
Merrillville, IN 46410

REQUEST: Amending Barrington Ridge Subdivision, Unit 3, The Islands of Barrington Ridge Townhomes Association, Inc. Covenants regarding the setbacks, landscaping and maintenance agreement

PROPOSED USE: For the construction of additional townhomes

GENERAL LOCATION: Barrington Ridge, Unit 3, Lots 11 thru 15 & Lot 20 located south of 14th Street, west of State Street, north of Bracken Parkway and east of Lake Park Ave., zoned PUD, 2 acres +/-

LEGAL: Lots 11 thru 15 & Lot 20, Barrington Ridge, Unit 3

PLAN COMMISSION PETITION NO: 14-33

DATE OF PLAN COMMISSION ACTION: September 4, 2014

DEADLINE FOR COMMON COUNCIL ACTION: December 3, 2014

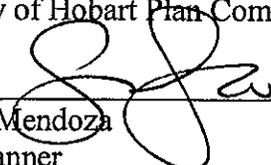
CERTIFICATION

ACTION TAKEN BY PLAN COMMISSION:

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

VOTE: 6-0 (All Aye)

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

LUYOR HOMES

AMEND PUD

PC 14-33

Findings of Fact

In the following space please provide the reason and concept of why you propose to amend the zoning map and provide justification. Consider the following in your response;

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

The PUD is 20 years old. Use is unchanged except
 Petitioner proposes to build out 23 remaining
 units with larger, more valuable units. Landscaping
 + an additional fountain are required amenities
 to shield against commercial.

The rezone should/should not be granted because; (Must meet all the following requirements.)

(a) the petition is not "spot zoning" which will confer a special benefit to the petitioner on a small tract of land with no commensurate benefit to the community.

(b) the comprehensive plan will not be disrupted or destroyed because:

Continuation of existing plan

(c) the land involved is suitable for the proposed land change because:

continuation of existing plan

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: Same as above

(e) the property value of adjacent property would not be decreased because:

larger + more expensive units proposed

[Signature]

8-6-14

Signature of Petitioner/Agent

Date

Decision:

After public hearing and review by the Hobart Advisory Plan Commission for the recommendation to rezone, the Plan Commission now finds that the Petition to Rezone Does or Does Not complies with the standards in the zoning ordinance.

All of which this 6th day of Sept, 2014 by a majority vote of the Hobart Advisory

Plan Commission.

[Signature]
 Plan Commission President

Attest:

Plan Commission Secretary/Zoning Official