

**ORDINANCE NO. 2016-37**

**An Ordinance to Amend the City of Hobart Municipal Code  
Concerning Parking and Parking-Related Structures**

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") has taken notice of a number of instances in which the current Municipal Code of the City ("Code") fails properly to regulate the parking of vehicles at or near residential properties of the City; and

WHEREAS, the Council also notes instances where the Code prohibits common practices relating to residential parking which are not harmful to the peace and health of the City and the elimination of which will result in proper enforcement of other existing Code provisions which govern parking and structures related thereto; and

WHEREAS, certain other residential parking-related structures and practices should be the subject of regulation by ordinance and the Council believes that these should be the subject of immediate regulation; and

WHEREAS, the Council has made several parking related changes through Ordinance and wishes to confirm them along with the current changes in a single Ordinance to provide clarity to those charged with their enforcement; and

WHEREAS, the Council desires, 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, Indiana as follows:

**SECTION ONE: The Municipal Code of the City of Hobart, Indiana ("Code") is hereby amended by striking out §150.061, entitled "*PERMIT REQUIRED; PAYMENT OF FEES*" and inserting in lieu thereof the following new section:**

**§ 150.061 PERMIT REQUIRED; PAYMENT OF FEES.**

A permit shall be obtained before beginning construction, alteration or repair of any building or structure, garage, driveway, or off street parking location including on site construction, or erection of any preassembled building or structure of which the value exceeds \$250.00, using forms furnished by the Building Department and all fees required by this code shall be paid to the City, payable at the Clerk-Treasurer's office. The City Building Official shall take into consideration drainage and runoff when approving such a permit request and may consult with the City Engineer and MS4 Coordinator to determine if any questionable drainage and runoff considerations require a topographic survey or professionally prepared drainage plan.(Prior Code, § 4-17.6) (Ord. 89-13, § 7; Ord. 97-09, § 1) (Ord. 2014-42, § 6)

**SECTION TWO: The Municipal Code of the City of Hobart, Indiana ("Code") is hereby amended by striking out §94.67, entitled "PARKWAY MAINTENANCE" and inserting in lieu thereof the following new section:**

**§ 94.67 PARKWAY MAINTENANCE.**

(A) The property owner whose property abuts a street or alley shall maintain and care for any parkway which adjoins or is a part of his or her property. The maintenance and care shall include, but not be limited to, the planting and regular mowing of grass, trimming of bushes and trees and the maintenance of flower beds.

(B) Unless granted authority by the Board of Public Works and Safety, no person may hereafter pave, repave or cause to be paved, all or any part of a parkway, or public right-of-way, except as part of a permitted driveway or driveway apron. The Board of Public Works and Safety may determine the materials and specifications for paving as it feels are appropriate. (Ord. 2002-28, § 1) Penalty, see § 10.99 (Ord. 2014-42, § 7)

**SECTION THREE: The Municipal Code of the City of Hobart, Indiana ("Code") is hereby amended by striking out §154.358, entitled "ADDITIONAL PARKING REGULATIONS" and inserting in lieu thereof the following section:**

**§ 154.358 ADDITIONAL PARKING REGULATIONS.**

Off-street parking facilities shall be subject to the following additional parking regulations.

~~(A) Use of parking facilities.—All off street parking in R-1, R-2 and R-3 zoning classifications shall be in an enclosed parking structure or on an exterior improved surface, except as set forth in this subsection. Off street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section, including driveways for detached single dwellings or multi-units in R-1, R-2 and R-3 zoning classifications, as illustrated in subsection (H) of this section, shall be used solely for the parking of passenger automobiles, trailers or other vehicles with a Gross Vehicle Weight Rating of 11,000 pounds or less owned, leased or rented by an occupant or the employer of an occupant of the dwelling structure to which such facility, driveway or off street parking location is accessory for guests, customers, or invitees of such occupant.~~

~~(1) Under no circumstances shall parking facilities accessory to residential structures, including driveways and off street parking locations of detached single dwellings or multi-units in R-1, R-2 and R-3 zoning classifications, be used for the parking or storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, visitors, or customers of business or manufacturing establishments, except that each occupant of a residentially-zoned property shall be allowed to park one (1) commercial vehicle with a Gross Vehicle Weight Rating of 11,000 pounds or less owned, leased or rented by the occupant or the employer of the occupant of the dwelling structure to which such facility, driveway or off street parking location is accessory.~~

~~(2) Vehicles and trailers parked in a driveway or unenclosed off street parking location~~

~~of a detached single dwelling or multi-unit in R-1, R-2 and R-3 zoning classifications must be in running order.~~

~~(3) On residential parcels of less than ten thousand square feet (10,000 sq. ft.), a single trailer, or on residential parcels of ten thousand square feet (10,000 sq. ft.) or more, and less than two (2) acres, up to two (2) trailers, or on residential parcels of 2 acres or more, up to five (5) trailers, that are owned by the resident and in operating condition may be parked on driveways and off-street parking locations of detached single dwellings or multi-units in R-1, R-2 and R-3 zoning classifications and in rear or side yards of same on any surface unless forbidden by applicable restrictive covenants. (Ord. 2015-27, § 1)~~

~~(4) Parking of any vehicle or trailer in the front yard, other than upon a driveway, or off-street parking location properly constructed pursuant to the requirements of subsection (E) and (F) of this section, is prohibited.~~

~~(5) There are no restrictions on the number or type of vehicles or trailers that may be parked in an enclosed parking facility.~~

(A) Off-street parking regulations. Off street parking shall be governed by the following.

(1) Location. In all zoning classifications, all off street parking shall be in an enclosed parking structure or on an exterior improved surface, except as set forth in this subsection.

(2) Weight. In R-1, R-2 and R-3 zoning classifications, off-street parking facilities shall be used solely for the parking of passenger automobiles, trailers or other vehicles with a Gross Vehicle Weight Rating of 11,000 pounds or less.

(3) Ownership. In R-1, R-2 or R3 zoning classifications, vehicles and trailers parked in driveways or off-street parking facilities must be owned, leased or rented by an occupant or the employer of an occupant of the dwelling structure to which such facility, driveway or off-street parking location is accessory for guests, customers, or invitees of such occupant.

(4) Commercial Vehicles. In R-1, R-2 and R-3 zoning classifications, parking facilities accessory to residential structures, including driveways and off-street parking locations of detached single dwellings or multi-units shall not be used for the overnight parking or storage of commercial vehicles or for the parking of automobiles belonging to employees, owners, tenants, visitors, or customers of business or manufacturing establishments, except that each occupant of a property zoned R-1, R-2 or R-3 shall be allowed to park one (1) commercial vehicle owned, leased or rented by the occupant or the employer of the occupant of the dwelling structure to which such facility, driveway or off-street parking location is accessory.

(5) Vehicle Condition. In all zoning classifications, vehicles and trailers parked in a driveway or unenclosed off-street parking location must be licensed and in running order unless parked at a commercial business where it is being repaired.

(6) Parking Surface. In all zoning classifications, parking of all vehicles and trailers in the front, side or rear yards must be on an improved off-street parking location properly constructed pursuant to the requirements of subsection (E) and (H) of this section, except that

(a) in R-1, R-2 and R-3 zoned districts, parcels of less than ten thousand square feet (10,000 sq. ft.), a single trailer, or on parcels of ten thousand square feet (10,000 sq. ft.) but less than 2 acres, up to two (2) trailers, or on parcels of two (2) acres or more, up to five (5) trailers, that are owned by the resident and in operating condition may be parked on unimproved unenclosed off-street parking locations in rear yards unless forbidden by applicable restrictive covenants; and

(b) in agriculturally zoned parcels farm equipment may be parked on any surface if in operating condition.

(7) Enclosed Facilities. In all zoning classifications, there are no restrictions on the number or type of vehicles or trailers that may be parked in an enclosed parking facility.

(Ord. 2009-14, § 3) (Ord. 2014-42, § 1) (Ord. 2015-11, § 1)

(B) *Joint parking facilities.* Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted; provided that, the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

(C) *Computation.* When the determination of the number of off-street parking spaces required by this chapter results in the requirement of a fractional space, only fractions of 1/2 or less may be disregarded, while a fraction in excess of 1/2 shall be counted as 1 parking space.

(D) *Size.* A required off-street parking space shall be at least 9 feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. The space shall have a vertical distance of at least 7 feet.

(E) *Access.*  
(Ord. 94-63)

(1) Each required off-street parking space shall open directly upon an aisle or driveway of a width and design to provide safe and efficient means of vehicular access to the parking space, and pedestrian access to sidewalks. The width of the driveway through the front yard of the above-referenced dwellings shall not exceed 9' (nine feet) wider than the width of the dwelling's garage and one-half the width of the lot. (Ord. 2014-42, § 2)

(2) All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. All vehicular access roadways or driveways shall be constructed of either portland cement placed on suitable granular base or bituminous asphaltic concrete placed on aggregate base. Residential driveways shall be constructed using a minimum thickness of 5 inches if made of portland cement placed on a minimum of 4 inches of granular base, or a minimum of 2 inches of hot asphaltic concrete placed over 6 inches of compacted aggregate. The thickness of non-residential driveways and access roadways shall be determined by traffic load requirements and shall be approved by the city's Engineer. Upon a showing

of hardship, the Board of Public Works and Safety may waive the requirement that all access roads and driveways be constructed as defined above, however, in all cases at least the first 50 feet immediately adjacent to the public street must be surfaced as this section requires.  
(Ord. 2001-10)

(3) In a residential district there shall be no more than 1 cut for access to the street for each 1-family detached dwelling and no more than 2 cuts for access to the street for all multifamily buildings. In the event that a lot has frontage on both an alley and a street, there may be permitted 1 additional cut for access from the alley. Each cut for access to the street or alley in a residential district shall not exceed the maximum width of 26 feet, for up to a distance of 40 feet measured from the actual garage door to the curb line, or edge of street where there is no curb. There shall be permitted an additional 10 feet of transitional taper, if necessary, to reduce the driveway width gradually. The width of the drive beyond the taper shall not exceed 18 feet. No portion of the cut shall be closer than 30 feet to intersecting street lines. In addition, where the driveway meets the curb, or edge of street where there is no curb, a maximum of 2 feet of additional width may be added on each side of the driveway. The additional 2 feet of width shall be installed in the shape of a triangle or radius, whose width at the property line shall meet the permitted width of the driveway at that point. In no case shall the width of the driveway installed within the required front yard result in more than 50% lot coverage of this yard.

(4) In a non-residential district there shall be no more than 2 cuts for access to the street for each principal building, each of which shall not exceed the maximum width of 20 feet.

(5) Upon a showing of hardship and upon a showing that it will promote the public safety, convenience and welfare, the Board of Public Works and Safety may allow for additional cuts or increase the maximum width of a driveway cut in non-residential districts.

(6) A person aggrieved by a decision of the Board of Public Works and Safety under this section, may appeal the decision to the Board of Zoning Appeals in accordance with I.C. 36-7-4918.1 *et seq.*

(F) *In yards.* Off-street parking required for uses permitted in residential districts may be located in a required rear or side yard, but not in a required front yard, except on driveways and offstreet parking locations, as illustrated in subsection (H) of this section. Off-street parking for permitted uses in business or manufacturing districts may be located in a required rear or side yard, except for the 10 feet adjacent to the rear or side lot line adjacent to a residential district, and in the front yard except for the 10 feet adjacent to the front lot line. (Ord. 2014-42, § 3)

(G) *Design and maintenance.* Off-street parking facilities shall observe the following design and maintenance regulations.

(1) *Open and enclosed parking spaces.* Accessory parking spaces located on the same lot as occupied by the use served may be open to the sky or enclosed by a building. Accessory parking spaces located in a residence district elsewhere than on the same lot occupied by the use served shall be open to the sky except when otherwise allowed.

(2) *Surfacing.* All open off-street parking areas that are improved shall be improved with either a minimum of 5 inches of portland cement or a compacted macadam or equal base, not less than 4 inches thick, surfaced with asphaltic concrete or some comparable all-weather, dustless material. (Ord. 2014-42, § 4)

(3) *Screening and landscaping.* All open automobile parking areas that contain more than 10 parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential district or any institutional property by a wall, fence or densely planted compact hedge not less than 5 feet nor more than 7 feet in height. The required screening shall conform with the front yard requirements of the district in which the parking is located. Any business or manufacturing off-street parking area located in the front yard shall be screened from the street by a 10-foot planting area which will effectively screen the parked cars. The Plan Commission shall approve the landscaping plan, prior to the issuance of a building permit. (Ord. 2014-42, § 4)

(4) *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as to not create a nuisance.

(5) *Signs.* Accessory signs are permitted on parking areas.

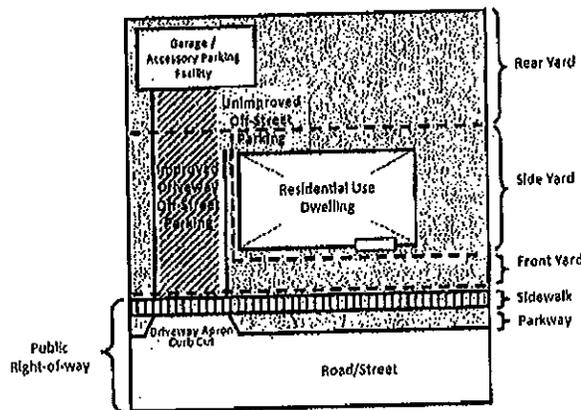
(6) *Repair and service.* No motor vehicle repair work of any kind shall be permitted in conjunction with accessory off-street parking facilities provided in a residence district.

(7) *Fuel sales.* The sale of gasoline, diesel fuel or motor oil in conjunction with accessory off-street parking facilities is not permitted in any residence district.

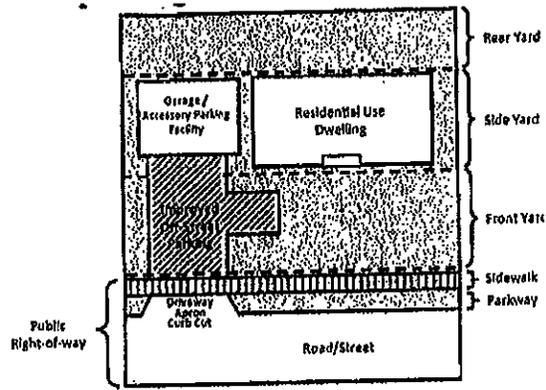
(8) *Floor area exemptions.* When 2 or more uses are located on the same zoning lot, only 1 exemption in terms of floor area, as set forth herein, shall be taken. (Prior Code, § 24-179) (Ord. 94-61; Ord. 97-15; Ord. 2001-41)

(H) *Illustrations of Permitted Off-Street Parking Location for Residential Zones R-1, R-2, R-3:*  
*Note that the drawings are for illustrative purposes only.*  
*The language of the Code controls.* (Ord. 2014-42, § 5)

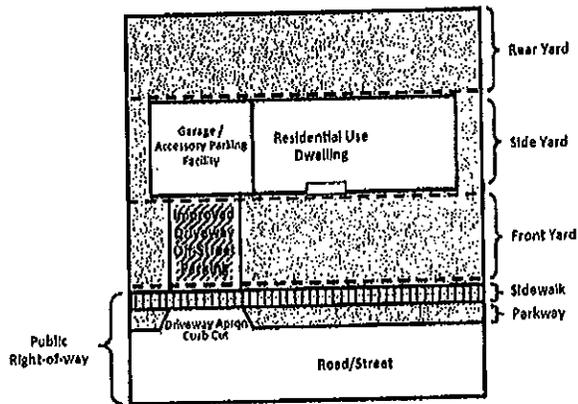
(1) Detached accessory parking facility with unimproved rear yard off-street parking.



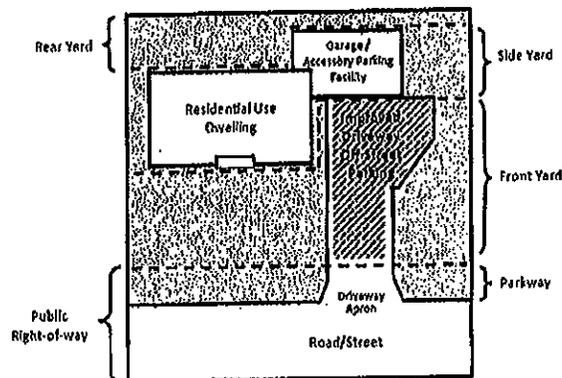
(2) Detached accessory parking facility with improved front yard off street parking location.



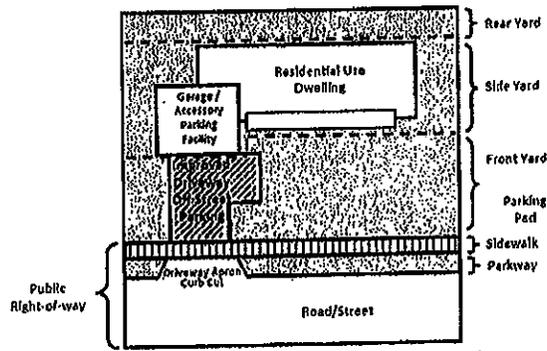
(3) Attached accessory parking facility with improved front yard off-street parking.



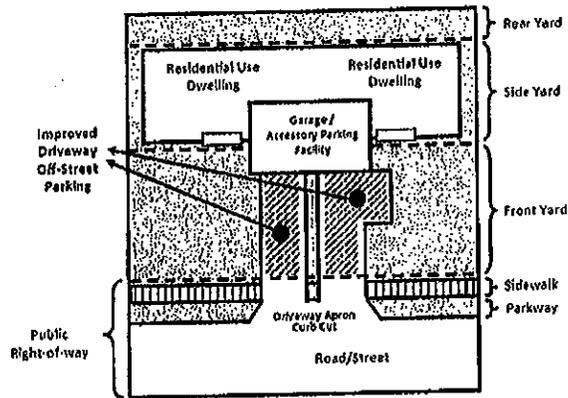
(4) Rear attached accessory parking facility with improved front yard off street parking.



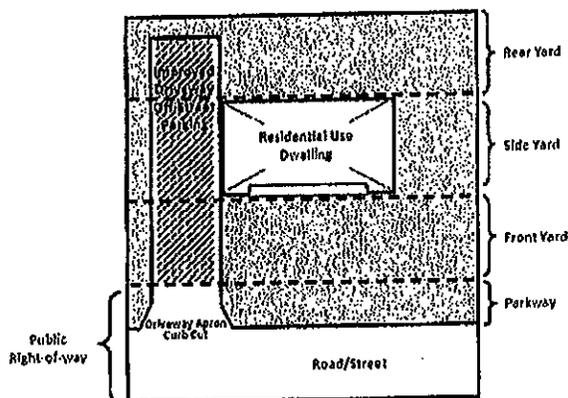
(5) Front attached accessory parking facility with improved front yard off street parking location.



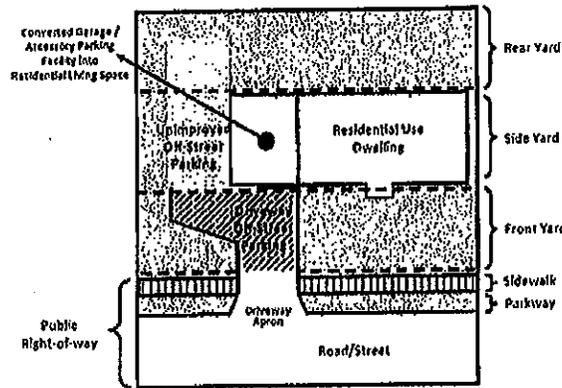
(6) Multi-unit dwelling with attached accessory parking facility with improved front yard off-street parking location.



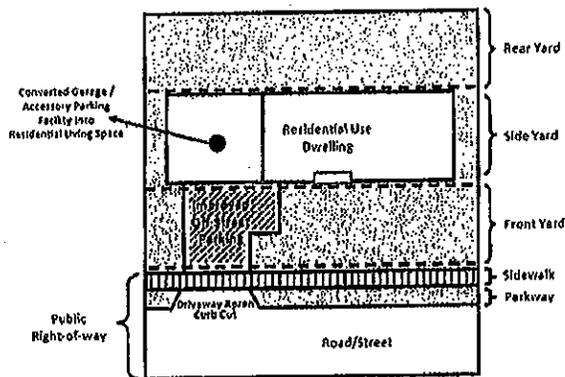
(7) No accessory parking facility with front, side, and rear yard improved off street parking location.



(8) Converted accessory parking facility into living space with improved front yard off-street parking facility and unimproved side and rear yard offstreet parking location.



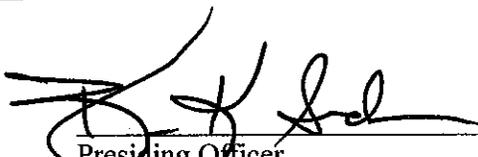
(9) Converted accessory parking facility into living space with improved front yard off-street parking location.

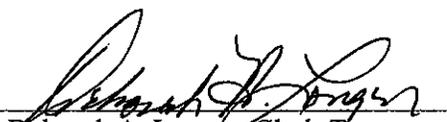


SECTION FOUR: This ordinance shall become effective upon its adoption in the manner required by law, and upon publication thereof pursuant to I.C. §36-3-4-6-14(b) in two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4 (a).

SECTION FIVE: 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 2nd day of November, 2016.

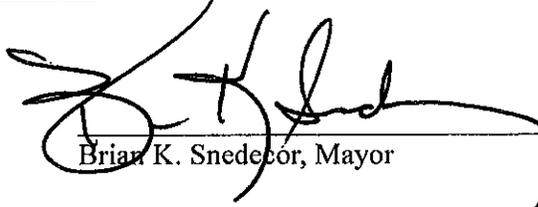
  
\_\_\_\_\_  
Presiding Officer

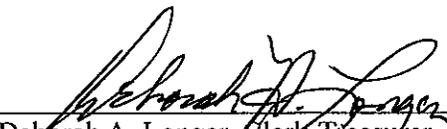
ATTEST:   
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 2nd day of November, 2016 at the hour of 6:45 pm.

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

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 2nd day of November, 2016.

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

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