

COMMON COUNCIL OF THE CITY OF HOBART, INDIANA
Ordinance No. 2016- 40

**An Ordinance Amending the Municipal Code of the City of Hobart
Concerning Site Plan, Tree Preservation and Landscaping**

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") has been informed that there is a need to regulate site plans, tree preservation and landscaping 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 site plans, tree preservation and landscaping; 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 subsection (F)(2)(c) of §154.424, such subsection entitled "*Selection and installation of plant materials*" and inserting in lieu thereof the following new subsection entitled "*Selection, maintenance and installation of plant material*" and subsections:

1. Planting materials used by any person in conformance with provisions of this section shall be of good quality and of a species expected to thrive in the climate of Northwest Indiana.
2. All landscaping material used by any person shall be installed in accordance with planting procedures which shall be established and made available by the City of Hobart Parks and Recreation Department.
3. The scale and nature of landscape material should conform at maturity to the site and structures. For example, larger scaled buildings should ordinarily be complemented by larger scaled plants.

4. Evergreen should be incorporated into the landscape treatment of a site, particularly in those areas where parking lots are otherwise required to be screened.
5. Plant material selection, from the list of suggested species in HMC Section 154.426 PRIORITY TREE LIST. and 154.427 TREE PLANTING FOR SITE DESIGN.
6. Maintenance, all plant materials shall be allowed to grow and mature (after ten year time period) over time and shall only be trimmed in the event of damage or disease. All plant material that dies shall be replaced during the soonest planting season (spring or fall). Replacement of dead plants is the responsibility of the property owner who shall:
 - a. Prohibit topping, limbing-up, and other similar practices.
 - b. Install drought tolerant species for large lot landscaping.
 - c. Encourage groundcovers in place of turf grass.
7. Irrigation is strongly recommended to establish new plantings and to maintain established plantings through dry periods. Suggested equipment includes the following:
 - a. Drip irrigation i.e. Gator Bags, line emitters, and bubblers.
 - b. Overhead irrigation should be limited to turf or micro sprinklers for small areas.
 - c. Watering is discouraged from 10 AM – 6 PM and grass should not be watered daily except when establishing new landscaping material.

SECTION TWO. The Code is hereby amended by striking out, such subsections 2., a., b., c., and 3. in (F)(2)(d) §154.424 entitled "*Review Factors.*" and inserting in lieu thereof the following new subsection 2. entitled "*Business, Office, Planned Business Park, Manufacturing and Light Industrial Use Developments.*" And new subsection 3. entitled "*On-site Parking and Parking Lot Development.*"

2. *Business, Office Service, Planned Business Park, and Manufacturing/Light Industrial use developments.* In business, office service, planned business park, light manufacturing/industrial zones, and all planned unit development zones, for all projects involving the construction of a new building or buildings, or the expansion of any existing building on all portions of every lot or parcel either occupied or unoccupied by structures, parking areas, or other paved surfaces shall be designed, constructed, and maintained in a cultivated landscape condition to include the following:

- a. Open area, undeveloped portions of each parcel shall be planted with drought-tolerant grass or other vegetative ground cover.
- b. Stone, rock, or gravel may be used as a landscaping accent, but shall not exceed ten percent (10%) of the area of the required yard in which it is used.
- c. Shrubs shall be a minimum of eighteen inches (18") in height at the time of planting, measured from the top of the rootball.
- d. Deciduous trees shall have a trunk measuring a minimum of two and a half inches (2-1/2) in diameter at six inches (6") above the rootball at the time of planting.
- e. Evergreen trees shall be a minimum of six feet (6') in height at the time of planting measured from the top of the rootball.
- f. Yard Areas, in all lot or parcel, or other open areas that are to remain undeveloped and are not being held for future phased development shall include plant material with a minimum of one (1) shade tree for every five thousand square feet (5,000) of yard area (excluding all common areas, buffer areas, landscape easements, parking lot interior and perimeter landscaped areas, and other similar features), with no more than twenty five percent (25%) of trees planted in each yard area may be of an ornamental variety.

3. *On-site parking or parking lot development.* Every project which includes an on-site parking lot or is a parking lot development providing four (4) or more parking spaces shall have an area or areas in the interior of the total parking lot area covered by plantings consisting of shade trees, evergreen trees,

shrubbery and other ground plantings, not including grass and the bufferyard requirements, along each yard and improved public rights-of-way and in accordance with but not limited to section 154.358 (G) (3).

SECTION THREE. The Code is hereby amended by a new section, to be denominated, §154.427 entitled "Tree Planting for Site Design," and the follow sections:

Where D = Deciduous and E = Evergreen

(A) Trees for Planting on Streets, Highways, and Parking Lots.

(generally with high canopies, shade producing, hardy)

Botanic Name	Common Name	Type	Mature Height	Tree Category
<i>Acer freemanii</i>	Freeman Maple	D	50'-60'	Shade
<i>Acer rubrum</i>	Red Maple	D	40'-60'	Shade
<i>Acer saccharum</i>	Sugar Maple	D	50'-70'	Shade
<i>Ginkgo biloba</i> (male only)	Ginkgo	D	40'-60'	Shade
<i>Celastrus thornless</i>	Thornless Honeylocust	D	30'-60'	Shade
<i>Liquidambar styraciflua</i> (Fruitless)	American Sweet Gum	D	40'-60'	Shade
<i>Rhus glabra</i>	Sticky Leaf Sumac	D	35'-45'	Shade
<i>Quercus bicolor</i>	Swamp White Oak	D	40'-50'	Shade
<i>Quercus lobata</i>	English Oak	D	50'-70'	Shade
<i>Taxodium distichum</i>	Bald Cypress	D	50'-100'	Shade
<i>Liriodendron tulipifera</i>	Yellow Poplar	D	40'-50'	Shade

(B) Trees for Planting on Streets, Highways that Minimize Conflict with Overhead Utilities.

Botanic Name	Common Name	Type	Mature Height	Tree Category
<i>Coccyzus erythrophthalmus</i>	Cockspur Hawthorn	D	15'-25'	Ornamental
<i>Malus 'Prairie Fire'</i>	Prairie Fire Crabapple	D	15'-25'	Ornamental
<i>Syringa reticulata</i>	Tree Lilac	D	20'-30'	Ornamental

(C) Ornamental Trees for Use in Site Interior or Buffer.

Botanic Name	Common Name	Type	Mature Height	Tree Category
<i>Acer glabrum</i>	Smooth Maple	D	15'-20'	Ornamental
<i>Acer griseum</i>	Paperbark Maple	D	20'-30'	Ornamental
<i>Acer palmatum</i>	Japanese Maple	D	15'-20'	Ornamental
<i>Amelanchier canadensis</i>	Juneberry	D	30'-35'	Ornamental
<i>Amelanchier alnifolia</i>	Apple Serviceberry	D	25'-30'	Ornamental
<i>Betula nigra</i>	River Birch	D	40'-60'	Ornamental
<i>Cercis canadensis</i>	Redbud	D	20'-30'	Ornamental
<i>Cornus kousa</i>	Japanese Dogwood	D	20'-25'	Ornamental
<i>Cotinus cognyna</i>	Smoke Tree	D	15'-20'	Ornamental
<i>Magnolia soulangeana</i>	Saucer Magnolia	D	15'-20'	Ornamental
<i>Magnolia stellata</i>	Star Magnolia	D	10'-15'	Ornamental
<i>Salix matsudana 'Tortuosa'</i>	Corkscrew Willow	D	25'-30'	Ornamental

(D) Evergreen Trees for Use in Site Interior or Buffer.

Botanic Name	Common Name	Type	Mature Height	Tree Category
Abies concolor	White Fir	E	60-50'	Evergreen
Picea abies	Norway Spruce	E	50-60'	Evergreen
Picea glauca densata	Black Hills Spruce	E	50-60'	Evergreen
Picea pungens 'Glauca'	Colorado Blue Spruce	E	60-75'	Evergreen
Pinus strobus	Eastern White Pine	E	50-100'	Evergreen

(E) Small Shrubs Approved for Screens, Hedges, and Specimen Planting

Botanic Name	Common Name	Type	Mature Height
Artemisia melanocarpa	Black Chokeberry	D	4-6'
Buxus microphylla 'Koreana'	Korean Boxwood	E	2-3'
Cotoneaster divaricata	Spreading Cotoneaster	D	3-6'
Euonymus fortunei	Euonymous	E	4-6'
Hydrangea macrophylla 'Nikko Blue' spp.	Nikko Blue Hydrangea	D	3-4'
Physocarpus opulifolius intermedius	Dwarf Ninebark	D	4-5'
Rhus typhina	Flame Tree	D	4-6'
Symphoricarpos alba	White Snowberry	D	5-6'
Weigela florida	Flowering Weigela	D	4-5'

(F) Large Shrubs Approved for Screens, Hedges, and Specimen Planting.

Botanic Name	Common Name	Type	Mature Height
Cornus alternifolia	Racoon Dogwood	D	15-20'
Cornus sericea baileyi	Redtwig Dogwood	D	8-10'
Cornus cogonata	Smoke Tree	D	8-10'
Cotoneaster acutifolius	Peking Cotoneaster	D	4-8'
Euonymus alatus 'compactus'	Burning Bush	D	7-10'
Forsythia intermedia Hybrids	Hybrid Forsythia	D	7-10'
Hicoria vitifera	Common Witch Hazel	D	10-15'
Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	D	4-15'
Hydrangea paniculata 'Grandiflora'	Pedicular Hydrangea	D	6-10'
Juniperus chinensis	Chinese Juniper	E	6-15'
Myrica pennsylvanica	Northern Bayberry	D	5-10'
Picea glauca 'Conica'	Dwarf Alberta Spruce	E	6-10'
Rhus typhina	Staghorn Sumac	D	8-12'
Sambucus canadensis	American Elderberry	D	6-8'
Syringa vulgaris Hybrids	Hybrid French Lilac	D	8-12'
Taxus cuspidata 'Capitata'	Upright Japanese Yew	E	10-25'
Taxus Hickii	Black Yew	E	10-12'
Thuja occidentalis Hybrids	American Arborvitae	E	4-15'
Viburnum dentatum	Arrowwood Viburnum	D	10-15'
Viburnum prunifolium	Black Haw Viburnum	D	10-12'
Viburnum tinctorum	American Cranberry Bush	D	8-12'

(G) *Low Spreading Shrubs Approved for Borders, Parking Islands, and Groundcover.*

Botanic Name	Common Name	Type	Mature Height
<i>Buxus sempervirens</i>	Buxwood	E	2-3'
<i>Cotoneaster apiculata</i>	Cranberry Cotoneaster	D	2-3'
<i>Cotoneaster horizontalis</i>	Rockspray Cotoneaster	D	1-3'
<i>Daphne burkwoodii</i>	Burkwood Daphne	D	3-4'
<i>Euonymus alatus 'variegatus'</i>	Variegated Euonymus	E	3-4'
<i>Forsythia viridissima 'Bronxensis'</i>	Dwarf Forsythia	D	1-2'
<i>Hypericum parviflorum</i>	St. John's Wort	D	2-3'
<i>Juniperus</i> (spreading varieties)	Juniper	E	1-3'
<i>Philadelphus virginicus</i>	Virginia Snowflake	D	2-3'
<i>Picea abies 'Nidiformis'</i>	Birdnest Spruce	E	2'
<i>Rhus aromatica 'Gro. Low'</i>	Low Gro. Fragrant Sumac	D	1-2'
<i>Ribes alpinum</i>	Alpine Currant	D	3-5'
<i>Spiraea alba</i>	Meadow Sweet Spiraea	D	3-5'
<i>Spiraea bumalda</i>	Spiraea	D	2-3'
<i>Syringa patula 'Miss Kim'</i>	Dwarf Korean Lilac	D	3-6'
<i>Taxus cupidata 'Nana'</i>	Dwarf Japanese Yew	E	2-3'
<i>Taxus media</i>	Spreading Yew	E	2-4'
<i>Thuja occidentalis 'Hetzii Midget'</i>	Hetz Midget Arborvitae	E	2-3'

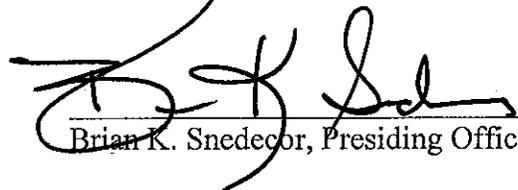
(H) *Climbing Vegetation For Walls and Fences.*

Botanic Name	Common Name	Type
<i>Campsis radicans</i>	Trumpetvine	D
<i>Clematis jackmanii</i>	Clematis Hybrids	D
<i>Lonicera mackenzii</i>	Everblooming Honeysuckle	D
<i>Parthenocissus quinquefolia</i>	Virginia Creeper	D
<i>Parthenocissus vitacea</i>	Boston Ivy	D

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 16th day of November, 2016.


 Brian K. Snedecor, Presiding Officer

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

PRESENTED by me to the Mayor of the City of Hobart on the 16th day of November, 2016 at the hour of 6:45 p.m.

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

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 16th day of November, 2016.

Brian K. Snedecor
Brian K. Snedecor, Mayor

ATTEST: Deborah A. Longer
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. 154.420 Site Plan, Tree Preservation and Landscaping

DATE: November 7, 2016

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

REQUEST: To Amend Chapter 154 of the Hobart Municipal Code
Sec. 154.420 Site Plan, Tree Preservation and Landscaping

PLAN COMMISSION PETITION NO.: 16-02 G

DATE OF PLAN COMMISSION ACTION: November 3, 2016

DEADLINE FOR COMMON COUNCIL ACTION: February 1, 2017

CERTIFICATION

ACTION TAKEN BY PLAN COMMISSION:
(Recommendation to the Common Council to Approve the change as requested
(Favorable Recommendation)

CONDITIONS: None

VOTE: 6-0

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

MEMORANDUM

DATE: November 7, 2016

TO: HOBART COMMON COUNCIL MEMBERS
MAYOR BRIAN K. SNEDECOR
CITY ATTORNEY ANTHONY DEBONIS

FROM: SERGIO MENDOZA, CITY PLANNER 

RE: Petition to Amend the Hobart Zoning Ordinance, Chapter 154 of the Hobart Municipal Code, Sec. 154.420 Site Plan, Tree Preservation and Landscaping

Below please find the minutes of the Plan Commission meetings regarding Petition 16-02G

MINUTES OF THE PLAN COMMISSION'S MEETING OF MARCH 3, 2016 FOR PETITION 16-02G:

Mr. Mendoza mentioned Ratio Architects was commissioned by the Redevelopment Commission to create the proposed Business/Industrial Park Design Guidelines with the intent of new proposed PUD developments south of 61st Avenue. After internal discussion, it was determined to codify the Design Guidelines into the appropriate sections of the Municipal Code (Petitions 16-02A thru 16-02G). Mr. Mendoza also noted he was in the process of completing the remaining two amendments and requested the public hearing to remain open. A proposed draft was presented to the Commissioners for review.

Ms. Galka opened the Public Hearing for Petition 16-02 & Petitions 16-02A thru 16-02G. Public hearing will remain open.

PUBLIC HEARING MINUTES OF THE PLAN COMMISSION'S APRIL 7, 2016 MEETING FOR PETITION 16-02G:

Mr. Mendoza noted that he distributed the draft proposed Business/Industrial Park Design Guidelines for Petitions 16-02 and 16-02A thru 16-02G at the March 3, 2016 meeting. The petitions were heard collectively, the public hearing was opened and the Commissioner's motion was made to leave the public hearing open and to table the petitions.

Denarie Kane, Director of Development: Ms. Kane stated that this is an initiative that the Hobart Redevelopment Commission supported by engaging the professional services to develop the design guidelines. She stated that input was received from staff in the Planning and Engineering Departments and the Redevelopment Commission and feels the proposed guidelines were created to protect the City by setting standards for future development. Prior to the development of the guidelines, area developments were visited and it was noted as to what worked well and didn't work well. She encouraged the commission to accept the guidelines as presented and to pass a favorable recommendation to the Common Council.

Hearing no other public comments Mr. Brezik closed the public hearing for Petitions 16-02 and 16-02A thru 16-02G.

Mr. Mendoza noted that after meeting with Attorney DeBonis regarding the proposed ordinances, Attorney DeBonis requested that if the commission motions for a favorable recommendation to the Council for the April 20th meeting, to attach a memo requesting them to be tabled until the May 4th meeting.

Mr. Allen made a motion for a Favorable Recommendation to the Common Council for Petitions 16-02 and 16-02A thru 16-02G with the stipulation the Council table until May 4th including all discussion, seconded by Mr. Kara. All ayes, motion carried. (8-0)

DRAFT MINUTES OF THE PLAN COMMISSION'S NOVEMBER 3, 2016 MEETING FOR PETITION 16-02G

Mr. Mendoza mentioned the amended ordinance was previously presented to the Commission last April with the intent the City Attorney would combine Petitions 16-02A thru 16-02G into one ordinance but upon review by the Council, they requested them to be separated. He requested forwarding the ordinance to the Common Council with minor modifications for the removal of Sec.154.199 and 154.232 which are proposed for a future ordinance and in Sec. 154.424 entitled Review Factors inserting the new subsection entitled Business, Office, Planned Business Park, Manufacturing and Light Industrial Use Developments. Mr. Kara made a motion for a Favorable Recommendation to the Common Council for Petition 16-02G including all discussion, seconded by Mr. Rodriguez. All ayes, motion carried. (6-0)