

**COMMON COUNCIL OF THE CITY OF HOBART, INDIANA**  
**Ordinance No. 2018 - 23**

**An Ordinance to Amend the Zoning Chapter of the Hobart Municipal Code  
Concerning Planned Unit Development Districts**

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") previously enacted Ordinance No. 2016-31 which amended §154.296 (C) of the City of Hobart Municipal Code ("HMC") to require that any Planned Unit Development ("PUD") consisting of Office Service, Planned Business Park, Manufacturing/Light Industrial uses or a mix of said uses be in conformance with HMC §154.308; and

WHEREAS, said §154.308 was also enacted by Ordinance No. 2016-31, and prescribes Design Guidelines for Business and Manufacturing Development; and

WHEREAS, the City's Planning Staff and Plan Commission have advised the Council of the need to allow delegation by the Council to the Plan Commission, pursuant to I.C. §36-7-4-1511(b) and (c) of authority to grant modifications of permitted uses or development requirements, including said Design Guidelines, when necessary or desirable to carry out the purposes for Planned Unit Development Districts as those purposes are set out in HMC §154.295; and

WHEREAS, the Council has also been advised of the desirability of amending HMC §154.301 governing Covenants and Maintenance to require the Plan Commission to document all such design guidelines, waivers or modifications of same in duly recorded covenants for each PUD District; and

WHEREAS, the Council wishes to require that the Plan Commission conduct a public hearing pursuant to notice as required by I.C. §36-7-4-1511(h) before it authorizes a waiver or modification in permitted uses or development requirements as part of the authority delegated to it in this Ordinance, except where modification or waiver is minor as allowed by I.C. §36-7-4-1511(i) and to authorize the Plan Commission to adopt ; and

WHEREAS, the Council further desires to exercise its authority granted in §36-7-4-1511(d) to provide for appeal to the Council of the decision of the Plan Commission in granting or denying such modifications or waivers in permitted uses or development requirements and to prescribe the procedure for such appeals; and

WHEREAS, the Council also desires to delegate to the Plan Commission the authority to establish rules governing the nature of the proceedings and notice required to grant an approval or waiver or to make a modification in permitted uses or development requirements, including said Design Guidelines as allowed by I.C. §36-7-4-1511(j); and

WHEREAS, the Council, through this Ordinance, desires to address the foregoing 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, Indiana (“Code”) is hereby amended in Title XV thereof on “*LAND USAGE*,” Chapter 154 entitled “*ZONING*” by striking out all of the language contained in subsection (E) of §154.295 entitled “*PURPOSE*,” and inserting in lieu thereof the following language:

(E) To that end, the effect of the regulations and development guidelines contained in this chapter as to use, bulk, yards, height, and the design guidelines contained in §154.308, 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.”

*SECTION TWO.* The Code is hereby further amended by striking out all of the language contained in subsection (C) of §154.301, entitled “*COVENANTS AND MAINTENANCE*,” and inserting in lieu thereof the following:

(C) The Plan Commission shall 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 Section 154.308 BUSINESS AND MANUFACTURING DEVELOPMENT AND DESIGN GUIDELINES, 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) Design standards (including landscaping requirements); and

(12) Phasing of development.

SECTION THREE: The Code is further amended by adding, to Chapter 154 entitled "Zoning," a new section, to be designated §154.309 and entitled "RULES AND PROCEDURES GOVERNING MODIFICATIONS TO AND WAIVERS OF PERMITTED USES, DEVELOPMENT REQUIREMENTS, AND DESIGN GUIDELINES" which shall read as follows:

**§154.309. RULES AND PROCEDURES GOVERNING MODIFICATIONS TO AND WAIVERS OF PERMITTED USES, DEVELOPMENT REQUIREMENTS, 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 requirements and 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 requirements or 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.

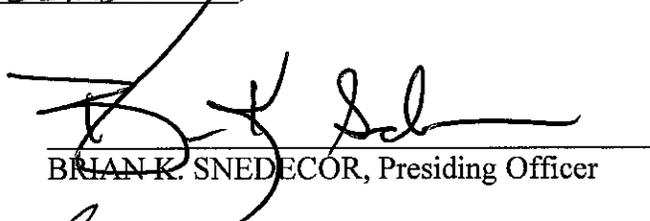
(C) A public hearing before the Plan Commission shall be held before any petition or application for waiver or modification of any permitted uses, development requirements or design guidelines applying to Planned Unit Development Districts is granted. Notice of the public hearing shall be given in the same manner as notice given under I.C. §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 requirements or design guidelines applying to Planned Unit Development Districts may be granted without public hearing pursuant to the Plan Commission's customary rules of procedure.

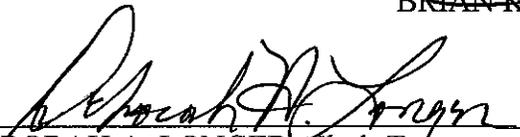
(D) Appeal may be taken by a petitioner or applicant from a decision of the Plan Commission upon the petition or application under this section to the Common Council by filing a request for appeal with the Clerk-Treasurer, in writing, who shall cause the request to be placed on the agenda for the Council's 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.

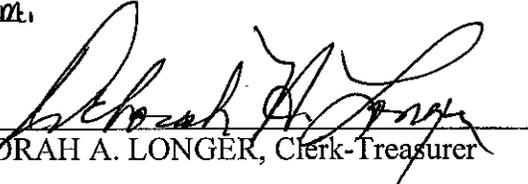
*SECTION FOUR:* This ordinance shall become effective upon its adoption in the manner required by law, and upon publication thereof pursuant to I.C. §36- 3-4-6-14(b) in two newspapers of general circulation published within the City pursuant to I.C. §5-3-1-4 (a).

*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.

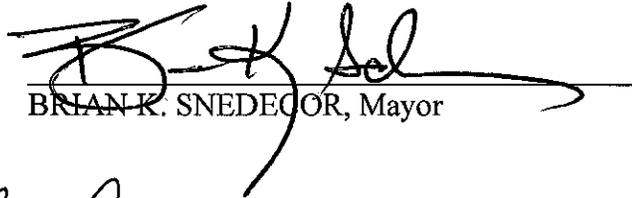
ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 30<sup>th</sup> day of October, 2018.

  
BRIAN K. SNEDECOR, Presiding Officer

ATTEST:   
DEBORAH A. LONGER, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 30<sup>th</sup> day of October, 2018 at the hour of 7:00 pm.  
  
DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 3<sup>rd</sup> day of October, 2018.

  
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 Development Districts

DATE: September 7, 2018

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 Development Districts

PLAN COMMISSION PETITION NO.: 18-20

DATE OF PLAN COMMISSION ACTION: September 6, 2018

DEADLINE FOR COMMON COUNCIL ACTION: December 5, 2018

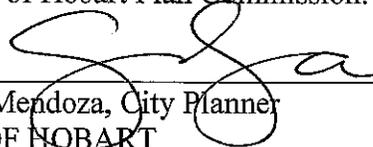
**CERTIFICATION**

ACTION TAKEN BY PLAN COMMISSION:  
(Recommendation to the Common Council to Approve the change as 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.

  
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Sergio Mendoza, City Planner  
CITY OF HOBART

**MEMORANDUM**

**DATE:** September 7, 2018

**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. 154.295 Planned Unit Development Districts

Below please find the minutes of the Plan Commission meetings regarding Petition 18-20

PUBLIC HEARING MINUTES OF THE JULY 5, 2018 MEETING: Mr. Mendoza briefed the commission regarding the amendment. The Business and Light Industrial Guidelines created by Ration Architects were codified and as part of the codification it was inadvertently over looked with regards to the actual intent of the PUD, including covenants and maintenance, to allow the flexibility within reasonable purposes for changing standards. He stated the intent is to restore and continue the review of changes within the PUD with recommendations to the city council. Ms. Galka opened and closed the public hearing for Petition 18-20 without public comments. Mr. Allen motioned for a Favorable Recommendation to the Common Council including all discussion, seconded by Mr. Lain. All ayes, motion carried. (9-0)

MINUTES OF THE AUGUST 2, 2018 MEETING (CONSULTATION/DISCUSSION): A letter was distributed by Mr. Mendoza from Attorney DeBonis in response to the Commission's amendment to the HMC PUD District in particular to when the Design Guidelines were codified for Sec. 154.308, inadvertently omitting the Plan Commission's ability to grant waivers from the bulk standards, etc. Attorney DeBonis will review the State law and draft an ordinance that will allow the Commission to review PUD's modifications during public hearings and to forward their recommendation to the Common Council.

DRAFT MINUTES OF THE SEPTEMBER 6, 2018 MEETING: Mr. Mendoza mentioned the city attorney prepared an amended ordinance pertaining to Sec. 154.308 in the PUD District and the flexibility that occurs within the district. Also incorporated was Sec. 154.309 that includes the process of determining minor or major amendments sited from the Indiana State Code 1500 series of the planning process. He noted if the commission was in favor of the amended ordinance to send a favorable recommendation to the Common Council for adoption. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 18-20 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (7-0)

Regular meetings are held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month in the Council Chambers, 2<sup>nd</sup> floor, Hobart City Hall

**CITY OF HOBART**  
**AGENDA ITEM REQUEST FORM**

(PLEASE PRINT)

MEETING DATE: SEPTEMBER 19, 2018

     BOARD OF PUBLIC WORKS (3:30 p.m.)

  X   COMMON COUNCIL (6:00 p.m.)

ITEM TO BE ADDED TO AGENDA PETITION 18-20  
ORDINANCE AMENDING SEC. 154.295 PUD DISTRICTS

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SUPPORTING DOCUMENTATION ATTACHED MEMO, ORDINANCE, CERTIFICATION  
& REPORT

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REQUEST SUBMITTED BY JOY

ADDRESS (DEPARTMENT) PLANNING/ZONING

PHONE NUMBER (EXT)                     

DATE SUBMITTED SEPTEMBER 7, 2018