

ORDINANCE NO. 2019-34

AN ORDINANCE AMENDING AN ESTABLISHED PUD ZONE CLASSIFICATION IN THE CITY OF HOBART, ORDINANCE 93-31, AN ORDINANCE ADOPTING THE REDESIGNATION OF ZONES, TO INCORPORATE WIRELESS TELECOMMUNICATION FACILITIES

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") has received the recommendation of the City Plan Commission ("Commission") after public hearing, dated November 7, 2019, to incorporate Wireless Telecommunication Facilities in the Planned Unit Development ("PUD") District comprising the commercial entity known as Southlake Mall as previously enacted in City Zoning Ordinance 93-31 as amended, and thereafter adopted in Ordinance 93-59, and;

WHEREAS, Wireless Telecommunication Facilities within said PUD as adopted and recommended by the Commission, under **Petition 19-45**, and the exact legal description of the area in which it applies, are attached hereto and made a part hereof as Exhibit "A," and

WHEREAS, the Council has been duly advised that said amended uses address the changing nature of properties of this type, and that the proposed Wireless Telecommunication Facilities will allow viable uses consistent with the City's Comprehensive Plan and zoning requirements; and

WHEREAS, the Council desires to adopt, approve and make said Wireless Telecommunication Facilities effective through the passage of this Ordinance.

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

SECTION ONE. The Planned Unit Development District Ordinances governing Southlake Mall, the same being City Zoning Ordinance 93-31 as amended and thereafter adopted as amended in Ordinance 93-59, signage requirements contained therein, and inserting the Wireless Telecommunication Facilities with the area legally described in the attached description, all included as Exhibit "A" attached hereto and made a part hereof.

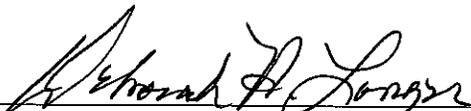
SECTION TWO: All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 4th day of December, 2019.



PRESIDING OFFICER

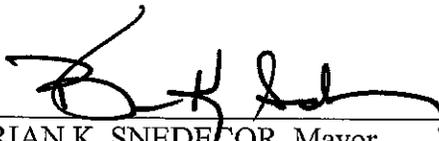
ATTEST:


DEBORAH A. LONGER, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 7th day of December, 2019 at the hour of 7:15 pm.


DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 7th day of December, 2019.


BRIAN K. SNEDECOR, Mayor

ATTEST:

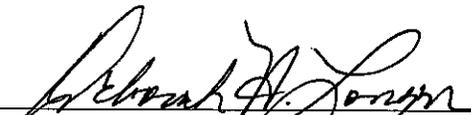

DEBORAH A. LONGER, Clerk-Treasurer

EXHIBIT A

Part of the Northwest quarter of the Southwest quarter of Section 23, Township 35 North, Range 8 West, of the Second Principal Meridian, in Ross Township, Lake County, Indiana, bounded and described as follows: Commencing at the Southwest corner of said Section 23; thence North 87 degrees 54 minutes 24 seconds East, 40.00 feet to the Easterly right of way of Mississippi Street; thence North 2 degrees 42 minutes 00 seconds West along the Easterly right of way line of Mississippi Street 1499.07 feet to the Point of Beginning of this description; thence continuing North 2 degrees 42 minutes 00 seconds West, 177.99 feet; thence North 87 degrees 18 minutes 00 seconds East, 189.98 feet; thence South 44 degrees 10 minutes 00 seconds West, 260.33 feet to the Point of Beginning; together with the water tank affixed thereto.

7.6 Planned Business Centers (BP Zone)

- A. General Conditions – A BP District (Planned Business Centers) may be established upon a tract of land in a single ownership, or under united control, provided the preliminary and final development plan for a Planned Business Center has been prepared and submitted in compliance with the regulations and requirements of this Section.

The approximate location of a Planned Business Center shall be designated on the zoning map by a star. One center may be located within, 1,400 feet of the center of the star, provided the applicant has met the requirements of this section.

This district shall further be divided into BP-1, BP-2, and BP-3 Districts with requirements as listed below:

BP-1 District – The net area of land to be included and so designated shall be at least one and one half (1/2) acres in size.

BP-2 District – The net area of land to be included and so designated shall be at least five (5) acres.

BP-3 District – The net area of land to be included and so designated shall be at least ten (10) acres.

The net area as used herein shall not include any area within designated highways, streets, alleys, or any other public ways or public property.

BP District – The area occupied by a building on a tract of land which is to be established as a BP District shall be twenty-five (25) percent or less of the net area of the district. The location of any BP District shall be on property which as an acceptable relationship to major thoroughfares. The Commission must satisfy itself as to the adequacy of the thoroughfares to carry the additional traffic engendered by the development, and may request a report and recommendation from the County Highway Super-intendent.

The place of the proposed development must present the unified and organized management of building and service facilities which shall have a functional relationship

to the properties and public ways comprising the planned development and shall not adversely affect the properties and uses of properties immediately adjacent to the proposed development.

The requirements and regulations herein described pertaining to height, yards, setbacks, and parking and loading may be adjusted or modified by the County Plan Commission before a BP District is established so that the property in question may be developed in a reasonable manner and at the same time will not be detrimental to the public welfare and the interest of the community, but in keeping with the general intent and spirit of the zoning ordinance.

The Lake County Plan Commission shall have the power to make and adopt such rules and regulations necessary and proper to effectuate the purpose of this section. The Plan Commission may, if it sees fit, require the Developer to have made a projected shopping analysis of the surrounding trade area in which it is anticipated that the center may draw for its customers.

The proponents of the Planned Business Center shall prepare or submit a preliminary development plan to the County Plan Commission for its inspection and review, upon Notification will be published in a newspaper of general distribution in the County at least ten (10) days prior to the Hearing. Upon determination by the Commission that the preliminary plan as prepared and submitted, meets the requirements and regulations of this section, the proponent shall prepare and submit a final development plan, which plan shall incorporate any changes or alterations suggested by the Commission. If the final development plan is found to comply with the intent of the requirements and regulations set forth in this section, the Commission shall prepare and submit to the legislative body a request for ordinance, which ordinance shall provide for the establishment of a BP District in accordance with the final development plan submitted. The legislative body may modify the final development plan consistent with the intent and meaning of the ordinance. The preliminary and final development plans submitted shall comply with the rules and regulations adopted by the legislative body for the submission, review, and development of the Planned Business Centers.

The final development plan, upon being approved by the legislative body, shall be recorded with the Recorder of Deeds of Lake County. Application may be made directly to the legislative body for the zoning of property for a Planned Business Shopping Center. But, before taking action, the legislative body shall refer the matter to the County Plan Commission for recommendations. The procedure and requirements for the submission of the plans and the information required shall be the same as though the application had been made directly to the County Plan Commission and which is provided for in this section.

When the matter has been referred to the County Plan Commission by the legislative body and action has been taken by the County Plan Commission, the plan, together with the recommendation of the County Plan Commission, shall be submitted to the legislative body.

The proponents of the Planned Business Center shall prepare and submit a schedule of construction, which construction shall begin within a period of one (1) year following the approval of the final development plan by the legislative body and the issuance of a Building and Zoning Permit. Failure to begin construction as scheduled shall void the plan as approved unless request for an extension is made by the proponents to the Board of Zoning Appeals and approved by the said Board. No fee shall be charged for this request.

If for any reason the plan is abandoned or if the construction is terminated after the completion of any stage and there is ample evidence that further development is not contemplated, the ordinance establishing such BP District shall be restricted by the legislative body and the zoning of the entire tract of the portion which is undeveloped as a Planned Business Center shall be changed to its former classification by ordinance. After the final development plan has been approved and the zoning change has been made, and when, in the course of carrying out this plan, adjustments or rearrangement of buildings, parking areas, entrances, heights, or yards, are being requested by the proponents, and such request conforms to the standards established by the approved final development plan for the area to be covered by buildings, parking space, entrances, heights, or setbacks, and lot area requirements, such adjustments may be approved by the Board of Zoning Appeals upon application without fee and after receiving the recommendations of the County Plan Commission.

- B. Use - In District BP, which is further divided into BP-1, BP-2, and BP-3, no building or land shall be used and no building shall be erected, altered, or enlarged, which is arranged, intended or designed, for other than the following uses:

In any BP District, only one (1) Entrance sign and flat wall signs on the face of a building or marquee are permitted. Otherwise, all advertising signs will comply with the regulations as indicated in 9.0 (9.5-A2) with the exception that one (1) additional sign structure to indicate each Planned Business Center shall be permitted. Such identifying sign or structure shall be a permanent type construction and shall conform to all the requirements of the Zoning Ordinance and Building Codes of Lake County. The Plans for the sign or structure shall be submitted as part of the Preliminary and Final Development Plan.

a. In a District BP-1

1. Artist studios.
2. Bakery or Pastry Shops (Retail Only), employing not more than five (5) persons on the premises.
3. Banks.
4. Barber or Beauty Shops.
5. Bicycle Repair Shops.
6. Book or Stationery Stores.
7. Churches.
8. Cleaners Collection stations.

9. Clinics (for humans only).
10. Clothing or Ready to Wear Stores.
11. Confectionery Stores.
12. Dancing Schools.
13. Drug Stores.
14. Dry Goods or Notions Stores.
15. Dying, Dry Cleaning, or Laundry Collection Offices.
16. Electrical Shops.
17. Fix-It Radio or Television Repair Shops.
18. Florists or Gift Shops.
19. Furniture Homes or Stores.
20. Garages (Storage) for Motor Vehicles, no body or fender work.
21. Grocery, Fruit or Vegetable Stores.
22. Jewelry Stores.
23. Meat Markets or Delicatessens.
24. Music Studios.
25. Hardware Stores.
26. Offices, including Ticket Offices for Railroads, Buses, etc.
27. Plumbing Shops, no tin work or outside storage permitted.
28. Photographic Studios or Shops.
29. Public Parking Lots or Stations for Passenger Cars or Taxicabs.
30. Restaurants or Tea Rooms, excluding "Drive-Ins".
31. Service Stations (Gasoline and Oil), not including motor, body or fender work, and complying with the restrictions for such as given in 7.0 (7.1-B-1).
32. Shoe Stores or Shoe Repair Shops.
33. Tailor Shops.
34. Other Retail Business Activities of the character enumerated above not included in any other classification.
35. Accessory Uses customarily incidental to the uses enumerated above, including Air conditioning Plants and Ice Refrigeration Plants purely incidental to a main activity permitted on the premises.
 - a. A maximum of one (1) H.P. employed in the operation of any one (1) machine, or a total of three (3) H.P., for the manufacture of articles to be sold at retail on the premises shall be permitted as an accessory use. No more than one hundred fifteen (115) volts shall be used on power equipment, other than heating and air-conditioning.

36. Department Stores

b. In a District BP-2

1. Any use permitted in District BP-1.
2. Auto Laundries.
3. Automobile or Trailer Sales Rooms.
4. Bakery or Pastry Shops, Retail only.
5. Barbecue Stands.

6. Bars and cocktail Lounges if they comply with The Liquor Ordinance.
7. Billiard or Pool Halls and Bowling Alleys, if the nearest point of the property is more than two hundred (200) feet from the boundary of an R-1 to R-3 District, inclusive.
8. Bus stations.
9. Business or Commercial Schools, not to include Trade Schools.
10. Children's Day Nurseries for the convenience of customers, including Accessory Amusement Devices.
11. Commercial Photography.
12. Drive-In Restaurants, where persons are served in automobiles, when the nearest point of the property is more than two hundred (200) feet from the boundary of an R-1 to R-3 District, inclusive and provided all work is done within the building.
13. Frozen Food Lockers for individual or family use.
14. Garages, Public, provided the nearest point of the property is more than two hundred (200) feet from boundary of an R-1 to R-3 District, inclusive, and provided all work is done within the building.
15. Ice cream stores.
16. Job Printing, Newspapers, Lithographing and Publishing (less than total of five [5] H.P.).
17. Launderettes, Washaterias, or self-Service Laundries.
18. Loan and finance companies.
19. Night Clubs or Taverns, if they comply with the Liquor Ordinance.
20. Office Buildings.
21. Package Liquor Stores, if they comply with the Liquor Ordinance.
22. Pet Shops, if entirely within a building.
23. Pony Rings, provided the animals are stabled out- side of the development, and when in connection with a Day Nursery.
24. Public parking stations for Commercial Delivery Cars not exceeding three-quarter (3/4) ton.
25. Service Stations, Gasoline and Oil.
26. Telephone Exchanges.
27. Theaters and Picture Shows, other than "Drive- Ins".
28. Tire and Battery Shops.
29. Wholesale Sales Offices and Sample Rooms.

- a. A maximum of (1) H.P. employed in the operation of any one (1) machine, or a total of three (3) H.P., for the manufacture of articles to be sold at retail on the premises shall be permitted as an accessory use. No more than one hundred fifteen (115) Volts shall be used on power equipment, other than other than heating and air-conditioning.

c. In a District BP-3

1. Any use permitted in District BP-2.
2. Battery stations.
3. Cat and Dog Hospitals, sound-proofed and air- conditioned and without outside pens.

4. Diaper Service.
5. Drive-In Businesses where persons are served in automobiles, such as Refreshment Stands, Restaurants, Food Stores, and the like, provided the nearest point of the property is more than one hundred (100) feet from the boundary of a residentially zoned (R-1 to R-3) property, inclusive.
6. Garages, Public, provided the nearest point of the property is more than one hundred (100) feet from the boundary of an R-1 to R-3 District, inclusive, and provided all work is done within the building.
7. Manufacture of Articles sold only at retail on the premises.
8. Miniature Golf Courses.
9. Newspapers, Job Printing, Lithographing and Publishing.
10. Parking Stations for trucks and buses.
11. Photograph Printing Shops.
12. Plumbing or Sheet Metal Shops (allow punching of material of one-eighth (1/8") inch or less in thickness).
13. Sign Painting and sign Shops.
14. Taxidermy.
15. Tourist Courts and Motels.
16. Transfer and Storage Offices.
17. Wireless Telecommunications Facilities
18. Accessory Uses customarily incidental to the above uses.

A maximum of three (3) H.P. employed in the operation of any machine for the manufacture of merchandise shall be permitted as an accessory use.

C. Height, Yard, and Area Regulations

1. Height

In a BP-1 District, the height shall not exceed two (2) stories and shall not exceed thirty-five (35) feet.

In a Shopping District BP-2, the height shall not exceed three (3) stories and shall not exceed forty-five (45) feet.

In a BP-3 District, the height shall not exceed six (6) stories and shall not exceed seventy-five (75) feet.

If a Planned Business Center is to be constructed in the vicinity of an airport, no building or structure shall be erected whose roof, chimney, or top-most structure, or portion of a structure, shall intrude into an approach zone as indicated in Civil Aeronautics Authority Regulations, provided that this shall not prohibit the erection of a building or structure of a height not over twenty-five (25) feet.

2. Yards

In any BP District, there shall be a setback from any street conforming to the

requirement in which the District is located. Any structure in the BP District shall be at least twenty (20) feet from any other building and ten (10) feet from any parking lot. Along any property line within or adjoining an established Commercial District, there shall be a setback from any building or structure of at least ten (10) feet, unless provisions for a Fire Lane are not considered necessary. Along any other property line abutting or adjoining a Residential Zone District, there shall be a setback of at least twenty (20) feet from any building or parking lot. The Planned Business Center shall be permanently screened from any abutting or adjoining properties zoned for residential use by a wall, fence, hedge, or other suitable enclosure at least three and one-half feet in height, which shall be erected or placed at least fifteen (15) feet from the property line. The area between the wall, fence, or hedge planting shall be planted with grass, trees and shrubs to form a permanent screen. Such trees, shrubs and grass shall be properly and adequately maintained by the developer or subsequent owner.

The building line along any street shall be consistent with the building line established in the neighboring Residential District.

The Lake County Plan Commission may recommend a reduction in the above required setback where the situation will reasonably warrant such reduction.

D. Parking and Loading Regulations – Parking shall be provided in accordance with 2.7 (C).

Ample off-street parking space for standard loading and unloading shall be provided within the development. The location of illumination for any driveway and parking area shall be on light standards at least twelve (12) feet above ground, but shall not exceed eighteen (18) feet in height. Lights used to illuminate the parking area shall be so spaced that they will not reflect on adjoining streets or residential properties.

**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: Amend PUD Ordinance 93-31

DATE: November 8, 2019

PETITIONER: Verizon Wireless/Derek McGrew
103 Wilshire Court
Noblesville, IN 46062

REQUEST: To amend ordinance to include Wireless
Communication Facilities into Permitted
Uses

PLAN COMMISSION PETITION NO.: 19-45

DATE OF PLAN COMMISSION ACTION: November 7, 2019

DEADLINE FOR COMMON COUNCIL ACTION: February 5, 2020

CERTIFICATION

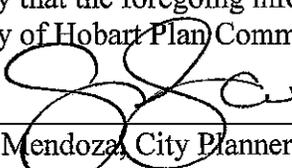
ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: None

VOTE: 5-0

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

SOUTH LAKE MAIL
AMENDED PULS

PC 19-45

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.

Verizon Wireless requests to use an existing water tower as a wireless communications facility.

This water tower is already used as a wireless communications facility prior to annex into the City of Hobart. The benefit to the City of Hobart is to reduce the need for additional wireless communications facilities.

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

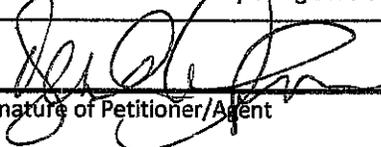
(a) the petition is not "spot zoning" which will confer a special benefit to the petitioner on a small tract of land with no commensurate benefit to the community.

(b) the comprehensive plan will not be disrupted or destroyed because:
the use of the water tank decreases the need for additional wireless communication facilities.

(c) the land involved is suitable for the proposed land change because:
the water tank is already being used as a wireless communications facility.

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: topography is not a factor in the use of the water tank.

(e) the property value of adjacent property would not be decreased because:
the water tank is already being used as a wireless communication facility



10/10/2019
Date

Signature of Petitioner/Agent

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** comply with the standards in the zoning ordinance.

All of which this 10th day of NOVEMBER, 2019 by a majority vote of the Hobart Advisory Plan Commission.


Plan Commission President

Attest:



Plan Commission Secretary/Zoning Official

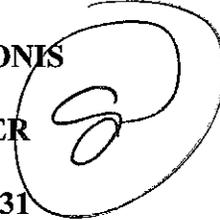
MEMORANDUM

DATE: NOVEMBER 8, 2019

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

FROM: SERGIO MENDOZA, CITY PLANNER

RE: Petition to Amend PUD Ordinance 93-31



A petition request to amend PUD Ord. 93-31 to include wireless telecommunications facilities at 8201 Mississippi Street, located south of US 30 & east of Mississippi Street, zoned PUD, 0.364 acre.

Below please find the minutes of the Plan Commission meetings regarding Petition No. 19-45

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION'S MEETING OF NOVEMBER 7, 2019: Derek McGrew representing Verizon Wireless requested to amend the PUD, permitted uses, to include wireless telecommunication facilities and the setback requirements from 30' to 15'. He is proposing to install additional antennas on the neck of the existing water tower and an equipment cabinet on the property west of the Southlake Mall. Mr. Pietrzak noted the water tower currently is legal con-conforming as it has wireless antennas on the top of the tank. Mr. Vinzant opened and closed the public hearing for Petition 19-45 without public comments. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 19-44 including all discussion and Findings of Fact, seconded by Mr. Chhutani. All ayes, motion carried. (5-0)