

COMMON COUNCIL OF THE CITY OF HOBART, INDIANA

RESOLUTION NO. 2012- 04

**A Resolution Amending the Comprehensive Plan
of the City of Hobart on Conditional Uses**

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”) has received the recommendation of The Plan Commission of the City of Hobart (“Plan Commission”) to adopt a revised Article XI of the Comprehensive Plan of the City pertaining to “Conditional Uses;” and

WHEREAS, The Plan Commission, by unanimous vote, recommended that its Petition No. 12-02 be adopted and that said Article XI of the Comprehensive Plan, entitled “Conditional Uses,” be amended by striking the current Article XI and inserting in lieu thereof the new Article XI stated below; and

WHEREAS, the Plan Commission commenced a duly advertised Public Hearing on February 2, 2012 to hear public comment from interested persons on the proposed amendment to the Comprehensive Plan of the City of Hobart, Article XI entitled “Conditional Uses;” and

WHEREAS, the Council concurs in the recommendation of the Plan Commission as to the proposed amendment and now desires to approve and add such provisions to the Comprehensive Plan to govern Conditional Uses through this resolution pursuant to the authority granted to the Council by I.C. §§36-7-4-509 and 511.

IT IS, THEREFORE, RESOLVED, by the Common Council of the City of Hobart, Indiana as follows:

SECTION ONE. The Comprehensive Plan of the City of Hobart, Indiana (“Plan”) Article XI entitled “Conditional Uses,” is hereby amended, by striking out in its entirety the current Article XI, and inserting in lieu thereof, the following new Article XI:

Chapter XI. Conditional Uses

Introduction and rationale

As required by chapter 154 of the Hobart Municipal Code, the comprehensive plan must be consulted and a determination rendered by the Plan Commission prior to a public hearing and decision by the Board of Zoning Appeals. This chapter will address the current Conditional Uses that are listed in Chapter 154 of the Hobart Municipal Code. They are broken down by zoning district. The Plan Commission will use these guidelines to determine if each individual petition fits in the location that the applicant is pursuing.

Components of Determination

Considerations for every item allowed by conditional use shall conform to all development standards of the city. Site Plan review shall be required when applicable. Each determination should not only consider the guidelines below, but also adjacent zoning, future land use map, character of the neighborhood, general aesthetics, drainage, topography, natural resources, infrastructure, native plants, and native species.

A-1

(A) Airports; when considering the appropriate location take in to consideration existing and future land uses. Airports should not be placed in a location that will conflict with residential development both current and planned. Also be cognizant of transportation corridors. Airports should sit on large tracts of land and have capacity to expand if necessary. All existing native species of wildlife, plants should be taken into account. If the use is allowed, a site plan should be required so that all development standards meet the city's codes.

(B) Cemeteries; should be located as to have appropriate access and room to expand. These should not be placed in a location that would disrupt the existing or future development patterns of an area.

(C) Colleges and Universities; just like other schools can be located in residential areas. Uses such as this do not belong in industrial or heavily commercialized areas, because of the amount of land necessary to accommodate them. They should be designed to integrate into wherever they locate and not detract from the existing environment. A master plan should be presented as part of any conditional use application.

(D) Mobile Home Parks; appropriate locations would be close to mass transportation hubs or areas that are easily accessed such a primary arterials. They should be designed in a fashion to create an aesthetic quality that matches or is greater than existing residentially housing within the city. These developments must be located in an area where city sewers and water are available to every site. A mobile home park must blend in with the adjacent land uses and not negatively impact them.

(E) Nursery schools; should be located in areas where there are high concentration of nursery school aged children or in areas where growth is anticipated. They should be located where it can be easily accessed by public and private transit. The school should also be located in areas where walking is an option.

(F) Parks, Playgrounds, and Community centers; should be located where there is a concentration of residential housing and should be easily

accessed by sidewalks or multi-use trails. Any of these proposed uses should compliment or be part of the City of Hobart's Parks Master Plan. As part of the application for conditional use a master plan shall be presented.

(G) Philanthropic institutes; when considering the location, the type of scale of philanthropy should be reviewed. A location should be deemed appropriate if it blends with the existing and future land use patterns.

(H) Public Utilities; are essential to the operation of all land uses. They should blend, when possible, the adjacent land uses. Careful consideration should be made when considering safety, access, and screening from non-compatible uses. When locating in residential areas, a site plan should be create to show how they will attempt to blend within the neighborhood and still maintain effectiveness without create a hardship for the utility.

(I) Recycling drop-off centers; should be located in high traffic and visibility areas for ease of access and safety. However they shall be designed in a fashion that does not detract from the other existing and future land uses.

§154.434 and 154.436

Non-commercial WECS <100 KW; belong in an area that wind maps show as being sufficient to generate enough energy to validate their placement. WECS should not be located adjacent to large scale residential development or land that is slated for such.

Meteorological Tower; should be used to determine if location is suitable for WECS prior to WECS being proposed. A decommissioning plan should be included as part of application.

Large Solar Energy System; are ideally located where they do not disturb existing land use patterns. They should have interconnection agreement with utility provider or end user for solar energy in place prior to application. Solar Energy System should consider adjacent land uses when designing the site to ensure they do not negatively impact the character of the neighborhood. If located next to or in between non-compatible land uses, efforts will be made for site to blend reasonable into said uses.

R-1, R-2, R-3, and R-4

(A) Cemeteries; should be located as to have appropriate access and room to expand. These should not be placed in a location that would disrupt the existing or future development patterns of an area.

(B) Colleges and Universities; just like other schools can be located in residential areas. Uses such as this do not belong in industrial or heavily commercialized areas, because of the amount of land necessary to accommodate them. They should be designed to integrate into wherever they locate and not detract from the existing environment. A master plan should be presented as part of any conditional use application.

(C) Convents and monasteries; should be located on land that is large enough to serve the current and future need and designed to aesthetically complement the area. They should not be located in areas where they may disrupt the planned development patterns.

(D) Medical and Dental clinics or offices; typically should be located as a transitional use between residential and other non-complimentary uses. They are also appropriate to be located on corners of residential blocks that are heavily traveled. If located within a neighborhood that does not meet the above criteria, must show how this would be an improvement to the neighborhood and not disrupt it. Careful consideration shall be given to signage, parking, hours of operation, and screening.

(E) Nursery schools; should be located in areas where there are high concentration of nursery school aged children or in areas where growth is anticipated. They should be located where it can be easily accessed by public and private transit. The school should also be located in areas where walking is an option.

(F) Parks, Playgrounds, and Community centers; should be located where there is a concentration of residential housing and should be easily accessed by sidewalks or multi-use trails. Any of these proposed uses should compliment or be part of the City of Hobart's Parks Master Plan. As part of the application for conditional use a master plan shall be presented.

(G) Philanthropic institutes; when considering the location, the type of scale of philanthropy should be reviewed. A location should be deemed appropriate if it blends with the existing and future land use patterns.

(H) Public Utilities; are essential to the operation of all land uses. They should blend, when possible, the adjacent land uses. Careful consideration should be made when considering safety, access, and screening from non-compatible uses. When locating in residential areas, a site plan should be create to show how they will attempt to blend within the neighborhood and still maintain effectiveness without create a hardship for the utility.

(I) Recycling drop-off centers; should be located in high traffic and visibility areas for ease of access and safety. However they shall be

designed in a fashion that does not detract from the other existing and future land uses.

§154.434 and 154.436

Micro-WECS; should only be allowed in residential areas that are typically more agricultural by nature and blend into the mixture of these uses.

Meteorological Tower; should be used to determine if location is suitable for WECS prior to WECS being proposed. A decommissioning plan should be included as part of application.

Large Solar Energy System; are ideally located where they do not disturb existing land use patterns. They should have interconnection agreement with utility provider or end user for solar energy in place prior to application. Solar Energy System should consider adjacent land uses when designing the site to ensure they do not negatively impact the character of the neighborhood. If located next to or in between non-compatible land uses, efforts will be made for site to blend reasonable into said uses.

Office Service District: OS-1

(A) Uses customarily related with allowed uses in an OS-1; shall be allowed if they meet the overall intent of the district and are not in conflict with any development standards. The location of each shall bear weight as to what is and is not appropriate.

(B) Funeral parlor or mortuary establishment; the size shall be enough to allowing queuing of cars for funeral procession and off-street parking. They should be located in an area adjacent to or near cemetery that it is typically serving.

(C) Publically owned buildings, telephone exchanges and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations; should be used for primarily office use and located in a location as to not disrupt planned development patterns.

(D) Lodging rooms and dwelling units which are located above the first floor of a permitted OS-1 use; the idea of mixed uses if favorably looked upon in the city. These lodging rooms and dwelling units should be approved with the adjacent land uses, number of units, parking, green space, and ingress/egress taken into consideration.

(E) Recycling drop-off centers; should be located in high traffic and visibility areas for ease of access and safety. However they shall be

designed in a fashion that does not detract from the other existing and future land uses.

(F) Institutions for care of patients such as hospitals, sanitariums, long-term care and short-term care; should be located in areas where other similar health services are already located or are planned to do so. They should be located in areas that are easily accessed through major arterials. If located in a neighborhood setting, should blend with settings and not detract from existing uses.

§154.434 and 154.436

Micro-WECS; should only be allowed if it is proven that the Micro-WECS has sufficient wind to power it in the manner it is designed for. The micro-WECS should in some fashion be coordinate into the overall site design.

Meteorological Tower; should be used to determine if location is suitable for WECS prior to WECS being proposed. A decommissioning plan should be included as part of application.

Large Solar Energy System; are ideally located where they do not disturb existing land use patterns.

They should have interconnection agreement with utility provider or end user for solar energy in place prior to application. Solar Energy System should consider adjacent land uses when designing the site to ensure they do not negatively impact the character of the neighborhood. If located next to or in between non-compatible land uses, efforts will be made for site to blend reasonable into said uses.

B-1 and B-2

(A) Churches; careful consideration should be given to the location of churches in business districts. Considering they are often times not a complimentary use to commercial and retail establishments, they should be used as a transition or buffer between residential and commercial uses. Churches should not be placed in a location that will disrupt commercial development.

(B) Convents, monasteries, rectories and parish houses; should only be approved in conjunction with a church in commercially zoned areas.

(C) Municipal and privately-owned recreation buildings or community centers; when considering the location parking, traffic, and visibility should be closely examined. This type of use should be located in an area that allows for the full extent proposed recreational activities, but

ensure they are not in conflict with existing or proposed future uses. These uses should be near residential neighborhoods and accessible by walking, mass transit, and auto-mobile.

(D) Parking Lots and parking garages other than accessory; this is not meant to be for parking lots or garages that are constructed in conjunction with a commercial establishment, they are allowed by right. Parking of this nature should be constructed when necessary to fulfill a need for additional parking associated with nearby uses. A parking study should be completed by the petitioner prior to determining if the additional parking is warranted.

(E) Parks and playgrounds; are meant for standalone parks or playgrounds. These should be located when trying to preserve natural habitat in commercial areas. Otherwise they should be a component of a master plan that ties in residential and commercial development. They should be designed in a way to promote easy access to the site and not interfere adversely with adjacent uses. The City of Hobart Parks master plan shall be consulted with a recommendation of the Park Board or Park Superintendent prior to consideration of the Plan Commission.

(F) Philanthropic institutes; should be located in areas where there is adequate space and not adversely interfere with existing and future commercial development.

(G) Public utility and public service uses; shall be located in areas where they most serve the need. Prior to determination of Plan Commission, the petitioner must show why proposed use needs to be located at proposed site. When necessary these uses should be screened appropriately from non-compatible uses.

(H) Recycling drop-off centers; should be located in high traffic and visibility areas for ease of access and safety. However they shall be designed in a fashion that does not detract from the other existing and future land uses.

(I) Nursing home, convalescent homes and residential facilities for long or short term care; should be located in areas with similar uses or intent. When considering location ensuring the facility can appropriately be serviced by existing ambulance, fire, police, and hospitals.

(J) Undertaking establishments and funeral parlors; the size shall be enough to allow queuing of cars for funeral procession and off-street parking. They should be located in an area adjacent to or near cemetery that it is typically serving.

§154.434 and 154.436

Micro-WECS; should only be allowed if it is proven that the Micro-WECS has sufficient wind to power it in the manner it is designed for. The micro-WECS should in some fashion be coordinate into the overall site design.

Meteorological Tower; should be used to determine if location is suitable for WECS prior to WECS being proposed. A decommissioning plan should be included as part of application.

Large Solar Energy System; are ideally located where they do not disturb existing land use patterns. They should have interconnection agreement with utility provider or end user for solar energy in place prior to application. Solar Energy System should consider adjacent land uses when designing the site to ensure they do not negatively impact the character of the neighborhood. If located next to or in between non-compatible land uses, efforts will be made for site to blend reasonable into said uses.

B-3

(1) Advertising signs (billboards); should be located in areas of dense commercial development. Billboard should not be located east of Colorado St. along the US 30/Lincoln Highway/81st Ave. corridor. Billboards should not be located east of Liverpool St. along the SR 6/37th Ave. /Ridge Rd corridor. Digital signs should only be located along US 30/ Lincoln Highway/81st Ave. In no cases should billboards be placed in areas that are park, open space, or agricultural use. The size and height should be to a scale the fits the immediate surroundings. Lighting should not impact any of the adjacent land uses in a negative fashion. Special care shall be taken to not obstruct existing local signage.

(2) Outdoor amusement establishments, fairgrounds, picnic groves, kiddie parks and other similar amusement centers, including stadiums and arenas; these uses should be considered an anchor in commercial areas. They should be part of an overall development plan that incorporated more than this set of uses. The existing and future land uses in the area should dictate if the location is viable. Traffic generation and patterns should be studied to ensure there will not be a negative impact. If adjacent to residential development appropriate consideration should be given.

§154.434 and 154.436

Micro-WECS; should only be allowed if it is proven that the Micro-WECS has sufficient wind to power it in the manner it is designed for. The micro-WECS should in some fashion be coordinate into the overall site design.

Meteorological Tower; should be used to determine if location is suitable for WECS prior to WECS being proposed. A decommissioning plan should be included as part of application.

Large Solar Energy System; are ideally located where they do not disturb existing land use patterns. They should have interconnection agreement with utility provider or end user for solar energy in place prior to application. Solar Energy System should consider adjacent land uses when designing the site to ensure they do not negatively impact the character of the neighborhood. If located next to or in between non-compatible land uses, efforts will be made for site to blend reasonable into said uses.

Planned Business Park: PBP

(A) Establishments engaged in production, processing, cleaning testing or repair other than those specifically listed as permitted uses in PBP districts, but not including any use first listed as permitted in a M-1 district; these unnamed uses should be considered allowable when they are of the same intent of those enumerated within the allowable uses in a PBP. These uses may be of a new technology or process that did not exist at the time these uses were written. If a use is determined to fit the above parameters, they must still follow existing development standards.

(B) Airports and heliports; when considering the appropriate location take in to consideration existing and future land uses. Airports and heliports should not be placed in a location that will conflict with residential development both current and planned. Also be cognizant of transportation corridors. Airports should sit on large tracts of land and have capacity to expand if necessary. All existing native species of wildlife, plants should be taken into account. If the use is allowed, a site plan should be required so that all development standards meet the city's codes.

(C) Bus terminals; should be located along major arterials and have direct access to highways or other parts of the transit network.

(D) Stadiums, auditoriums and arenas; these uses should be considered an anchor in commercial areas. They should be part of an overall development plan that incorporated more than this set of uses. The existing and future land uses in the area should dictate if the location is viable. Traffic generation and patterns should be studied to ensure there will not be a negative impact. If adjacent to residential development appropriate consideration should be given.

(E) Theatres, automobile drive-in; should be located on a primary arterial or minor arterial that is suitable for the traffic that is generated by this

operation. Drive-in will need to give consideration to development patterns to determine if this is a compatible use.

(F) Recycling drop-off centers; should be located in high traffic and visibility areas for ease of access and safety. However they shall be designed in a fashion that does not detract from the other existing and future land uses.

(G) Recycling stations; should be located in PBP zoning that is not near any large scale residential development. Recycling Stations are not compatible with uses in a PBP that are more commercial by nature.

§154.434 and 154.436

Micro-WECS; should only be allowed if it is proven that the Micro-WECS has sufficient wind to power it in the manner it is designed for. The micro-WECS should in some fashion be coordinate into the overall site design.

Meteorological Tower; should be used to determine if location is suitable for WECS prior to WECS being proposed. A decommissioning plan should be included as part of application.

Large Solar Energy System; are ideally located where they do not disturb existing land use patterns. They should have interconnection agreement with utility provider or end user for solar energy in place prior to application. Solar Energy System should consider adjacent land uses when designing the site to ensure they do not negatively impact the character of the neighborhood. If located next to or in between non-compatible land uses, efforts will be made for site to blend reasonable into said uses.

M-1

(A) Establishments engaged in production, processing, cleaning testing or repair other than those specifically listed as permitted uses in M-1 districts, but not including any use first listed as permitted in a M-2 district; these unnamed uses should be considered allowable when they are of the same intent of those enumerated within the allowable uses in a M-1. These uses may be of a new technology or process that did not exist at the time these uses were written. If a use is determined to fit the above parameters, they must still follow existing development standards.

(B) Airports and heliports; when considering the appropriate location take in to consideration existing and future land uses. Airports and heliports should not be placed in a location that will conflict with residential development both current and planned. Also be cognizant of transportation corridors. Airports should sit on large tracts of land and have capacity to expand if necessary. All existing native species of

wildlife, plants should be taken into account. If the use is allowed, a site plan should be required so that all development standards meet the city's codes.

(C) Bus terminals; ideally would be located near primary arterials that have direct access to a highway system. Location should serve as a hub for a transportation network.

(D) Concrete and cement products, batch plants; should only be located on roads that can handle the weight of the trucks associated with transporting the materials to and from the site. Ideally would be located close to primary arterials and highways for this purpose. Concrete Plants and the like should not be in areas that are directly adjacent to dense residential development.

(E) Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses; there are few if any locations within the city that would be an appropriate location. This type of use belongs in an area that would not impact residential development. This use is would also not be a complimentary use to standard retail commercial. If this use would be approved, it would belong in a location that ties into existing rail lines and is in a large scale industrial area.

(F) Stadiums, auditoriums and arenas; these uses should be considered an anchor in commercial areas. They should be part of an overall development plan that incorporated more than this set of uses. The existing and future land uses in the area should dictate if the location is viable. Traffic generation and patterns should be studied to ensure there will not be a negative impact. If adjacent to residential development appropriate consideration should be given.

(G) Theatres, automobile drive-in; should be located on a primary arterial or minor arterial that is suitable for the traffic that is generated by this operation. Drive-in will need to give consideration to development patterns to determine if this is a compatible use.

(H) Recycling drop-off centers; should be located in high traffic and visibility areas for ease of access and safety. However they shall be designed in a fashion that does not detract from the other existing and future land uses.

(I) Recycling stations; should be located in M-1 zoning that is not near any large scale residential development. Recycling Stations are not compatible with uses in a M-1 that are more commercial by nature.

(J) Adult entertainment facilities and uses, establishments identified as but not limited to; lingerie stores, massage parlors/spas, body art and piercing or tattoo parlors/studios; and other establishments identified as

book stores, restaurants, dance clubs, nightclubs, bars/taverns, theatres, and dwelling units, operating in conjunction with the selling or renting of goods and service of persons or objects appearing in a state of nudity or depicting/describing or relating to sexual conduct or sexual excitement or similar demeanor determined by the Plan Commission; should only be allowed along the US 30 corridor and 37th Ave. /SR 6/Ridge Rd. west of Liverpool Rd. The above uses should not be within 3000 ft of a church or school. They should also not be closer to a single family residence than 1000 ft.

§154.434 and 154.436

Non-commercial WECS <100 KW; belong in an area that wind maps show as being sufficient to generate enough energy to validate their placement. WECS should not be located adjacent to large scale residential development or land that is slated for such.

Meteorological Tower; should be used to determine if location is suitable for WECS prior to WECS being proposed. A decommissioning plan should be included as part of application.

M-2

(A) Any use which may be allowed as a conditional use in an M-1 district, as set for in 154.214; will use the same standards as listed above.

(B) Vehicle salvage yards and disposal sites, including areas for the disposal of garbage, refuse and trash; belong in areas that are isolated from all other residential and commercial uses. They should locate on a road that will be sufficient to handle the load requirements. A study should be completed prior to application showing the proposed location being the most suitable site. Environmental concerns should be paramount in deciding if location is appropriate.

(C) Incinerators; locations for this use should first consult with the Environmental Protection Agency and Indiana Department of Environmental Management to determine if the materials proposed to be incinerated meet state and federal regulations. A use such as this should be in a location that would not adversely impact any additional land uses.

(D) Sewage Treatment; should only be located in an area that would make the most strategic sense when it comes to need. A study should be completed to prove the proposed location is the only suitable site. Great care should be taken as to how this would impact all adjacent land uses.

§154.434 and 154.436

Non-commercial WECS <100 KW; belong in an area that wind maps show as being sufficient to generate enough energy to validate their

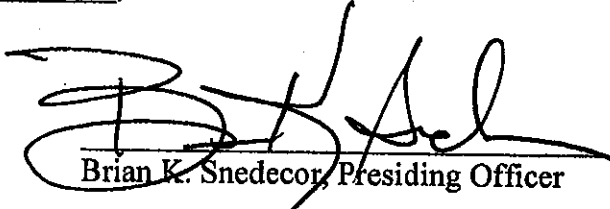
placement. WECS should not be located adjacent to large scale residential development or land that is slated for such.

Commercial WECS > 100 KW; should only be allowed if wind maps show that proposed location is an ideal location for a large scale WECS. As part of application a maintenance, interconnection agreement, and decommissioning plan should be included.

Meteorological Tower; should be used to determine if location is suitable for WECS prior to WECS being proposed. A decommissioning plan should be included as part of application.

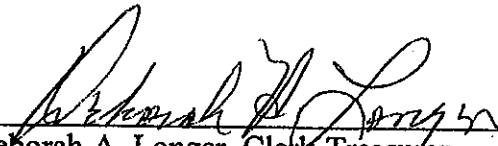
SECTION TWO: The City Planner is hereby authorized to amend the remaining sections of the Plan, to incorporate references as needed to include this new Article. This Resolution shall become effective upon approval.

ADOPTED and APPROVED by the Common Council of the City of Hobart, Indiana on this 15th day of February, 2012



Brian K. Snedecor, Presiding Officer

ATTEST:



Deborah A. Longer, Clerk-Treasurer

