

Sponsor: Councilman Anthony Higgs
Petitioner: Vermilion Enterprises, LLC

ORDINANCE No. 9260

AN ORDINANCE AMENDING ORDINANCE NO. 8514, ALSO KNOWN AS THE HAMMOND ZONING ORDINANCE, FOR PURPOSES OF ADOPTING A PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE FOR THE DOUGLAS POINTE PLANNED UNIT DEVELOPMENT ESTABLISHING THE PROVISIONS FOR PARCEL E OF THE DOUGLAS POINTE PLANNED UNIT DEVELOPMENT AS A SUPPLEMENT TO THE ZONING ORDINANCE

Whereas, the City of Hammond established its zoning regulations by and through the passage of Ordinance 8514, being effective in October 2003 and as amended from time to time; and

Whereas, Ordinance 8514 replaced the previous Zoning Ordinance 4683, being effective in June 1981 and as amended from time to time; and

Whereas, Ordinance 4683, as amended, was the ordinance in effect at the time of the adoption of the Preliminary Plan of PUD for the Douglas Pointe Planned Unit Development;

Whereas, the Preliminary Plan of PUD for the Douglas Pointe Planned Unit Development was established by the Plan Commission under CP-91-09 and Council Resolution 7453R (1992) and was subsequently amended by the Plan Commission under CP-92-07 and Council Resolution 7633R (1993); and

Whereas, the Preliminary Plan of PUD for Douglas Pointe (CP-91-09) established seven Parcels (A through F, both inclusive) and specified the uses for each parcel and allowing the development to proceed in phases; and

Whereas, in the Preliminary Plan of PUD parcel D was defined as a residential use and parcel E was defined as a commercial use; and

Whereas, the plat of PUD was amended under CP-92-07 and redefined the lots as Lot 1, Lot 2, Parcel A, Parcel B, Parcel C, Parcel D, Parcel E, Parcel F, Parcel G and Parcel H all in the Replat of Douglas Pointe, a Planned Unit Development, and as amended by the Corrective Plat of the Replat of Douglas Pointe; and

Whereas, in said Corrective Plat, Lot E encompasses the area of the original Lot E and D, but the separate uses established in the said preliminary plan remained unchanged; and

Whereas, the housing needs in the area have changed in that there is a demonstrated need for assisted-living housing facilities for seniors and/or similar special needs populations; and

Whereas, Vermilion Development seeks to amend the Preliminary Plan of PUD for Parcel E of the Douglas Pointe PUD to allow for the construction of assisted-living senior housing and adopt a Planned Unit Development District Ordinance for Parcel E in compliance with I.C 36-7-4-1500 series; and

Whereas, the adoption of the Douglas Pointe Planned Unit Development District Ordinance for Parcel E will be an amendment to Ordinance 8514 as a supplement to the main ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana, that Ordinance 8514 shall be amended by the establishment of the Douglas Pointe Planned Unit Development District Ordinance for Parcel E as a supplement to the main ordinance as follows:

PUD Supplement 2

Douglas Pointe Planned Unit Development District

PS2-100 Intended Purposes

The Douglas Pointe Planned Unit Development District was established in 1991 to guide the development of what was previously known as the New Town Commons area. The intent of the Douglas Pointe PUD was to provide a variety of housing types to meet the needs of the community including some commercial services as well as the minimum 8% open space requirement pursuant to Ordinance 4683 Title XIII S-2 Planned Unit Development District Section 3 Preliminary Plan, Subsection E and Ordinance 8514 Title XVI PUD-Planned Unit Development District Procedures Section 16.02 Definitions and Section 16.50 Preliminary Plan, Subsection E.

PS2-101 Location and Legal Description

The Douglas Pointe PUD district is bounded by Douglas Street on the north, Sohl Avenue and the rear (west) property lines on the parcels fronting on Sohl Avenue on the east and the Erie Lackawanna Trail on the south and west. The district is divided into ten (10) parcels with an original total net acreage of 43.4947 acres, more or less.

The legal description of the entire Douglas Pointe Planned Unit Development is Lot 1, Lot 2, Parcel A, Parcel B, Parcel C, Parcel D, Parcel E, Parcel F, Parcel G and Parcel H all in the Replat of Douglas Pointe, a Planned Unit Development, in the City of Hammond, as per plat thereof, recorded in Plat Book 76, page 19, and as amended by the Corrective Plat of the Replat of Douglas Pointe, recorded in Plat Book 76, page 49, in the Office of the Recorder of Lake County, Indiana.

The legal description also includes the Lots 1-36, Outlots A, B, and C of The Sohl Avenue Villas Planned Unit Development Addition to the City of Hammond, being a resubdivision of Parcel D of the Corrective Plat of the Replat of Douglas Pointe PUD, as recorded as document number 2006 006676 in Plat Book 98, Page 95, in the Office of the Recorder of Lake County, Indiana.

PS2-103 Preliminary Plan of PUD

The original Preliminary Plan of PUD was established by the Plan Commission under CP-91-09 and Council Resolution 7453R (1992). The Preliminary Plan of PUD was amended by the Plan Commission under CP-92-07 and Council Resolution 7633R (1993). Ordinance 4683 was in effect at the time of the adoption of the original Preliminary Plan of PUD. In accordance with Ordinance 8514 Section 16.15, PUD's established prior to October 31, 2012 shall continue to be governed by the provisions of Council Resolutions at the time of adoption. However, after October 31, 2012, any amendment to the PUD provisions shall be done so by PUD Ordinance.

PS2-104 Review of Final Development Plan of PUD

The review of a Final Development Plan of PUD is subject to Title XVI PUD Planned Unit Development District Procedures and Title XXVII Development Plans.

PS2-200 Parcel E Location and Legal Description

Parcel E in the Replat of Douglas Pointe, a Planned Unit Development, in the City of Hammond, as per plat thereof, recorded in Plat Book 76, page 19, and as amended by the Corrective Plat of the Replat of Douglas Pointe, recorded in Plat Book 76, page 49, in the Office of the Recorder of Lake County, Indiana is located at the northwest corner of Hyles Boulevard and Sohl Avenue.

PS2-201 Parcel E Amendment to the Preliminary Plan of PUD

In the Preliminary Plan of PUD (CP-91-09), Parcel D was defined as a residential use and Parcel E was defined as a commercial use. In the adoption of the said Replat of Douglas Pointe (CP-92-07), the original Parcels D and E were combined and renamed as Parcel E. However the Preliminary Plan of PUD was not modified to correspond to the change in the lot configuration. Therefore, the original Preliminary Plan of PUD is hereby amended for Parcel E as defined in said Replat of Douglas Pointe and in said

Corrective Plat of the Replat of Douglas Pointe to change the designated use of said Parcel E to be Residential in total and as further defined herein.

PS2-202 Parcel E Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for Parcel E of the Douglas Pointe PUD and govern the development as a whole and final development plan approval process. Any provisions not specified herein are governed by the applicable provisions otherwise specified in the Zoning Ordinance as may be amended from time to time. For any provisions in conflict, the strictest provision shall govern.

PS2-203 Parcel E Permitted Uses

The primary permitted use is an assisted living facility pursuant to the definition in Title I of Ordinance 8514.

PS2-204 Parcel E Accessory uses

Accessory uses are those services that support and/or assist the residents and the operation of the facility and shall include, but not limited to:

- a) Barber and beauty shops;
- b) Central or common dining with associated kitchen facilities
- c) Office for management, operational, and security services;
- d) Laundry facilities;
- e) Wellness Support Services;
- f) Recreation, fitness, media rooms;
- g) Small meeting/gathering rooms;
- h) Similar uses and services supporting the residents and facilities

Accessory uses shall not exceed 20% of the total square footage of the building and shall be provided for and made available to the residents, authorized guests, and authorized employees of the facility and

PS2-205 Parcel E Development provisions.

- a) Parcel size: +/- 4.6951 acres.
- b) Maximum building lot coverage: 40%.
- c) Number of buildings: 1.
- d) Number of Residential Units: a maximum of 125 dwelling units—a mix of studio and one-bedroom units, with a maximum of 10 two-bedroom units.
- e) Number of stories: 4, not to exceed 60' in height at the highest peak.
- f) Building setback: Front yard 30': along Sohl Avenue, Hyles Boulevard and Pointe Drive.
 Rear/non-street yard 30'.

- g) Parking ratio: One space per three units, plus 10% for visitors, plus parking for employees up to a maximum of 71 spaces
- h) Handicapped parking is based on Americans with Disabilities Act and T/S 20.40.02.
- i) Usable open space: A minimum of 250 square feet of usable open space per dwelling unit exclusive of the required yard setback areas and hard surface areas including but not limited to the building, parking, and sidewalks.
- j) Any other provision not provided for herein is subject to the provisions of Title VI – R-4 High Density Residential District or other applicable sections of the Hammond Zoning Ordinance

Section 2

Severability

- A. If any Court of competent jurisdiction shall adjudge any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or amendment thereto, to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, or amendment thereto, not specifically included in said judgment. It is expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared invalid or unconstitutional.
- B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance, or amendment thereto, to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
- C. If any Court of competent jurisdiction shall determine that any word, clause, phrase, sentence, paragraph, or subsection of the Ordinance, or amendment thereto, is unconstitutional as worded, the court shall first attempt to construe or interpret such unconstitutional provision so as to enable the same to be constitutional as so narrowed or construed. If the court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences, or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a subordinate clause, phrase, or word render the attached major section or provision unconstitutional, but instead such subordinate clause, phrase, or word shall be severed there from, unless such severance renders the remainder wholly meaningless or unconstitutional.

BE IT FURTHER RESOLVED by the Common Council of the City of Hammond that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof, and approval by the Mayor.

Michael Opinker, President /s/

Attest:

Robert J. Golec, City Clerk /s/

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City, for his approval on the 12th day of August, 2014.

Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9260, consisting of six (6) pages, including this page was approved by the Mayor on the 12th day of August, 2014.

Thomas M. McDermott, Jr., Mayor /s/
City of Hammond, Indiana

PASSED by the Common Council on the 11th day of August, 2014 and approved by the Mayor on the 12th day of August, 2014.

Robert J. Golec, City Clerk /s/