

Sponsor: Councilman Mark Kalwinski
Petitioner: Marina District Development, LLC.

ORDINANCE No. 9310

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 MARINA DISTRICT DEVELOPMENT PLANNED UNIT DEVELOPMENT ESTABLISHING THE PROVISIONS FOR THE MARINA DISTRICT DEVELOPMENT 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

Whereas, Ordinance 8514 has been amended from time to time; and

Whereas, the Marina District Development, LLC seeks to establish zoning and development provisions for a Planned Unit Development for property around the intersection of 5th Avenue and Indianapolis Blvd. and adopt a Planned Unit Development District Ordinance in compliance with I.C 36-7-4-1500 series; and

Whereas, the adoption of the Marina District Development Planned Unit Development District Ordinance 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 Marina District Development Planned Unit Development District Ordinance as a supplement to the main ordinance as follows:

Section 1 Amend PUD Supplement by adding a new section as follows:

PUD Supplement 3 Marina District Development Planned Unit Development

PS3-100 Intended Purposes

The Marina District Development Planned Unit Development District is intended to be designed as a unified development that allows for opportunities for commercial retail space and restaurant offerings. The intent of the development is to create a successful commerce center achieving a balance and mixture of uses such as specialty retail,

banking, restaurants, and entertainment with easy access to a regional market due to the proximity of the Indiana Tollway (I-90). Building heights and signs may vary from one property to the next; however, a general consistency shall be retained to create a continue sense of character.

PS3-101 Location and Legal Description

The Marina District Development PUD district is centered at the intersection of 5th Avenue and Indianapolis Blvd.

The property is legally described as Lots 1-8, Outlot A and B, Marina District Development (A Planned Unit Development) Addition to the City of Hammond.

PS3-102 Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for the Marina District Development PUD District Ordinance 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.

PS3-103 Permitted Uses

The permitted uses are commercial and retail uses typically located in the any of the Commercial zoning districts as defined in Title VII, VIII, IX, and X, but subject to the limitations hereafter.

PS3-103.01 Permitted Uses for Lots 1-8

1. Bank or Financial Institution (including drive-thru, subject to Title XIX), limited to one (1)
2. General Merchandisers, retail
3. Hardware (30,000 SF or less)
4. Hotel
5. Liquor Store (limited to one (1), shall be only located in a multi-tenant retail building)
6. Multi-tenant retail building, small (tenant space from 1,200 SF to 5,000SF)
7. Multi-tenant retail building, large (tenant space from 5,000 SF to 60,000SF)
8. Pharmacy/drug store
9. Restaurant, Sit-Down, Fast-Casual
10. Restaurant, Fast Food (including drive-thru, subject to Title XIX)
11. Restaurant Open Air or Outdoor Seating Accessory Use (subject to T/S 18.71)
12. Retail Automotive use (i.e. auto-parts, battery, tires) (limited to one (1), only on Lots 1, 2, 3, or 8).
13. Retailers that advertise, specialize, or concentrate on low-cost merchandise at a common price (e.g. dollar store); only one (1) "dollar store" may be permitted but shall be located exclusively on Lot 1.

14. Other similar uses of the same general character as the above permitted uses, as determined by the Plan Commission and Redevelopment Commission.

PS3-103.02 Permitted Uses for Outlot A and B

1. The Common Space (Outlots A and B) is intended to provide shared drainageway and storm water detention area, as well as shared access drives for the passage of motor vehicles and pedestrians to and from all abutting public streets and rights-of-way.
2. Outlot A is a utility, drainage, and ingress/egress easement serving the lots 4-8. The access drives of the ingress/egress easement are Marina Drive, running north and south, and Roby Drive, running east and west. Marina Drive and Roby Drive are classified as private streets. Maintenance of the two private streets is subject to a private agreement. The Outlot A also contains a detention basin with a storm water management easement and a sign easement.
3. Outlot B is a detention basin with a drainage and storm water management easement serving Lots 1-3.
4. No other uses are permitted.

PS3-104 Prohibited Uses

These uses are prohibited on all lots and outlots.

1. Adult Entertainment Business
2. Fireworks (Consumer and/or Special)
3. Fueling Station
4. Industrial uses
5. Pawn shop or alternative financial business
6. Resale or consignment establishment
7. Residential uses
8. Retailers that advertise, specialize, or concentrate on low-cost merchandise at a common price (e.g. dollar store); prohibited on Lots 2, 3, 4, 5, 6, 7, 8, Outlot A, and Outlot B
9. Retailers whose primary sales are tobacco products
10. Vehicle rental, sales
11. Other similar uses of the same general character as the above prohibited uses, as determined by the Plan Commission and Redevelopment Commission.

PS3-105 Developmental provisions

PS3-105.01 Height Regulations

No building or structure shall exceed 40 feet or three (3) stories in heights; except that on Lot 1, no building or structure shall exceed 43 feet.

PS3-105.02 Minimum Lot Area
The minimum lot shall be 0.75 acres.

PS3-105.03 Building Setback/Yard Requirements		
Lot 1	Front yard (5 th Avenue)	10'
	Side, Rear yard	25'
Lot 2	Front yard (5 th Avenue)	40'
	Side yard	10'
	Rear yard	20'
Lot 3	Front yard (5 th Avenue)	40'
	Side yard (Indpls. Blvd.)	40'
	Side yard	10'
	Rear yard	25
Lots 4, 5, 6, 7		
	Front yard (Indpls.Blvd.)	40'
	Side yard (5 th Av. Lot 4)	20'
	Side yard (Marina Dr. Lot 7)	15'
	Side yard (internal)	10'
	Rear yard (Roby Drive)	30'
Lot 8	Front yard (Roby Drive)	15'
	Side yard (Marina Dr.)	15'
	Rear yard	10'
Outlots A, B No yards		

All setbacks are subject to the corner vision obstruction provisions of T/S 18.20.

PS3-105.04 Building coverage
Not more than 45 percent of the area of any lot shall be occupied by buildings.

PS3-105.05 Parking Requirements

- A. Banks, financial institutions per T/S 20.44.05
- B. Drive –thru (non-restaurant) per T/S 20.44.09
- C. Restaurant uses: 6 spaces per 1000 gross square feet.
- D. Restaurant, Drive-thru per T/S 20.44.17
- E. Retail/commercial: 4 spaces per 1000 gross square feet.
- F. Uses not specified subject to Title XX
- G. T/S 20.40.01 regarding employee parking does not apply.
- H. The number of handicapped spaces is subject to the ADAAG.

PS3-105.06 Parking Area Design

- A. Parking spaces are a minimum of 9.5'x19'.
- B. Aisles are a minimum of 22'.
- C. Van accessible handicapped spaces are 11' wide for the vehicle with 5' for accessible/striped area.

- D. Regular handicapped spaces are 9.5' wide with 5' minimum for the accessible/striped area.
- E. Parking areas shall be setback a minimum of 10' from 5th Avenue and/or Indianapolis Blvd.
- F. The design of parking areas is subject to T/S 20.32, including, but not limited to, applicable landscape provisions, and the ADAAG.

PS3-105.07 Sidewalks/Bicycle access

Sidewalks shall be provided within the PUD and meet the minimum requirements of the City Engineer. A minimum 8' wide bicycle/pedestrian pathway shall be provided on 5th Avenue to connect the existing pathway/biketrail along 112th Street to Roby Drive, with a minimum 5' sidewalk between Roby Drive and Indianapolis Blvd. Bike racks or similar are encouraged to be provided near the store entrances.

PS3-106 Landscaping and Open Space

PS3-106.01 PUD Open Space requirement

The total acreage of the PUD is 18.89 acres. A minimum of 8% is to be set aside as open space. Pursuant to T/S 16.02, the open space may be any combination of recreational areas, natural areas, common areas, drainage areas, or similar areas approved by the Plan Commission. Therefore a minimum of 1.5 acres shall be set aside as open space. Outlot B which contains a detention area is 2.38 acres. The detention area in Outlot A is .52 acres. There are 1.3 acres +/- of open space above the minimum requirement.

PS3-106.02 Minimum required landscaping

Each lot shall provide for landscaping areas that total 10% of the individual lot. This 10% is in addition to the 8% requirement in PS3-106.01.

Landscaping shall meet the requirements set forth in T/S 22.50 et seq. Landscaping areas shall include at a minimum areas around the perimeter of the parking field, tree islands, planting areas around free-standing signs.

PS3-106.03 Landscape plans submitted as part of a Development Plan

A landscape plan shall be submitted as a part of both the preliminary and final development plan of the site. It shall identify the location, the individual square footage of the landscape areas, and types and sizes of all plant materials. The plan drawing shall be a minimum size of 24"x36" and a digital version.

PS3-106.04 Review and modification of Landscape Plan

The Plan Commission will review the plan in accordance with the provisions of T/S 22.50 et seq. The goal is to provide for as much landscaping and green infrastructure as possible. The Plan Commission may consider modifications of location and sizes of landscape areas and plantings, including, but not limited to, concentrating the location of landscape areas towards the front or street side of the building or site. In the event that the 10% landscaping cannot be provided for on an individual lot, the Plan Commission may allow for the reduction of the 10% requirement. However, any reduction:

- 1) shall be the least amount necessary;
- 2) shall not result in landscaping areas be less than 5% of the site;
- 3) shall not reduce or eliminate the minimum requirements of T/S 22.70, 22.71, and 22.80; and
- 4) shall be compensated for by locating an amount of the area equal to the reduced landscaping area into the Outlot A and/or B. Additional plants, trees, shrubs, or similar shall be either added on the development lot or in the relocated area in the outlot(s). An equal amount of area may also be compensated for by green roofs pursuant to U.S. EPA or comparable state regulation or guidance.

PS3-106.05 Installation of landscaping

All required landscaping shall be installed within one year of the issuance of an Improvement Location Permit, unless otherwise authorized by the Plan Commission.

PS3-106.06 Maintenance of landscaping

The landscaping shall be properly maintained at all times, upon installation and thereafter. Proper maintenance includes, but is not limited to, replacing dead plantings with identical varieties or a professionally acceptable substitute, proper pruning, provision of adequate water, and keeping the area free of refuse and debris.

PS3-107 Screening

PS3-107.01 Dumpster enclosures, recyclable enclosures

All dumpsters, central trash receptacles, refuse areas, recyclable receptacles shall be screened and surrounded by an approved enclosure.

PS3-107.02 Location of enclosures

Enclosures shall be located:

- 1) on an impervious surface; and
- 2) a minimum of 1 foot from any property line.

Enclosures shall not be located:

- 1) on a required parking space;
- 2) between the primary building line and the front lot line; and
- 3) within any corner vision obstruction triangle (T/S 18.20).

PS3 107.03 Material of enclosures

The materials of an enclosure shall be:

- 1) accessed by a solid fence or gate (wood, PVC, or similar); and
- 2) of an opaque material such as brick, CMU/masonry products, wood, PVC, sustainable materials or similar materials architecturally compatible with the design and materials of the building or overall development.

Enclosures on Lots 4-8 are limited to brick or CMU/masonry products architecturally compatible with the design and materials of the building or overall development.

The materials of an enclosure shall not be:

- 1) Chain-link, slatted or open.

PS3 107.04 Outside Storage or Displays

No outside, unenclosed storage or display of materials or equipment shall be permitted on any lot. All materials and equipment shall be contained within an area enclosed in proximity on all sides by a solid fence, wall, mound, or similar means of enclosure. Permitted enclosure material shall be architecturally compatible with the design and materials of the building or overall development such as brick, CMU/masonry products, wood, PVC, sustainable materials. Chain link fences are prohibited. The enclosure is not required to have a roof. The sides of the enclosure shall be the greater of six feet or two feet taller than the assemblage of material or equipment being enclosed. All sides of the enclosure structure, including doors or gates, shall be opaque.

PS3-108 Architectural Character

PS3-108.01 Four-Sided Architecture.

Example of four-sided architecture and articulation on a retail national chain store.

Mashpee, Massachusetts

The architectural design within the PUD is to use consistent materials, color, and design to create a harmonious unified commercial/retail center development, balancing a sense of variety but compatibility.

All sides of a building shall employ a combination of at least three architectural features, such as windows, variety of colors, patterns, and façade articulation. Buildings shall have the same degree of

finish and details on all elevations. Flat, blank walls shall not be allowed.

Figure PS3-108.01

Windows, architectural detailing, and the articulation of entrances should be prominent and proportional with the building's size and mass.

Articulation: Buildings shall avoid long, uninterrupted facades and/or blank walls. Wall articulation (such as change of material; projections or recesses, pilasters, cornices, windows, etc.) shall occur at a distance not greater than every 100 feet on façades facing Casino Center Drive overpass. Wall articulation shall occur at a distance not greater than every 40 feet for all other building façades. All buildings shall have at least one (1) elevation change in the roof line.

Walls without windows shall not be permitted when facing or along a public right-of-way except on Lot 1.

PS3-108.02 Exterior materials

A minimum of 50% of each façade shall be masonry. Masonry shall be brick, architectural grade decorative concrete block/CMU, or stone. The lower 24" of the façade measured from grade or the sidewalk shall be masonry and separated from the upper façade with a watertable.

Other exterior materials may be wood or hardiplank lap siding, ceramic, or glass. EIFS may be used only as an accent (up to 25% of the wall surfaces). Other materials may be approved if determined that the materials meet the intent and purpose of these guidelines.

Colors of the exterior materials shall be earthtones and consistent with adjoining buildings.

PS3-108-03 Awnings

Awnings shall be metal or standing seam and be of one primary color consistent with the user's (tenant's) image. Framing is to be black or brown, not silver.

PS3-108.04 Roof lines and materials

All buildings must have at least one (1) elevation change in the roofline.

Visible roof materials shall be traditional in composition and complement the architectural features of the structure.

Any rooftop mechanical equipment visible from an adjoining street shall be screened with suitable walls, parapet walls, or fencing.

PS3-109 Lighting

PS3-109.01 Lighting Plan

As a part of the final development plan, a lighting plan, including photometrics, shall be submitted to and approved by the Plan Commission as part of the development plan process. The lighting plan shall show layout, spread, and intensity of all site lighting and include:

- 1) Parking lot and service/storage area lighting,
- 2) Architectural display lighting,
- 3) Security lighting,
- 4) Lighting of sidewalks and pathways, and
- 5) Landscape lighting.

PS3-109.02 Lighting conformance

All on-site lighting shall conformance with the requirements in the Zoning Ordinance or as otherwise specified herein. The stricter provision shall govern.

PS3-109.03 General Design standards

- A. All site lighting shall be coordinated throughout and be of uniform design, color, and materials. Special attention shall be given to the intensity, function, and appearance of lighting to be installed
- B. Light sources shall be located in such a way that minimizes light spilling over onto contiguous properties to a level no greater than 3 footcandles at the property line.
- C. Lighting shall be installed so as to reflect away from adjoining properties. Covers shall be installed on lighting fixtures to limit the upward disbursement of light. Lamps shall not extend below the bottom of such covers.

PS3-109.04 Standards for Buildings

- A. Building entrances will be lighted in such a way to maintain a minimum of one-half (.5) foot-candles at the entrance.
- B. All building light fixtures are to be either brown or black in color.
- C. Direct upward lighting and lighting aimed at structures are prohibited except as follows:

- 1) Accent lighting of architectural features provided that no glare or off-site light spillover is produced. Lamps must be low intensity and emit less than 1,600 lumens.
 - 2) Other lighting aimed against a structure provided that the light is contained by the structure, no glare is visible off-site and the fixture is fully shielded so none of the light emitted above the horizontal plain of the fixture crosses over the property line.
- D. Any fixture attached to the building shall not exceed the height of the building.

PS3-109.05 Standards for the site, parking lot, landscape areas.

- A. Freestanding fixtures shall not exceed 30 feet in height as measured from grade to the top point of the fixture.
- B. The light shall be focused down and otherwise shielded to not allow light spread or spillover towards the sky.
- C. Low voltage landscape light (or similar) for the purpose of lighting shrubbery, trees, walkways, etc.) shall be permitted provided that
 - 1) the lighting is not mounted on a pole or building,
 - 2) it is shielded to eliminate glare and/or light spillover.
 - 3) the fixture/lamp emits a maximum of 750 lumens.

PS3-110 Signs

PS3-110.01 Sign Plan

A sign plan shall be provided to the Plan Commission as a part of the development plan review process. The sign plan shall include the dimensions, square footage, location of all signs and sign structures, illumination, and lettering typeface. The Plan Commission shall review and approve the sign plan in accordance with the applicable provisions of Title XXI Sign and the provisions herein. For any regulations or provisions in conflict, the strictest shall govern.

PS3-110.02 General design criteria.

- A. All lines of sign lettering shall run horizontally. A sign may consist of a maximum of two (2) lines of lettering.
- B. All lettering shall be upper case or lower case or combinations thereof.
- C. For signs on a multi-tenant building, maximum length of signs shall be limited to 75% of the leased frontage and located with the centered 75% area of the frontage.
- D. For signs on a multi-tenant building, the principal centerline of all sign letters shall be aligned on an established base line.
- E. Signs, illuminated only by non-flashing light with no moving parts are permitted, subject to applicable regulations set forth elsewhere in the Ordinances of the City of Hammond. A sign in direct line of vision of

any traffic signal shall not have red, green, or amber illumination that would cause a visual conflict with the traffic signal.

- F. All free-standing signs are subject to a 10' setback from any property line and are subject to the requirements of the corner vision obstruction triangle (T/S 18.20).

PS3-110.03 Free-standing off-premise signs

Three free-standing signs that are intended to serve more than one business and/or are not located on the same lot that the business is located are permitted.

1) FS-1

A free-standing pylon is allowed on Lot 7 at the southeast corner of Marina Drive and Indianapolis Blvd., located within a 30' sign easement as identified on the plat. The sign is a maximum of 20' in height by 24.5' in width. It is two sided with an upper larger sign panel of 95 square feet on each side and a lower smaller sign panel of 72 square feet on each side available. The upper panel is available to the user of 1100 5th Avenue (Lot 1, Resubdivision of Lot 1 New Roby First Addition). The lower smaller sign panel is available to the principal user/tenant on Lot 8 or the largest user/tenant of Lot 1. The sign is considered to be a permitted off-premise sign. Alternative users may be allowed, but the sign is for the exclusive use of the users/tenants within the Planned Unit Development.

2) FS-2

A free-standing pylon sign is allowed on Lot 4 at the southwest corner of 5th Avenue and Indianapolis Blvd., located within a sign easement as identified on the plat. The sign is 27' in height and 14' 8" in width at the base. It is a two-sided sign with a total of 200 SF in sign panels on each side above the base and a total of 20 square feet on each side on the base. The sign is available to the users/tenants of Lot 1 and the user of 1100 5th Avenue (Lot 1, Resubdivision of Lot 1 New Roby First Addition) and is considered to be a permitted off-premise sign. Alternative users may be allowed, but the sign is for the exclusive use of the users/tenants within the Planned Unit Development.

3) FS-3

A free-standing monument sign is allowed on Outlot A within the sign easement as identified on the plat. The sign is a maximum of 7.5' in height by 20' in width. The sign panel is allowed to be two-sided at a maximum of 4'9" in height by 20' in width, resting on a base of a maximum of 2'7". The sign is available to the user of 1100 5th Avenue (Lot 1, Resubdivision of Lot 1 New Roby First Addition) and is considered to be a permitted off-premise sign.

PS3-110.04 Free-standing monument signs.

Lots 2, 3, 4, 5, 6, 7, and 8 are allowed one (1) monument sign with a maximum of 10' in height and 10'8" in width at the base. The sign panel for Lot 3 is permitted to be a maximum of 72 square feet on each side. The sign panel for Lots 2, 4, 5, 6, 7, and 8 is permitted to be maximum of 60 square feet on each side. The sign is available to the tenants/users of each respective lot as an on-premise sign.

PS3-110.05 Wall signs, Lot 1

Tenant space	Max. SF Primary Sign	Max.Height of Sign Letters
Primary Tenant (25,000 SF)	511 SF	6'0"
Primary 5 th Avenue side	142 SF	4'6"
Secondary Tenants (each)	210 SF	4'0"
Service Entrance Door (each)	15 SF	
Accent Signs	15 SF	
Signs in windows	25% of window surface	

Alternative maximum sign area.

Primary Tenant	3.65 SF per lineal foot of building frontage
	Maximum height of sign letters 6'0"
Secondary tenants (each)	3 SF per lineal foot of building frontage
	Maximum height of sign letters 4'0"

PS3-110.06 Wall signs, Lots 2 and 3

Primary Advertising Sign	3 SF per lineal foot of building frontage
	Maximum height 3.0 feet or if two rows of letters 2.0 feet each, not to exceed 4 feet combined
Service Entrance Door (each)	15 SF
Signs in windows	25% of window surface

PS3-110.07 Wall signs, Lots 4, 5, 6, 7, and 8

All signs excluding signs identified in PS3-110.03 and PS3-110.04 are limited to 2 times the primary frontage of the lot. The primary frontage of Lots 4, 5, 6, and 7 is the dimension of the lot facing Indianapolis Blvd. Due to the unusual shape of Lot 8, the sign allowance shall be based on 4.

PS3-110.08 Modifications of sign plans

Through the final development plan approval process, the Plan Commission may modify or reallocate the square footage of the signage as to the location and type of signs to the extent that the maximum signage allowable based on the above provision is not exceeded and that the reallocation is in keeping with the approved architectural, character, or style of the development.

PS3-110.09 Prohibited signs

In addition to the prohibited signs identified in T/S 21.10, the following signs, or sign types are prohibited:

- 1) box signs,
- 2) recessed signs,
- 3) flashing, moving, or action signs,
- 4) programmable message display signs (T/S 21.26) on any façade or in any window.

PS3-110.10 Temporary signs

- A. Temporary signs as identified and restricted in T/S 21.11 are permitted.
- B. Signs installed during the initial period of construction and project marketing period are allowed along Indianapolis Blvd. These signs are exempt from permits, but are subject to the approval by the Planning staff as to materials, size, height, number, and location and in accordance with T/S 21.02 General Provisions.

PS3-110.11 Window Signs

Window signs (temporary or permanent), consisting of paper, cardboard, painted letters, etched in glass, or other material hung inside the window that is intended to be viewed from the outside are allowed to the extent that they do not cover more than 25% of the window.

PS3-110.12 Maintenance and design

Signs shall be maintained in an attractive and structurally safe condition. All exterior parts shall be painted, coated, or made of rust inhibitive material. Any supporting structure shall be free of any bracing such as guy wires or cables and shall be designed as an architectural feature of the building. Defects in signage (i.e. damage, deterioration, structurally unsafe, etc.) shall be corrected, fixed, replaced, or otherwise rectified within the shortest time frame possible.

Section 2

Amend Title XXX Planned Unit Development Districts Identification by adding a new section as follows:

Section 30.08 Marina Development PUD

The Marina Development PUD was established in 2015 as a commercial development, subject to the adopted PUD District Ordinance in PUD Supplement 3. The PUD is centered around the intersection of Indianapolis Blvd. and Fifth Avenue. The general boundaries of the PUD are starting at the intersection of Indianapolis Blvd and 5th Avenue (vacated); then southeasterly to the west line of the Casino Center Drive overpass; then southerly along the curve of Casino Center Drive overpass; then southwesterly and west along the northwestern and northern right-of-way of 112th Street; then north along the centerline of 5th Avenue to a point approximately 790 feet north of 112th Street, then westerly to the west right-of-way of 5th Avenue (vacated); then north along the east property line of Lot 1 of the Resubdivision of Lot 1 New Roby First Addition and Outlot B of New Roby First Addition to the City of Hammond; then west along the north boundary of Outlot B of said New Roby Addition; then west to the east boundary of Outlot A of said New Roby Addition; then north along the east boundary of said Outlot A to the east boundary of Lot 1 of Luke's 850 Indianapolis Addition to the City of Hammond; then continuing along the east boundary of said Lot 1 to centerline of Indianapolis Blvd; then southeastern along the said centerline to the point of beginning.

Section 3

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 15th day of September, 2015.

Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9310, consisting of fifteen (15) pages, including this page was approved by the Mayor on the 16th day of September 2015.

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

PASSED by the Common Council on the 14th day of September, 2015 and approved by the Mayor on the 16th day of September, 2015.

Robert J. Golec, City Clerk /s/

