

Sponsors: Councilwoman Janet Venecz
And Councilman Anthony Higgs
Petitioner: Hammond Plan Commission

ORDINANCE No. 9383

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 COLUMBIA BUSINESS PARK PLANNED UNIT DEVELOPMENT ESTABLISHING THE PROVISIONS FOR THE COLUMBIA BUSINESS PARK 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, the Columbia Business Park Planned Unit Development was originally established under the previous zoning ordinance #4683, being effective June 22, 1981, as amended; and

Whereas, the specific provisions of the Planned Unit Development District were established by Council Resolution 7898R on July 9, 1996; Council Resolution 8211R3 on September 28, 1999; and Council Resolution 8403R2 on January 15, 2002; and

Whereas, certain portions of the original boundaries of the Planned Unit Development District have been rezoned and removed from the PUD; and

Whereas, in accordance with I.C.36-7-4-1500 et seq., the governing provisions of a PUD are to be established by a Planned Unit Development District Ordinance; and

Whereas, it is the intent of the City Plan Commission to bring the PUD regulations for the Columbia Business Park Planned Unit Development into compliance with the requirements of the State Statute and amend the provisions as needed; and

Whereas, the adoption of the Columbia Business Park Planned Unit Development District Ordinance will be an amendment to Ordinance 8514 as a supplement to the main zoning ordinance; and

Whereas, the adoption of the Columbia Business Park Planned Unit Development District replaces in its entirety the governing provisions of Council Resolution 7898R dated July 9, 1996; Council Resolution 8211R3 dated September 28, 1999; and Council Resolution 8403R2 dated January 15, 2002.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Lake County, Indiana that Ordinance No. 8514 shall be hereby amended by the establishment of the Columbia Business Park Planned Unit Development District as a supplement to the main zoning ordinance as follows:

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

PUD Supplement 5 Columbia Business Park Planned Unit Development District

PS5-100 Intended Purposes

The Columbia Business Park Planned Unit Development District is established to provide for a mix of commercial and industrial uses, compatible with the various abutting zoning districts and uses. The district is intended to be an area of transition between the varied uses and provide the appropriate buffers. The provisions herein replace in their entirety Council Resolution 7898R dated July 9, 1996; Council Resolution 8211R3 dated September 28, 1999; and Council Resolution 8403R2 dated January 15, 2002.

PS5-101 Location and Legal Description

The Columbia Business Park PUD district is bounded by Field Street on the north; Columbia Avenue on the west; Kenwood Street on the south, and Willard Avenue on the east.

The district is divided into a multiple lots with a total acreage of approximately 16 acres, more or less.

The legal description of the Columbia Business Park Planned Unit Development is Lot 1, Outlot A, Phase 1 Columbia Business Park Planned Unit Development District, as recorded in Plat Book 85 Page 12 in the Recorder's Office, Lake County, Indiana. And Lots 2 and 3, Outlot B, Phase 2 Columbia Business Park Planned Unit Development District, as recorded in Plat Book 94 Page 27 in the Recorder's Office, Lake County, Indiana

The property on the south side of Kenwood Street and Willard Avenue known originally as Lot 4 Phase 2 Columbia Business Park Planned Unit Development District and acreage parcels including a Conservation Easement Parcel Document number 2000

002568 were rezoned to C-2 Shopping Center District and incorporated into Lot 1, Menards Commons Addition to the City of Hammond. These parcels are no longer subject to the Columbia Business Park Planned Unit Development provisions as originally stated in the Council Resolutions.

PS5-102 Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for the Columbia Business Park PUD district and govern the development as a whole and for 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 C-1 Local Commercial District for the properties of Lot 2 and 3, Phase 2 Columbia Business Park PUD Addition; I-1 for Lot 1 Columbia Business Park PUD Addition, or S-1 for Outlot A Columbia Business Park PUD Addition and Outlot B Phase 2 Columbia Business Park PUD Addition. For any provisions in conflict, the strictest provision shall govern.

PS5-103 Review of Development Plans of PUD

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

PS5-104 Permitted Uses Lot 1

A building or structure may be erected, altered, or used and a lot may be used or occupied for any of the following:

- 1) Accessory Office;
- 2) Carpentry, woodworking, or cabinet shop;
- 3) Central plant facilities for dry cleaners and laundries;
- 4) Commercial wireless telecommunication services, Radio and television transmitting and/or receiving stations, towers and related equipment, subject to Title XIX Zoning and Conditional Provisions;
- 5) Contractors;
- 6) Distribution;
- 7) Equipment Repair/Services;
- 8) Food Processing (subject to odors not impacting the adjacent residential areas;
- 9) Laboratories;
- 10) Light Fabrication, Assembly, and Packaging;
- 11) Machine shops, metal anodizing, buffing or similar;
- 12) Metal molding, plastic molding, or extrusion shops;
- 13) Warehousing, Storage Movers, Cartage, Express and Parcel Delivery;

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

PS5-105 Permitted Uses Lots 2 and 3

A building or structure may be erected, altered, or used and a lot may be used or occupied for any of the following:

- 1) Business, professional, financial services, as defined in Title VII Section 7.10, # 2;
- 2) Drive-thru, subject to Title XIX Zoning and Conditional Provisions;
- 3) Funeral Home;
- 4) Medical Services, including clinic;
- 5) Personal Services, as defined in Title VI Section 7.10, # 4;
- 6) Restaurant, including banquet facility up to 200 patrons;
- 7) Retail;
- 8) Veterinary Clinic (including grooming and outpatient medical services, but excluding boarding or kennels).

PS5-106 Additional Permitted Uses Lot 3

- 1) Detention/retention basin

PS5-107 Prohibited Uses Lots 1, 2, and 3

A building or structure shall not be erected, altered, or used and a lot shall not be used or occupied for any of the following:

- 1) Adult Entertainment Businesses
- 2) Fireworks (Consumer and/or Special)
- 3) Fueling Station
- 4) Vehicle repair, service, sales
- 5) Other similar uses of the same general character as the above prohibited uses, as determined by the Plan Commission

PS5-108 Permitted Uses Outlots A and B

- 1) Community garden
- 2) Detention/retention basin
- 3) Open space
- 4) Park, playground, bike/hiking/walking path or similar passive or active recreational facilities;
- 5) Any similar uses as determined by the Plan Commission

PS5-109 Additional Permitted Uses Outlot B

- 1) Access drive to Field Street, serving Lots 2 and 3, located within the east 50' of the outlot;
- 2) Accessory parking serving permitted uses on Lot 2, said parking shall have a minimum 15' setback from Field Street;
- 3) Accessory Restaurant Outdoor Seating, serving permitted uses on Lot 2, subject to T/S 18.71.

PS5-110 Developmental Provisions

PS5-110.01 Parcel Size

The minimum size of the parcel for development is as follows:

| | |
|-----------|---------|
| Lot 1 | 3 acres |
| Lots 2, 3 | 1 acre |

PS5-110.02 Building Coverage

No more than 45 percent of the area of the lots shall be occupied by buildings for Lots 1, 2, 3.

Outlots A and B are subject to T/S13.32.

PS5-110.03 Building Setback/Yard Requirements

Primary Front yard 25' (Columbia Avenue.)

Secondary Front Yard: 25' (Kenwood Street, Willard Avenue)

Side Yard: 25' (Lots 1, 2, 3)

Rear Yard: 25' (Lots 1, 2, 3)

Yard Abutting Residential District (Lot 1): 100' from the Residential District. Parking shall be no closer than 40' from the residential area.

PS5-110.04 Height

Lot 1: 40'

Lots 2, 3: 30'

PS5-110.05 Parking Requirements

A) Minimum parking spaces size is 9.5'x19' with a minimum 22' aisle width.

B) Van accessible spaces are 11' wide for the vehicle and 5' for the accessible/striped area. Other accessible spaces are minimum 9' wide for the vehicle and 5' for the accessible/striped area.

C) Parking areas shall be setback a minimum of:

5' from Columbia Avenue, Willard Avenue;

15' from Field Street, Kenwood Street.

- D) The design of the parking areas and the number of required parking spaces are otherwise subject to the applicable provisions of Title XX Off-Street Parking and Off Street Loading.

PS5-111 Landscaping, Fencing, and Open Space Requirement

PS5-111.01 PUD Open Space requirement.

The total acreage of the PUD is 14.8 acres, more or less. Under T/S 16.02, a minimum of 8% is to be set aside as open spaces which can be a combination of recreational areas, natural areas, common acres, drainage acres, or similar areas approved by the Plan Commission. The requirement is for 1.18 acres of open space. The original boundary of the PUD was larger and required 1.98 acres. Outlot A and Outlot B were designed as meeting the original open space requirement. In accordance with PS5-109, portions of Outlot B may be used for the designated non-open space purposes. No structures are allowed in Outlot B.

PS5-111.02 Minimum required landscaping

The minimum area of landscaping (or pervious surfaces) for each lot is 10% (1.324 acres), which is in addition to the open space requirement of PS5-111.01. Landscaping shall meet the requirements set forth in T/S 22.50 et seq. Landscaping areas shall include, at a minimum, the areas around the perimeter of the parking field, tree islands, and planting areas around free-standing signs.

PS5-111.03 Installation of Landscaping

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

PS5-111.04 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.

PS5-111.05 Fencing

Fencing shall be in accordance with Title XXII-Fences and Landscaping. Woven wire or chain link fences are not permitted in the front yard. Fences, when required around detention basins and that are located along Columbia Avenue shall be ornamental steel or similar materials approved by the Plan Commission

PS5-112 Screening/Dumpster Enclosures

PS5-112.01 Dumpster enclosures, recyclable enclosures
All dumpsters, central trash receptacles, refuse areas, recycling receptacles shall be screened and surrounded by an approved enclosure.

PS5-112.02 Location of Enclosure
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) in a front yard;
2) on a required parking space; or
3) within any corner vision obstruction triangle (T/S 18.20).

PS5-112.03 Material of enclosures
The materials of an enclosure shall be:
1) of an opaque material such as brick, painted precast concrete panels, CMU/masonry products, wood, PVC, sustainable materials or similar materials architecturally compatible with the design and materials of the building or overall development.
2) accessed by a gate of an opaque architecturally compatible material.

PS5-113 Architectural Character

The architectural design within the PUD is to use consistent materials, color and design to create a harmonious unified appearance, yet balanced with a sense of variety.

Primary materials include brick, decorative concrete block, or similar masonry. Other materials may be accepted as determined by the Plan Commission.

PS5-114 Lighting

PS5-114.01 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. 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.

PS5-114.02 Lighting conformance

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

PS5-114.03 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 foot-candles 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.

PS5-114.04 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. 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 plane of the fixture crosses over the property line.
- C. Any fixture attached to the building shall not exceed the height of the building. Wall sconces are permitted.

PS5-114.05 Standards for the site, parking lot, landscape areas.

- A. Freestanding fixtures shall not exceed 33 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.

PS5-115 Signs

PS5-115.01 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.

PS5-115.02 General design criteria.

- A. All lines of sign lettering shall run horizontally.
- B. All lettering shall be upper case or lower case or combinations thereof.
- C. 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).
- D. 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.
- E. Programmable message display signs are subject to T/S 21.26. The programmable message display area shall not be greater than 50% of the total sign area to which it is a part.

PS5-115.03 Wall and freestanding/monument signs.

One or more signs in any combination of wall sign or a single freestanding/monument sign per lot shall not exceed an area of 1 times the linear feet of the primary front line of the lot. The primary front line of the lots is along Columbia Avenue for Lots 2 and 3 and Kenwood Street for Lot 1.

PS5-115.04 Public Safety signs

Signs that are necessary to protect the public safety and welfare and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response, and protecting property rights or the rights of persons on property. These signs are in addition to signs allowed in PS5-115.03.

1. Traffic control signs and devices on private or public property including the public right-of-way that are erected and maintained to comply with the Manual on Uniform Traffic Control Devices or required by federal, state, and local laws or regulations. Individual signs shall not exceed 2 square feet.
2. Property address numerals not to exceed 25 square feet.
3. Signs that warn of danger or to prohibit access to a property either generally or specifically, as required under federal, state, or local law and in compliance with said laws.
4. Signs required under the American with Disabilities Act and the ADAAG.

PS5-115.05 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.

PS5-115.06 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

PS5-115.07 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.

PS5-115.08 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 30.09 Columbia Business Park PUD

The Columbia Business Park PUD District Ordinance was established in 2017 to provide for a mixed commercial and industrial development, compatible with the various abutting zoning districts and uses. The PUD is bounded by Field Street on the north, Columbia Avenue on the west, Kenwood Street on the south, and Willard Avenue on the east. The Columbia Business Park PUD District Ordinance replaces in their entirety Council Resolution 7898R dated July 9, 1996; Council Resolution 8211R3 dated September 28, 1999; and Council Resolution 8403R2 dated January 15, 2002.

Section 3 Severability

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 ORDAINED 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.

Janet Venecz, 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 September, 2017.

Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9383, consisting of twelve (12) pages, including this page was approved by the Mayor on the 12th day of September, 2017.

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

PASSED by the Common Council on the 11th day of September, 2017 and approved by the Mayor on the 12th day of September, 2017.

Robert J. Golec, City Clerk /s/