Sponsor: Councilman Kalwinski
Petitioner: Hammond Plan Commission

ORDINANCE No. 9431

AN ORDINANCE AMENDING ORDINANCE NO. 8514, ALSO KNOWN AS THE HAMMOND ZONING ORDINANCE, AND AMENDING ORDINANCE 9310, ALSO KNOWN AS THE MARINA DISTRICT DEVELOPMENT PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE FOR PURPOSES OF AMENDING CERTAIN PROVISIONS FOR THE MARINA DISTRICT DEVELOPMENT PLANNED UNIT DEVELOPMENT DISTRICT 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 Hammond Plan Commission did recommend favorably for the establishment of Marina District Development Planned Unit Development District Ordinance (PUD District Ordinance) as was subsequently approved by the City of Hammond Common Council on September 14, 2015 as Ordinance 9310; and

Whereas, the developer of the Marina District Development Planned Unit Development District has requested that the Hammond Plan Commission amend certain provisions of said PUD District Ordinance in order to foster new development;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana, that Ordinance 8514 and Ordinance 9310 shall be amended to incorporate amendments to certain provisions of the Marina District Development Planned Unit Development District Ordinance: as follows*:*

Section 1 Amend the specified provisions within PUD Supplement 3 Marina District Development Planned Unit Development by deleting the ~~strikethru~~ language and adding the <u>underlined</u> language as follows:

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.

Lot 7 Marina District Development (A Planned Unit Development) Addition to the City of Hammond includes Lot 1 and Lot 2 of the Resubdivision of Lot 7 Marina District Development (A Planned Unit Development) Addition to the City of Hammond

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 and Lot 1 and 2 of the Resubdivision of Lot 7

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. Dialysis Center
15. ~~14~~ Other similar uses of the same general character as the above permitted uses, as determined by the Plan Commission and Redevelopment Commission.

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, and Lots 1 and 2 of the Resubdivision of Lot 7
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.

PS3-105.03 Building Setback/Yard Requirements

Lot 1	Front yard (5th Avenue)	10’
	Side, Rear yard	25’
Lot 2	Front yard (5th Avenue)	40’
	Side yard	10’
	Rear yard	20’
Lot 3	Front yard (5th 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 (5th 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	
Lots 1 and 2	Resub of Lot 7	
	Front yard (Indpls Blvd.)	40’
	Side yard (Marina Dr. Lot 1)	15’
	Side yard (Internal Lots 1 and 2)	12.5’
	Side yard (Lot 2)	10’
	Rear yard (Roby Drive)	30’

All setbacks are subject to the corner vision obstruction provisions of 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 and Lots 1 and 2 of the Resubdivision of Lot 7 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.

PS3-110.03 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 (more particularly on Lot 1 of the Resubdivision of Lot 7) at the southeast corner of Marina Drive and Indianapolis Blvd., located within a 30' sign easement as identified on the plat and subsequent resubdivision 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.

PS3-110.04 Free-standing monument signs.

Lots 2, 3, 4, 5, 6, ~~7, and~~ 8, and Lot 2 of the Resubdivision of Lot 7 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, and Lot 2 of the Resubdivision of Lot 7 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.

PS3-110.07 Wall signs, Lots 4, 5, 6, ~~7, and~~ 8, and Lots 1 and 2 of the Resubdivision of Lot 7

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~~ Lots 1 and 2 of the Resubdivision of Lot 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.

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.

_____
Robert Markovich, 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 29th day of January, 2019.

_____
Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9431, consisting of six (6) pages, including this page was Approved by the Mayor on the 31st day of January, 2019.

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

PASSED by the Common Council on the 28th day of January, 2019 and approved by the Mayor on the 31st day of January, 2019.

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Robert J. Golec, City Clerk /s/