

20-001

Sponsors: Councilman Dave Woerpel  
Councilman Scott Rakos  
Petitioner: Hammond Plan Commission

ORDINANCE No. 9461

AN ORDINANCE AMENDING ORDINANCE NO. 9405, BEING: AN ORDINANCE AMENDING ORDINANCE 8514 FOR AN AMENDMENT TO TITLE XXIX OVERLAY ZONING DISTRICTS TO ESTABLISH NEW PROVISIONS FOR DEVELOPMENT WITHIN THE OXBOW LANDING OVERLAY ZONING DISTRICT (OxLan-OL)

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 (Zoning Ordinance); and

Whereas, in the Zoning Ordinance there are maps establishing the locations where each of the zoning classifications are located on property within the City of Hammond; and

Whereas, in the Zoning Ordinance, Title XXIX the authority to establish overlay zoning districts is granted all in accordance with I.C. 36-7-4-1400 et seq.; and

Whereas, Ordinance 9405, the Oxbow Landing Overlay Zoning District (OxLan-OL) was adopted by the Common Council on April 10, 2018 establishing the developmental provisions for the Oxbow Landing Overlay Zoning District;

Whereas, it is the intent to amend certain provisions in the Oxbow Landing Overlay Zoning District to accommodate new development opportunities.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Lake County, Indiana that Ordinance No. 9405 and 8514 shall be hereby amended as follows:

**Section 1**

**Amend Title XXIX Overlay Zoning Districts Section 29.20.02 Establishment of OxLan-OL overlay zoning district: Location and Legal Description by amending the specified item by deleting the strike-thru language and adding the underlined language as follows:**

**29.20.02 Establishment of OxLan-OL overlay zoning district: Location and Legal Description**

The Oxbow Landing Overlay Zoning District shall apply to property with a legal description of Lots 1, 2 and 3 ~~6~~, Oxbow Landing Second Third Addition to the City of Hammond and Lot 1 Oxbow Landing Fourth Addition to the City of Hammond. In the event that the legal description of the property is changed by means of a subsequent resubdivision approved by the Plan Commission in accordance with the Subdivision Control Ordinance, the boundaries of the OxLan-OL shall be inclusive of all lots within the perimeter of the original Lots 2 and 3 of Oxbow Landing Second Addition to the City of Hammond.

The district is divided into multiple lots with a total acreage of approximately 7.984 acres, more or less.

**Amend Title XXIX Overlay Zoning Districts Section 29.20.05 Permitted Uses by amending the specified item by deleting the strike-thru language and adding the underlined language as follows:**

**29.20.05 Permitted Uses**

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 – Trade School
- 2) Business services, business equipment sales and service
- 3) Day care centers
- 4) General commercial, retail, and services
- 5) Medical offices, clinics, outpatient care, accessory laboratories
- 6) Office
- 7) Personal services
- 8) Places of Assembly not to exceed 100 persons
- 9) Restaurants, including fast food drive-thru
- 10) Accessory drive-thru
- 11) Hotel
- ~~11)~~ 12) Other similar uses of the same character as the above permitted uses or as permitted in the C-4 General Commercial District.

**Amend Title XXIX Overlay Zoning Districts Section 29.20.07 Developmental Provisions by amending the specified item by deleting the strike-thru language and adding the underlined language as follows:**

**29.20.07 Developmental Provisions**

- A) Minimum Lot Size: .5 acres
- B) Buildable Area as set forth on the subdivision plat bounded by the identified building set back lines (BSL).

Primary Front Yard setback: 25 feet (Carlson Drive) Lots 1, 2, 4, 5, and 6 Oxbow Landing Third Addition and Lot 1 Oxbow Landing Fourth Addition

Primary Rear Yard setback: 20 feet (State Highway Access Road) Lots 1 and 2 Oxbow Landing Third Addition, and 3 Lot 1 Oxbow Landing Fourth Addition.

Primary Side Yard Setback: corresponding to the No Build Easement on Plat (Document number 2015 013150) Lot 1 Oxbow Landing Third Addition.

Easterly Secondary Side Yard Setback: 2025 feet (Centerline of Primary Access Drive) Lots 3 and 4 Lot 1 Oxbow Landing Fourth Addition.

Westerly Secondary Side Yard Setback: 23 feet (Centerline of Access Drive) Lot 1 Oxbow Landing Fourth Addition.

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|---|-------------------------------------|
| C) Maximum Building Coverage within the Buildable Area: | 45%                                 |
| D) Height   |                                     |
| Lots 1, 2 <u>Oxbow Landing Third Addition</u>           | 60'                                 |
| Lots 3, 4, 5, 6 <u>Oxbow Landing Third Addition</u>     | 40' or three (3) stories in height. |
| <u>Lot 1 Oxbow Landing Fourth Addition</u>              | 75' or five (5) stories in height   |


## Section 2 Severability

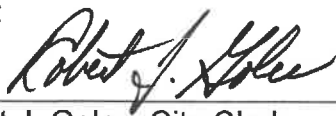
### Severability

- 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.

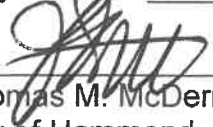
  
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Dave Woerpel, President

Attest:  
  
\_\_\_\_\_  
Robert J. Golec, City Clerk

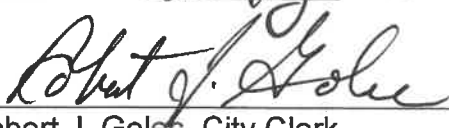
PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City, for his approval on the 28th day of January, 2020.

  
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Robert J. Golec, City Clerk

The foregoing Ordinance No. 9461, consisting of four (4) pages, including this page was Approved by the Mayor on the 28<sup>th</sup> day of January, 2020.

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

PASSED by the Common Council on the 29th day of January, 2020 and Approved by the Mayor on the 28<sup>th</sup> day of January, 2020.

  
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Robert J. Golec, City Clerk