

22-11

Sponsor: Councilman Spitale & Councilman Tyler
Petitioner: Hammond Plan Commission

ORDINANCE No. 9543

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 PARCELS A, C, and H 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 H, both inclusive) and specified the uses for each parcel and allowing the development to proceed in phases; and

Whereas, the PUD district includes parcels of several subdivision plats and replats but are known to be Lots 1 and 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, the Ordinance 9260 was adopted to as a part of PUD Supplement 2 to begin the establishment of the PUD district ordinance as required by Indiana Statute; and

Whereas, Ordinance 9260 did not completely govern all of the properties within the boundaries of the PUD District; and

Whereas, the Plan Commission in response to a current development proposal seeks to amend Ordinance 9260 to create provisions for additional part of the parcels within the PUD District boundaries; and

Whereas, the adoption of this amendment to Douglas Pointe Planned Unit Development District Ordinance amends Ordinance 8514 and 9260 PUD Supplement 2.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana, that Ordinance 8514 and 9260 PUD Supplement 2 shall be amended, as follows:

Section 1:

Amend PUD Supplement 2, Douglas Pointe Planned Unit Development District by adding new language in numerical order as follows:

PS2-106 Architectural Character

PS2-106.01 Four-Sided Architecture

The architectural design within the PUD is to use consistent materials, colors, and design to create a harmonious mixed-use development, balancing a sense of variety but compatibility and consistency.

PS2-106.02 Exterior materials

A minimum of 50% of each façade shall be masonry. The use of a separate material or color shall be encouraged to create a watertable design feature especially along Douglas Street. Colors of materials shall be consistent with adjoining buildings.

PS2-107 Lighting Plan

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

- a) Parking lot and service/storage area lighting,
- b) Architectural display lighting.
- c) Security lighting;
- d) Lighting of sidewalks and pathways, and
- e) Landscape lighting.

PS2-108 Landscape Plan and Open Space

PS2-108.01 PUD Open Space requirement

The total acreage of the PUD is approximately 49 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. Parcels C and H (approximately 5.5 acres) were the established as meeting the 8% requirement. The Plan Commission may authorize, modify, and/or adjust the parcels within the PUD district boundaries as long as the minimum 8% requirement is maintained.

PS2108.02 Landscaping plan required.

A landscaping plan shall be submitted to and approved by the Plan Commission as a part of the development plan review process. The landscape plan shall include all pervious areas with dimensions and area (square footage) calculation of each individual landscape area. Landscaping shall be in accordance with the applicable provisions of Title XXII.

PS2-109 Sign Plan

A sign plan shall be submitted to and approved by 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. Signage shall be in accordance with the applicable provisions of Title XXI Signs, unless otherwise specified herein.

PS2-110 Coordination with private agreements

The properties within the Douglas Pointe PUD are subject to a private easement covenant restrictions document. While it is not the responsibility of the Plan Commission to enforce private agreements, coordination with the private requirements and PUD requirements is encouraged. The strictest provision will apply.

PS2-120 Reserved

PS2-150 Parcel A,B Location and Legal Description

Parcels A and B are located on the south side of the 400 block of Douglas Street. The legal descriptions include Parcels A-1 and A-2 in the Replat of Parcel A, Corrective Plat of the Replat of Douglas Pointe, A Planned Unit Development, in the City of Hammond, as per plat thereof, recorded in Plat Book 83, page 56 in the Office of the Recorder of Lake County, Indiana and Parcel B, Corrective Plat of the Replat of Douglas Pointe (A Planned Unit Development) in the City of Hammond as per plat thereof, recorded in Plat Book 76, Page 49 in the Office of the Recorder, Lake County, Indiana.

PS2-151 Parcel A,B Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for Parcels A

and B 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.

PS2-152 Parcels A,B Permitted Uses

In the original PUD development plan, the parcels were established to be for commercial purposes. The permitted uses are more specifically defined as follows:

- a) Business incubator; business/trade school
- b) Day care/child care
- c) Government facilities
- d) Health club, fitness facility
- e) Medical office, clinic, laboratory, pharmacy or similar medical uses
- f) Office
- g) Retail, Personal Services
- h) Residential above the ground floor commercial use
- i) Restaurant
- j) Similar uses to the above or as determined by the Plan Commission.

PS2-153 Parcels A,B Prohibited uses

Certain commercial uses are prohibited as more specifically defined as follows;

- a) Adult Entertainment Business/Sexually-Oriented Business
- b) Contractors
- c) Fireworks, Consumer
- d) Vehicle sales, rental, service, wash/detail, or fueling station
- e) Similar uses to the above or as determined by the Plan Commission

PS2-154 Parcels A,B Development provisions

- a) Building setback: 25 feet all property lines .
- b) Dumpster enclosures: Dumpster enclosures and enclosures around generators shall be in accordance with T/S 22.22. An 8-foot height may be allowed for enclosures around a generator.
- c) Fences: Fences shall be in accordance with applicable provisions of Title XXII but excluding woven wire, chain-link, split-rail.
- d) Height Restrictions: 40 feet, or three(3) stories.
- e) Maximum building lot coverage: 40%.
- f) Parcel size: Minimum 1.35 acres.
- g) Parking, Accessible: Accessible parking is based on the Americans with Disabilities Act and T/S 20.40.02
- h) Parking spaces: Parking spaces and parking lots shall be in accordance with applicable provisions of Title XX Off-Street Parking and Off-Street Loading unless otherwise specified

- herein.
- i) **Parking Ratios:** Parking ratios shall be in accordance with the applicable provisions of Title XX Off-Street Parking and Off-Street Loading except as provided below:
- 1) Medical office, clinic, laboratory, pharmacy: 1 space per 300 square feet.

PS2-155 Parcels A,B Lighting and Landscaping

PS2-155.01 Lighting conformances

All on-site lighting shall conform to T/S20.32.08 and shall not exceed 3 footcandles at the property line.

PS2-155.02 Landscaping

Landscaping shall conform to the applicable provisions of Title XXII.

PS2-156 Parcels A,B Signs

PS2-156.01 Sign allowance

The gross surface area in square feet (or metric equivalent) of all signage shall not exceed two times the lineal frontage of the primary street frontage of the lot. For lots fronting on more than one street, only the established front lot line along the primary street shall be considered as frontage of the lot for the square footage calculation. Signs on the property are subject to Title XXI Section 21.23 (C) for signs in the C-3 zoning district.

PS2-156.02 Sign Height

Free-standing signs are limited to a height of 10 feet and are subject to T/S 18.20 Corner Vision Obstruction. Monument signs are preferred and encouraged.

PS2-156.03 Douglas Point Sign and Wall

It is acknowledged that there is a masonry wall with signage benefiting the apartment complex on parcel A-2 and B. The walls and signs were constructed along the Pointe Drive entrance. The maintenance of the signs is subject to a private easement agreement. The existing square footage of the signage will not affect the sign allowance for Parcel A-2 and Parcel B. No change in the square footage of the signage will be allowed without approval of the Plan Commission.

PS2-158 Parcels A,B Applicability of other provisions.

Any other provision not provided for herein is subject to the provisions of Title IX C-3 Central Business District

PS2-180 Parcels C, H Location and Legal Description

Parcels C and H are located on the east side and south end within the Douglas Pointe development. The legal description is Parcels C and H in the Corrective

Plat of the Replat of Douglas Pointe, A Planned Unit Development, in the City of Hammond, as per plat thereof, recorded in Plat Book 76, Page 49 in the Office of the Recorder, Lake County, Indiana.

PS2-181 Parcel C,H Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for Parcels C and H 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.

PS2-182 Parcels C,H Permitted Uses

In the original PUD development plan, the parcels were established to meet the open space requirement for the PUD. The permitted uses are more specifically defined as follows:

- a) Park, playground, or other similar passive or active recreational uses.
- b) Other uses in the Title XIII S-1 Open Space and Recreation Facilities District as determined by the Plan Commission.

PS2-184 Parcels C,H Development provisions

The development provisions are in accordance with Title XIII, S-1 Open Space and Recreation Facilities District

PS2-186 Parcels C,H Signs

Signs are in accordance with T/S 13.50 and applicable provisions of Title XXI Signs.

PS2-188 Parcels C,H Applicability of other provisions.

Any other provision not provided for herein is subject to the provisions of Title XIII S-1 Open Space and Recreational Facilities District.

PS2-300 Parcel F

Parcel F was rezoned by Ordinance 7611 and is no longer zoned PUD. Therefore, it is not subject to the provisions of PS2 Douglas Pointe Planned Unit Development District Ordinance.

PS2-400 Parcels G-1 and G-2 Reserved

PS2-500 The Sohl Avenue Villas Reserved

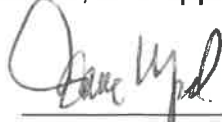
Section 2

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.

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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.



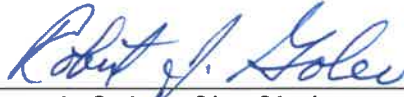
Dave Woerpel, President

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 15th day of March, 2022.



Robert J. Golec, City Clerk

The foregoing Ordinance No. 9543, consisting of eight (8) pages, including this page was Approved by the Mayor on the 15th day of MARCH, 2022.



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

PASSED by the Common Council on the 14th day of March, 2022 and Approved by the Mayor on the 15th day of MARCH, 2022.



Robert J. Golec, City Clerk