

Sponsor: Councilman Emerson  
Petitioner: Hammond Housing Authority;  
Golden Manor LP; Saxony Town Homes  
LP; American Heartland Homes One LLC;  
American Heartland Homes Two LLC;  
Flagstone Village LLC.

ORDINANCE NO. 9323

AN ORDINANCE AMENDING ORDINANCE NO. 8514, ALSO KNOWN AS THE HAMMOND ZONING ORDINANCE, AND AMENDING ORDINANCE NO.9297 FOR PURPOSES OF AMENDING THE PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE FOR THE COLUMBIA CENTER PLANNED UNIT DEVELOPMENT

Whereas, the City of Hammond established its zoning regulations by and through the passage of Ordinance 8514, being effective in October 2003 and having been amended from time to time; and

Whereas, the Columbia Center Planned Unit Development District Ordinance was approved by the Hammond Plan Commission on November 20, 2012 and Ordinance 9188 was adopted by Common Council of the City of Hammond, Indiana on January 28, 2013; and

Whereas, the Columbia Center Planned Unit Development District Ordinance was amended by Ordinance 9297 after receiving approval of the Hammond Plan Commission on April 21, 2015 and by the City Council May 21, 2015.

Whereas, it was subsequently determined that there were technical errors in the amending Ordinance and the Hammond Housing Authority et al. now seeks to correct the technical errors by amending the Columbia Center Planned Unit Development Ordinance 9188 as previously amended by Ordinance 9297.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana, that Ordinance 8514 (the Zoning Ordinance), Ordinance 9188 (the Columbia Center Planned Unit Development District Ordinance), and Ordinance 9297 (first amendment to the Columbia Center Planned Unit Development District Ordinance) as follows:

## Section 1

### **Amend PUD Supplement 1 Columbia Center Planned Unit Development District PS1-115 by replacing the language in its entirety with the following:**

PS1-115 Development provisions Unit 6, Lot 13

This is an attached single-family unit and multi-family unit development including a community center and open space provisions with the following provisions.

- Parcel size: +/- 3.77 acres.
- Number of buildings: up to 11, 1 non-residential and 10 residential.
- Proposed units: Non-residential: Community Center (multi-purpose area, fitness, library, classroom and leasing area offices. Residential: New construction of up to 40 units of single family housing.
- Unit sizes range between 700 – 1300 square feet, 1 and 2 bedrooms. Community Center up to 7000 square feet.
- No. of stories: up to 2 stories, not to exceed 42' in height.
- Setbacks: Front yard building line along 174<sup>th</sup> Place of 15'. Front yard building line along Wilson Place of 15'. Front yard building line along Flagstone Drive of 5' for the quadplex buildings. Front yard building line along Linden Place and 173<sup>rd</sup> Place of 20'. Setbacks between buildings will be a minimum of 12'. Each street side of the property is considered to be a front yard. There are no rear or side yards on this parcel.
- Parking ratio is based on T/S 20.41.01 (A).
- Primary Facade: New multi-family buildings have two primary facades. Primary facades shall be toward street and/or off-street parking lots.
- Handicapped parking is based on the Americans with Disabilities Act and T/S 20.40.02.
- Lot coverage is a maximum of 40%.
- Any other provision not provided for herein is subject to the provisions of Title V - R-3 Medium Density Residential District.
- Units to be demolished: Administration Building and Maintenance Office/ Garage plus 24 single-family duplex units.
- Street improvements: Flagstone Drive, Linden Place, and 173<sup>rd</sup> Place.
- Parcel may contain new off-street parking lots to provide adequate access for new buildings.
- Central pathway between Lots 13 and 14 containing benches, plaza, splash pad or similar, connecting the community center to the Saxony Townhomes development

## 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.

*(intentionally left blank)*

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.

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Michael Opinker, President /s/

Attest:

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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 10<sup>th</sup> day of November, 2015.

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Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9323, consisting of 4 (four) pages, including this page was approved by the Mayor on the 11<sup>th</sup> day of November, 2015.

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

PASSED by the Common Council on the 9<sup>th</sup> day of November, 2015 and approved by the Mayor on the 11<sup>th</sup> day of November, 2015.

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Robert J. Golec, City Clerk /s/