

Sponsors: Councilman Woerpel  
Petitioner: 2929 Carlson Drive LLC  
2901 Carlson Drive LLC

ORDINANCE NO. 9405

AN ORDINANCE AMENDING ORDINANCE NO. 8514, BEING: AN ORDINANCE ESTABLISHING A ZONING PLAN FOR THE CITY OF HAMMOND IN ORDER TO PROVIDE FOR ORDERLY GROWTH AND DEVELOPMENT WITHIN THE CITY, ALL IN ACCORDANCE WITH THE COMPREHENSIVE/LAND USE PLAN (ALSO KNOWN AS THE HAMMOND ZONING ORDINANCE), FOR PURPOSES OF AMENDING 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, the Oxbow Landing Overlay Zoning District (OxLan-OL) as being established herein sets out zoning provisions and restrictions that are in addition to the base C-4 General Commercial Zoning District;

Whereas, the Oxbow Landing Overlay Zoning District will apply to parcels currently described as Lots 2 and 3 Oxbow Landing Second Addition and currently known as 2901 and 2929 Carlson Drive; and

Whereas, it is the intent that the Oxbow Landing Overlay Zoning District provisions will continue to be in effect should a resubdivision or similar action approved by the Plan Commission occur.

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 as follows:

## **Section 1**

**Amend Title XXIX Overlay Zoning Districts by adding a new Section 29.20 Oxbow Landing Overlay District, OxLan-OL as follows:**

### **29.20.01 Intended Purposes**

The purpose of this section is to establish an overlay zoning district and the provisions thereof to provide for sensible and reasonable land use standards to: 1) promote the public health, safety, and general welfare by providing for consistent and coordinated development of the properties within the Oxbow Landing Overlay District; 2) to raise the level of the quality of the development, architecture and signage within the Oxbow Landing development area.

### **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 2 and 3, Oxbow Landing Second 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.

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

### **29.20.03 Supplemental Zoning Provisions**

The OxLan-OL zoning provisions established herein are in addition to the zoning provisions of the established base zoning of C-4 General Commercial. Any provisions not specified in the OxLan-OL are governed by the applicable provisions otherwise specified in the Zoning Ordinance as may be amended from time to time for C-4 General Commercial District. For any provisions in conflict, the strictest provision shall govern.

### **29.20.04 Review of Development Plans of PUD**

The review of a Preliminary and Final Development plans are subject to applicable provisions of Title XXVII Development Plans. The Plan Commission may delegate any or all approvals to the staff.

### **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) Other similar uses of the same character as the above permitted uses or as permitted in the C-4 General Commercial District.

### **29.20.06 Prohibited 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) Adult Entertainment Business/Sexually-Oriented Business
- 2) Alternative Financial Business
- 3) Fireworks (Consumer and/or Special)
- 4) Fueling Station
- 5) Hospital
- 6) Vehicle repair, service, sales
- 7) Other similar uses of the same general character as the above prohibited uses, as determined by the Plan Commission

### **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  
Primary Rear Yard setback: 20 feet (State Highway Access Road) Lots 1, 2, and 3. Primary Side Yard Setback: corresponding to- the No Build Easement on Plat (Document number 2015 013150) Lot 1  
Secondary Side Yard Setback: 20 feet (Centerline of Primary Access Drive) Lots 3 and 4.
- C) Maximum Building Coverage within the Buildable Area: 45%

- |           |                 |                                     |
|-----------|-----------------|-------------------------------------|
| D) Height | Lots 1, 2       | 60'                                 |
|           | Lots 3, 4, 5, 6 | 40' or three (3) stories in height. |

**29.20.08 Parking Design 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) 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.

**29.20.09 Required Parking**

- A) Required general commercial, office, medical parking is calculated at 1 parking space for each 225 SF in gross floor space.
- B) Required restaurant parking for lots 3,4,5 and 6 is calculated at 1 parking space per 175 SF in gross floor space
- C) Parking may be provided on adjacent parcels within the OxLan-OL boundaries subject to a cross-parking agreement. Parking on the same lot per T/S 20.31.01 does not apply.
- D) Collective Provisions of T/S 20.30.04 does not apply.
- E) Employee parking of T/S 20.40.01 does not apply.
- F) Number of accessible spaces are subject to the ADAAG.

**29.20.10 Landscaping, Fencing, Dumpster Enclosures**

- A) The 10% landscape requirement (i.e. pervious surface-) of T/S 22.65 is based on the total acreage within the OxLan-OL and may be redistributed among the lots.
- B) Each lot is subject to the requirements of T/S 22.71 and T/S 22.80.
- C) All required landscaping shall be installed within one year of the issuance the Improvement Location Permit, unless otherwise authorized by the Plan Commission
- D) 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.
- E) Landscaping provisions not addressed herein are subject to the applicable provisions of Title XXII-Fences and Landscaping.

- F) Fencing shall be in accordance with Title XXII-Fences and Landscaping. Woven wire or chain link fences are not permitted in the front yard.
- G) Dumpster enclosures are subject to T/S 22.22

### **29.20.11 Architectural Character**

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

All sides of a building shall employ a combination of at least two architectural features, such as windows, variety of colors, patterns, and façade articulation. Buildings shall have the same degree of finish and details on all elevations. Flat, blank walls of a single material shall not be allowed.

Windows, architectural detailing, and the articulation of entrances should be prominent and proportional with the building's size and mass.

Articulation: Buildings shall avoid long, uninterrupted facades and/or blank walls. Wall articulation (such as change of material; projections or recesses, pilasters, cornices, windows, etc.) shall occur at a distance not greater than every 100 feet on façades facing Carlson Drive. Wall articulation shall occur at a distance not greater than every 40 feet for all other building façades. All buildings shall have at least one (1) elevation change in the roof line.

Walls without windows shall not be permitted when facing or along a public right-of-way.

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

### **29.20.12 Lighting**

- A. A Lighting Plan shall be submitted for approval and shall show the 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.
- B. All on-site lighting shall conform with the requirements in the Zoning Ordinance or as otherwise specified herein. The stricter provision shall govern.
- C. General Design standards
- 1) 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
  - 2) 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.
  - 3) 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.
- D. Standards for Buildings
- 1) Building entrances will be lighted in such a way to maintain a minimum of one-half (.5) foot-candles at the entrance.
  - 2) Direct upward lighting and lighting aimed at structures are prohibited except as follows:
    - a) 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.
    - b) 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 plain 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.
- E. Standards for the site, parking lot, landscape areas.
- 1) Freestanding fixtures shall not exceed 33 feet in height as measured from grade to the top point of the fixture.
  - 2) The light shall be focused down and otherwise shielded to not allow light spread or spillover towards the sky.
  - 3) Low voltage landscape light (or similar) for the purpose of lighting shrubbery, trees, walkways, etc.) shall be permitted provided that:
    - a) the lighting is not mounted on a pole or building,
    - b) it is shielded to eliminate glare and/or light spillover.
    - c) the fixture/lamp emits a maximum of 750 lumens.

## 29.20.13 Signs

### A. General design criteria.

- 1) All lines of sign lettering shall run horizontally.
- 2) All lettering shall be upper case or lower case or combinations thereof.
- 3) 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).
- 4) 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.
- 5) Programmable message display signs are subject to T/S 21.26.

### B. One or more signs in any combination of wall signs or a freestanding/monument signs within the OxLan-OL shall not exceed in area of 2.5 times the linear frontage of the lots along Carlson Drive, which is 1001.58 allowing 2,503.95SF of signage.

### C. Exempt 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 not subject to the maximum in 29.20.13 B:

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 addresses
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.

### D. 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.

E. Temporary signs

1. Temporary signs as identified and restricted in T/S 21.11 are permitted.
2. Signs installed during the initial period of construction and property marketing period are allowed. 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

F. 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 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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Janet Venecz, 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 April, 2018.

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Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9405, consisting of nine (9) pages, including this page was approved by the Mayor on the 12<sup>th</sup> day of April, 2018.

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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 April, 2018 and approved by the Mayor on the 12<sup>th</sup> day of April, 2018.

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Robert J. Golec, City Clerk /s/