

24-01

Sponsor: Councilman Dan Spitale
Petitioner: Hammond Plan Commission

ORDINANCE No. 9625

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; FOR PURPOSES OF AMENDING VARIOUS TITLES TO INCORPORATE PROVISIONS FOR THE DEFINITION AND REGULATION OF EVENT SPACES

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

Whereas, the City of Hammond seeks to create new provisions for the administration of indoor event spaces; and

Whereas, also, the City Planning Department has reviewed the 2003 Zoning Ordinance and has determined that the certain titles and sections of zoning ordinance including Title I, Title VII, Title VIII, Title IX, Title X, Title XIX, and Title XX are in need of being amended to address the subject of Event Spaces; and

Whereas, the amended language is intended to: encourage appropriate development; address concerns related to the operation of said facilities; and to minimize any adverse impacts on adjacent uses and properties within the City of Hammond; as well as protect the public safety, health and welfare of the residents, businesses, and community at large; and

Whereas, the amended language does not modify any existing penalty or forfeiture provisions.

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

Section 1

Amend Title I General Provisions Section 1.50 Definitions by adding in alphabetical order the following:

Event Space General Facility - A business, structure, or establishment whose primary purpose includes using, renting, or leasing an indoor space to members of the public by invitation only to host gatherings and hold events that may or may not have food and beverage service including meetings, receptions, weddings, banquets, parties, or similar. Place of Worship is excluded from this definition. Uses subject to Title/Section 19.80 are prohibited.

Event Space Limited Facility - A business, structure, or establishment or portion thereof, in which the event space facility is a secondary or accessory use to the business, structure, or establishment's primary commercial use. The Event Space Limited Facility is restricted to one event per week, occurs in less than 50% of the area of the primary use. Place of Worship is excluded from this definition. Uses subject to Title/Section 19.80 are prohibited.

Amend Title VII C-1 Local Commercial District Section 7.11 Conditional Uses by adding a new item 13 as follows:

13. Event Space Limited Facility. (Subject to Title XIX Zoning and Conditional Provisions)

Amend Title VIII C-2 Shopping Center District Section 8.11 Conditional Uses by adding a new item 6 as follows:

6. Event Space General Facility, Event Space Limited Facility (Subject to Title XIX Zoning and Conditional Provisions)

Amend Title IX C-3 Central Business District Section 9.11 Conditional Uses by amending the specified item by adding the underlined language as follows

12. Places of Worship, Places of Assembly, Event Space General Facility, Event Space Limited Facility

Amend Title X C-4 General Commercial District Section 10.11 Conditional Uses by amending the specified item by deleting the strikethrough language and adding the underlined language as follows:

11. ~~Public buildings, library, Places of Worship, Day Care Centers, museums, Places of Assembly,~~ Event Space General Facility, Event Space Limited Facility

Amend Title XIX Zoning and Conditional Provisions by adding a new Section 19.18.50 Event Space Facilities as follows:

19.18.50.01 Intended purposes

The purpose is to: encourage appropriate development; address concerns related to the operation of said facilities; and to minimize any adverse impacts on adjacent uses and properties within the City of Hammond; as well as protect the public safety, health and welfare of the residents, businesses, and community at large.

19.18.50.05 General Provisions.

The following provisions shall apply to Event Space General Facility and Event Space Limited Facility (jointly "Event Space Facility").

- a. Food service and/or catering is subject to the Lake County Health Department provisions.
- b. The provision of liquor shall be subject to Alcohol and Tobacco Commission (ATC) provisions and other applicable State Statutes.
- c. The number of public restrooms shall be in accordance with the International Building Code (IBC) and the Building Commissioner.
- d. Music/Entertainment - Music or entertainment shall not be the primary purpose of the Event Space Facility and. For example, music and dancing may be secondary to a wedding reception, but a concert, play, or stage performance is not permitted.
- e. Noise standards shall be in accordance with the provisions of the noise ordinance and HDEM (Municipal Code Chapter 97).
- f. The Event Space Facility shall conclude by 12:00 a.m.

19.18.50.10 Parking and Occupancy

- a. Parking shall be provided in accordance with T/S 20.31, T/S 20.32, and T/S 20.42.01 (F)
- b. The maximum occupancy of an Event Space General Facility is determined by the lesser of: 1) the maximum number of people that can be accommodated in accordance with such designed capacity as determine by the occupancy permit or applicable building code; or 2) the number determined by 3 times the number of Off-Street parking spaces provided on-site and the authorized parking within 300 feet of the main entrance per T/S 20.31.01. On-street parking is excluded unless authorized by the Board of Zoning Appeals.
- c. The maximum occupancy of an Event Space Limited Facility is the number determined by 1.5 times the number of Off-Street parking spaces provided on-site and the authorized parking within 300 feet of the main entrance per T/S 20.31.01. On-street parking is excluded unless authorized by the Board of Zoning Appeals.

Amend Title XX Off-Street Parking and Off-Street Loading Section 20.42.01 (F) by amending the specified item by deleting the strikethrough language and adding the underlined language as follows:

Meeting Halls, Convention Halls, and Exhibition Halls, or Event Space General Facility:
The number of spaces equal to ~~30%~~ 1/3rd (33%) of the maximum number of people that can be accommodated in accordance with such designed capacity as determine by the occupancy permit or applicable building code. Event Space Limited Facility: the number of spaces equal to the number of spaces required for the primary use.

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.

Sean M. Ral

, President

Attest:

Robert J. Golec

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 13th day of February, 2024.

Robert J. Golec

Robert J. Golec, City Clerk

The foregoing Ordinance No. 9625, consisting of five (5) pages, including this page was Approved by the Mayor on the 16th day of February, 2024.

Thomas M. McDermott, Jr.

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

PASSED by the Common Council on the 12th day of February, 2024 and Approved by the Mayor on the 16th day of February, 2024.

Robert J. Golec

Robert J. Golec, City Clerk

CP 23-10

Text Amendment to the Zoning Ordinance 8514 for purposes of amending various titles to incorporate provisions for the definition and regulation of Event Spaces

Background

The City of Hammond has an opportunity to establish new definition and regulation of Event Spaces. Event Spaces if not located and regulated properly can cause conflicts with adjacent uses. The intent is to provide appropriate provisions that will lessen adverse impacts on adjacent uses. The Titles of I, VII, VIII, IX, X, XIX, and XX will be amended accordingly.

The current language of place of assembly does not provide for adequate and consistent guidance. The intent is also to provide further guidance for the Board of Zoning Appeals in the approval process.

STAFF RECOMMENDATION

The staff has reviewed various zoning ordinance from other communities which assisted in the development of the provisions.

Therefore staff recommends that the Plan Commission approve the text amendment for Event Spaces and send the ordinance to the City Council with a favorable recommendation.

If the Plan Commission agrees with the recommendation, the staff requests that this report be adopted by the Plan Commission as Findings of Fact.