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Ordinance No. 8514

Date: 10/21/2003 (Text Amendments through May 14, 2018)

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF HAMMOND, INDIANA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE INDIANA STATE STATUTES.

TITLE I -GENERAL PROVISIONS

Section 1.01 PURPOSE

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and for institutions and open space, or other specified uses; and to regulate and limit the height and area of buildings and other structures; to regulate and to determine the size of yards and open spaces; to regulate and limit the density of population; and for said purposes to divide the City into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used herein; to provide for enforcement; and impose penalties for the violation of this Ordinance.

Section 1.02 PREAMBLE

This Ordinance is enacted pursuant to the authority conferred by Acts of 1981, P. L. 309 of the State of Indiana, the acts amendatory thereto, in such case, made and provided for the purpose of promoting and protecting the public health, safety, and general welfare of the inhabitants of the City of Hammond: by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas; by securing the most appropriate use of land; by providing adequate light, air, and reasonable access; by facilitating adequate and economical provision of transportation, water, sewer, schools, recreation, and other public requirements; and by other means; all in accordance with a comprehensive plan.

Section 1.03 SHORT TITLE AND AUTHORITY

- A. This Ordinance shall be known and may be cited as the City of Hammond Zoning Ordinance.
- B. This ordinance is enacted under the authority granted by the Indiana Code, as amended, including, but not limited to, Title 36, as amended.
- C. The authority of the Hammond City Plan Commission, as it is officially known, is granted under the advisory planning law provisions as defined in IC 36-7-1 et seq. and 36-7-4-100 et seq.
- D. In accordance with the Comprehensive Plan, this Zoning Ordinance and the Hammond City Plan Commission has jurisdiction over the corporate limits of the City of Hammond, as may be amended from time to time.

Section 1.04 INTERPRETATION

- A. In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the health, safety, comfort, prosperity, or general welfare of the citizens of Hammond.
- B. Where the conditions imposed by any provision of this Ordinance, upon the use of land or buildings, or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- C. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern from and after the effective date of this Ordinance.
- D. The provisions in this Ordinance are cumulative and additional limitations upon all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.
- E. This Ordinance replaces Ordinance #4683 adopted by the Common Council on June 22, 1981 and all amendments thereto in their entirety.

Section 1.05 SEVERABILITY

It is hereby declared to be the intention of the City of Hammond that the provisions of this Ordinance are severable, in accordance with the following:

- 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.

Section 1.10 SCOPE OF REGULATIONS

- A. All buildings or structures erected hereafter; all uses of land, buildings, or structures established hereafter; all structural alteration, enlargement, or relocation of existing buildings or structures occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such building, structure, uses, or land shall be located.
- B. Exception for substandard residential lots.
A lot, not in compliance with the area and width regulations of the residential zoning district in which it is located, may be used for single family purposes only if it receives a developmental variance from the Board of Zoning Appeals. All other regulations contained in this Ordinance and other applicable ordinances, regulations, and codes of the City of Hammond shall be complied with. No developmental variances for side and rear yard setbacks shall be granted by the BZA.
- 5 Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use for which originally designated --subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures, and uses.
- D. Where the Building Official has issued a building permit after the effective date of this Ordinance for a permitted use or conditional use, such permit shall become null and void unless work thereon is under way within six months of the date of the issuance of such permit, or within the period of time beyond six months granted by the Plan Commission.

Section 1.20 ESTABLISHMENT OF DISTRICTS

In order to carry out the purposes and provisions of this Ordinance, the following districts are hereby established:

A. Residential Districts

- R-1 Single Family Residential District
- R-1U Urban Single Family Residential District
- R-2 Two Family Residential District
- R-3 Medium Density Residential District
- R-4 High Density Residential-Office District

B. Commercial Districts

- C-1 Local Commercial District
- C-2 Shopping Center Commercial District
- C-3 Central Business District
- C-4 General Commercial District

C. Industrial Districts

- I-1 Light Industrial District
- I-2 Manufacturing District

D. Special Districts

- S-1 Open Space and Recreational Facilities District
- S-2 Institutional District
- S-3 Special Classification District
- PUD Planned Unit Development District

Section 1.21 ESTABLISHMENT AND CONTROL

A. New Uses

In all districts, all buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration, enlargement, or relocation of existing buildings, or structures occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such building, structure, uses, or land shall be located.

B. Existing Uses

In all districts, after the effective date of this Ordinance, the existing lawful use of any existing lot, parcel, tract, building or other structure may be continued, changed, enlarged or extended, reconstructed or relocated only in accordance with all applicable regulations of this Ordinance.

Section 1.22 LOCATION OF PROVISIONS

The specific purposes and provisions of the above listed zoning districts are provided in the subsequent titles of this Ordinance.

Section 1.23 CONDITIONAL USES

- A. A classification of conditional use is hereby established to provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties, or upon the character and future development of the district in which they are located. Procedures for conditional uses are set forth in Title XXIV.
- B. Where a use lawfully exists on the effective date of this Ordinance and it is classified as a conditional use by said Ordinance, it shall be considered to be a lawful conditional use. Additions or alterations to existing buildings or land improvements for expansion of lawful conditional uses may be made within the area of the lot included in the ownership existing at the time of adoption of this Ordinance, and they shall be subject to yard and building height requirements set forth in this Ordinance for permitted uses in the districts in which they are located.

Section 1.30 INCORPORATION OF MAPS

The Official Zoning Map is a map that shows the division of land within the jurisdiction of the City of Hammond into Zoning Districts and the location and boundaries of said Zoning Districts as established by this Ordinance. The Official Zoning Map, in its entirety, including all amendments thereto, is adopted by reference and is a part of this Ordinance.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

The Official Zoning Map, and amendments thereto, shall be maintained by the Hammond Plan Commission, the Planning Department and the Zoning Administrator.

Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Building Commissioner's/Zoning Office (or other designated place by the Plan Commission), shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

Such changes shall be entered on the Official Zoning Map within five days after the amendment by ordinance has been approved by the City Council and signed by the Mayor.

Section 1.31 REPLACEMENT OF ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

Section 1.32 BOUNDARIES OF ZONING DISTRICTS AND THEIR INTERPRETATION.

Unless shown otherwise, the boundaries of the districts are lot lines, the center lines of streets, alleys, roads or such lines extended, and the limits of the City of Hammond.

Where, due to the scale, lack of detail, or illegibility of the Official Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to, or upon its own motion, by the Plan Commission.

Section 1.33 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the City of Hammond shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone districts as the property to which it abuts.

Section 1.34 ZONING OF MINOR ESSENTIAL SERVICES

Minor essential services, as defined in Section 1.50, are permitted in all zoning districts.

Section 1.35 ZONING OF PUBLIC TRANSIT SHELTERS (Am.Ord. 9170)

Public Transit Shelters, as defined in Section 1.50, are permitted in all zoning districts, on public or private property, subject to approval by the City Engineer for traffic safety, public safety, and welfare and Section 18.20 Corner Vision Obstruction.

Section 1.40 INTERPRETATION OF TERMS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- A. The present tense shall include the future tense.
- B. The singular includes the plural.
- C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other legal entity
- D. The word "lot" includes the words "plot" or "parcel" and "tract".
- E. The term "shall" is always mandatory.
- F. The term "may" is a permissive requirement.
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- H. Terms of masculine gender shall include the feminine gender.
- I. The word "building" includes the word "structure".

Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and", "or", or "either ... or", the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions or events may apply singly.
3. "Either ... or" indicates that all the connected items, conditions, provisions or events shall singly but not in combination.

Section 1.50 DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be defined as follows:

Abut - Abut shall mean having a common property line of district line.

Access - The way by which pedestrians and/or vehicles shall have safe, adequate, and suitable ingress and egress to and from a land use.

Accessory Building or Structure - A subordinate building or structure including garages, or part, or a portion of a main building, the use of which is in keeping with, and incidental to that of the main building. Said accessory building shall clearly be located on the lot of the main building, and shall not be used for habitation.

Accessory Use or Accessory - An accessory use is a use that is clearly incidental to, and customarily found in connection with, such principal use.

Acreage - Any tract or parcel of land which has not been subdivided and platted.

Adjacent - To lie near or close to in the neighborhood or vicinity of.

Adjoining - Touching or contiguous, as distinguished from lying near or adjacent.

Adult Bookstore – An establishment having 20% or more on a weekly basis of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

Adult Cabaret – A nightclub, bar, restaurant, permitted under IC 7.1, or similar commercial establishment that on a weekly basis includes as 20% or more on a weekly basis of its printed matter, performances, films, motion pictures, video cassettes, slides or other photographic reproductions:

- 1) persons who appear in a “state of nudity” or “semi-nudity”, or
- 2) live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or
- 3) films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”, or
- 4) persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customer, or

5. the sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the Specified Sexual Activities or Specified Anatomical Areas; or
6. the presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas for observation by customers; or
7. the operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas; or
8. live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on Specified Sexual Activities or Specified Anatomical Areas.

A commercial establishment may have other principal business purpose(s), that do not involve the activities as set out in (1) through (8) of this definition, and still be categorized as an Adult Cabaret. Such other business purpose(s) do not serve to exempt such commercial establishment from being categorized as an Adult Cabaret so long as one of the principal business purpose(s) is to offer or feature the activities described in (1) through (8) of this definition. A principal place of business need not be a primary use of an establishment so long as it is a significant use based on inventory of activity of the establishment.

Adult Entertainment Business – An Adult Bookstore, Adult Motion Picture Theater, Adult Mini Motion Picture Theater, Adult Motion Picture Arcade, Adult Cabaret, Adult Live Entertainment Arcade, Adult Service Establishment, Sexual Encounter Center, or Adult Theater.

Adult Live Entertainment Arcade - Any building or structure which contains or is used for commercial entertainment where the customer directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performance or other gyrational choreography which performances are distinguished or characterized by an emphasis on Specified Sexual Activities or by exposure of Specified Anatomical Areas.

Adult Mini-Motion Picture Theatre – An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which 20% or more of the total presentation time on a weekly basis is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating

to Specified Sexual Activities or Specified Anatomical Areas for observation by customers therein.

Adult Motion Picture Arcade – Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-reducing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.

Adult Motion Picture Theater – An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slide or similar photographic reproductions in which 20% or more of the total presentation time on a weekly basis is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified Sexual Activities or Specified Anatomical Areas for observation by customers therein.

Adult Service Establishment - Any building, structure, premises or other facility, or any part thereof, under common ownership or control with 20% or more on a weekly basis of its services are comprised of Services involving Specified Sexual Activities or Display of Specified Anatomical Areas.

Adult Theater – A theater, concert hall, auditorium or similar commercial establishment in which 20% or more of the total presentation time on a weekly basis is devoted to showing persons who appear, in person, in a state of nudity and/or semi-nudity, and/or live performances that are characterized by the exposure of “specified sexual activities” or “specified anatomical areas.”

Agriculture - Includes, but is not limited to, the raising of farm crops, vegetables, flower gardens, plant nurseries, livestock, poultry, and fish bait.

Alley - A public thoroughfare, which affords only secondary means of vehicular access to abutting property, and not over twenty (20) feet in width.

Alterations, Structural - Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof or exterior walls.

Alternative Financial Business - A payday advance or loan business, car title loan business, or cash for gold business. (Am.Ord.9237)

Apartment - A room or group of rooms in an apartment house designed for and occupied exclusively as a residence for only one family.

Apartment House - A building designed for and occupied exclusively for three or more families living independent of one another.

Arcade - An arcade is defined as a for-profit commercial facility, the primary use of which is to house mechanical and/or electronic token and/or coin-operated amusement devices; OR, Any for-profit commercial facility (other than a licensed and legally operating tavern or lounge) with over five (5) mechanical and/or electronic token and/or coin-operated amusement devices.

Assisted-Living Facility –A residential facility that offers services in a combination of housing, personalized support services and limited health care designed to meet the individual needs of a person who needs help with the activities of daily living, but do not need skilled medical care provided in a nursing home. (Am.Ord. 9170)

Auditorium - A room, hall or building made a part of a church, theater, school, recreation building or other building assigned to the gathering of people as an audience, to hear lectures, plays, presentations or performances.

Automobile - The term automobile shall include the terms car, stationwagon, hatchback, SUV, any truck less than one ton in weight or similar terms.

Automobile Fueling Station - A building or other permanent structure or a tract of land used exclusively for the storage, dispensing, and sale of gasoline or other motor fuels and for any uses accessory thereto. The sale of lubricants, accessories, or supplies is an allowable accessory use. A public parking lot, public parking garage, or automated vehicle washing are not a permitted accessory uses.

Automobile Service Station - A building or other permanent structure or a tract of land used for the lubrication, minor adjustment or repair, replacement of radiators, mufflers, tires, or similar parts of automobiles. An automobile service station shall be in compliance with the environmental issues under Section 19.20.50. A public parking lot or public parking garage is not a permitted accessory use.

Uses permissible at an automotive service station do not include motor vehicle sales, major mechanical and/or body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automotive service stations. An automobile service station is neither a fueling station, repair garage, nor a body shop. An automobile service station is not for the fueling and/or maintenance of trucks over one ton.

Awning - A roof-like cover which projects from the wall of a building and overhangs into a required yard.

Balcony - A raised, railed platform projecting from the wall of a building.

Bank or Financial Institution - An establishment, open to the public, for deposit, custody, loan, exchange, or issue of money, the extension of credit and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as

a bank, savings and loan association, or credit union. This does not include pawnshops, payday advance/loan businesses, or car title loan businesses. (Am. Ord. 9237)

Basement - That portion of a building partly below grade, but so located that the vertical distance from the average ground level to the ceiling is less than the average ground level to the floor. A basement shall be considered a half story if the vertical distance from the average ground level to the ceiling is greater than the average ground level to the floor. A basement shall not be considered in determining floor area ratios.

Bed and Breakfast Inn - A house, or portion thereof, where short term (for no more than 30 days) lodging accommodations and meals (typically breakfast) are provided for less than 10 guests. The operator of the inn shall live on the premises.

Big Box Retailer –A single retail sales facility located in a single building that is comprised of 50,000 square feet (4645.12 sq. m.) or more in gross floor area. (Am.Ord. 9170)

Billboard - Any structure or part thereof on which lettered or pictorial matter is displayed for off premise advertising purposes.

Block - A "block" is a tract of land bounded by any combination of the following:

1. Streets;
2. Railroad rights-of-way, when located at or above ground level, but not including sidings or spurs in the same ownership as the zoning lot;
3. Corporate boundary lines;
4. Major natural features such as a river or lake.

Board of Zoning Appeals - The Board of Zoning Appeals of the City of Hammond.

Boarding, Rooming or Lodging House - A dwelling (not a single family or two family dwelling, apartment house, or a motel or hotel) providing lodging with or without meals, for more than 30 days, and having lodging accommodations for less than 10 guests.

Building - Any structure designed or intended for shelter, support or enclosure of persons, animals, or property of any kind. When separated by party walls, without openings, from the ground up, each portion of such building, so separated shall be deemed a separate building.

Building Area - The maximum area covered by a building and its accessory building, excluding open steps, and gutters; also known as the building footprint.

Buildable Area - That portion of a lot remaining after required yards have been provided.

Building, Attached - A building which has any part of its exterior or bearing wall in common with another building or which is connected to another building by a roof.

Building Height - The vertical distance measured from the finished grade level, sidewalk level or its equivalent established grade from the middle of the front of the building to the

highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; or to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

Building Line - A line parallel to the lot line at a distance there from equal to the depth of the yard required for the district in which the lot is located.

Building, Non-Conforming - A legally existing building which fails to comply with the provisions set forth in this Ordinance applicable to the zoning district in which the same is located. Any building legally existing at the time of the passage of this Ordinance shall not be a non-conforming building by reason of its having a setback line of less than the building a setback line herein provided for.

Building Permit - A permit issued by the Building Commissioner for the erection or alteration of a building or structure.

Business - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Business School - A privately owned school, not conducted by or under the sponsorship of a charitable organization, which teaches secretarial, bookkeeping, accounting, computer word and/or data processing, or other similar office or clerical skills.

Campground - Any area or tract of land used or designated to accommodate recreational vehicles or camping parties.

Canopy - A roof-like structure which projects from the wall of a building and overhangs into a public way.

Carport - A roofed structure designed and intended to shelter motor vehicles on residential property, with at least 2 of the 4 sides open to the weather.

Car Title Loan Business - An establishment that makes small, short-term consumer loans that leverage the equity of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicles cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. This excludes a bank or financial institution engaged in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral. (Am. Ord.9237)

Cash for Gold Business - A business that primarily purchases or loans money on gold or similar precious metals based on weight of the gold or precious metal. This does not include banks, financial institutions, jewelry stores, or pawnshops. (Am. Ord. 9237)

Certificate of Zoning Compliance - A certification issued by the Zoning Administrator in accordance with the provisions of this Ordinance prior to the initial occupancy, reoccupancy after a six month's vacancy, change in use of a building or structure, or change in use of land, stating that said occupancy, reoccupancy, or change in use is in accordance with all applicable provisions of the Zoning Ordinance.

Child Care Center - A state or local licensed (when required) facility, other than a Day Care Home, where children receive child care from a provider:

- 1) while unattended by a parent, legal guardian, or custodian;
- 2) for regular compensation;
- 3) for more than four (4) hours, but less than twenty-four (24) hours in each of ten (10) consecutive days per year (excluding Saturdays, Sundays, or holidays).

It is intended that childcare centers be classified as commercial uses and be located in commercial zoning districts or where otherwise are specifically allowed.

Child Care Home - A residential structure, which is the primary residence of the child care provider, in which children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

- 1) while unattended by a parent, legal guardian, or custodian;
- 2) for compensation;
- 3) for more than four (4) hours, but less than twenty-four (24) hours in each of ten (10) consecutive days per year (excluding Saturdays, Sundays, or holidays).

The childcare provider must hold a valid license from the State of Indiana. This term includes a Class I Child Care Home and a Class II Child Care Home.

- 1) Class I Child Care Home. A childcare home that serves up to twelve (12) children at any time. The children may be at the home on either a part-time or full-time basis and as defined in I.C. 12-7-2-33.7; and
- 2) Class II Child Care Home. A childcare home that serves more than twelve (12) but not more than sixteen (16) children at any time. The children may be at the home on either a part-time or full-time basis and as defined in I.C. 12-7-2-33.8.

Church - see Place of Worship.

City Council - The Common Council of the City of Hammond.

Clinic, Medical or Dental - A facility where three or more licensed physicians or dentists actively engage in the practice of medicine or dentistry on an out-patient basis.

Club or Lodge, Private - An association or persons, who are bona fide members paying dues, which owns or leases a building or portion thereof, the use of which shall be restricted to members and their guests.

Commercial - See "Business".

Commercial Wireless Telecommunication Services - Licensed commercial wireless telecommunication services include cellular, personal communication services (PCS), specialized mobilized radio (SMR), paging, or similar services available to the general public. Radio and television transmitting and/or receiving stations, towers and equipment are not such services.

Commission, Plan - Whenever the word "commission" is used in the context of this Ordinance, the same shall be defined as the Hammond City Plan Commission. (Scribner's correction)

Community Center - A public building including one or more of the following facilities: meeting and recreation rooms, dining rooms and kitchen facilities and family day care centers, all for the common use of the public.

Community Garden – A plot of land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. The keeping of chickens or other animals and/or bees is prohibited. A community garden does not include a garden kept by the owner for sole use by the owner, commercial greenhouses, plant nurseries, or similar uses. (Am.Ord. 9170)

Community Residence - A residential use that provides residential occupancy or residential services for 9 or greater individuals with a disability or persons covered by the Fair Housing Act and such staff, as are necessary to adequately manage the home. A rooming house, lodging house, bed and breakfast, or fraternity/sorority house is excluded from this definition.

Comprehensive Plan - A composite, or portion thereof, of the mapped and written proposals and recommendations relative to the growth and development of Hammond, Indiana as adopted by the Common Council.

Conditional Use - A "conditional" use is a use that would not be appropriate without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, appearance or general welfare.

Conditional Use Permit - A permit issued by the duly designated City Official upon approval by the Board of Zoning Appeals, to allow a use other than a principally permitted use to be established within the zoning district.

Condominium - A residential building in which the apartments or residential living units are owned individually and there is a common maintenance agreement for the building and common areas. Such a building is subject to the Indiana Horizontal Property Law by the recordation of condominium instruments. Commercial buildings may also be defined as condominiums under similar legal restrictions and applicable laws.

Condominium Unit - An enclosed space consisting of one or more rooms, occupying all or part of a floor or floors in a structure of one or more floors or stories (regardless of whether it be designed for a residence, for an office, for the operation of any business or

for any other type of independent use) with either direct exit to a public street or highway; or an exit to a thoroughfare or to a given common space leading to a thoroughfare, together with the undivided interest in the common elements appertaining to that unit of space.

Conflict of interest - A direct or indirect financial interest in the issuance of a permit, pursuant to IC § 36-1-27-1. (Am.Ord. 9460)

Conflict of Interest Report – A written account of the affected permit application and disclosure of the conflict of interest involved, signed and dated by the author. (Am.Ord. 9460)

Construction - The placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed construction.

Contiguous - Abutting adjoining properties.

Convalescent or Nursing Home –An establishment which provides full-time skilled convalescent or chronic care, or both, for four or more individuals who are not related by blood or marriage to the operator, and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a facility. This may include hospice care. A hospital or sanitarium shall not be construed to be included in this definition. (Am.Ord. 9170)

Covenant - An agreement to a deed restricting certain actions and/or requiring others by the owner of deed.

Cul-de-sac - A street having one open end and being permanently terminated by a vehicle turn around.

Curb Cut - Lowering the grade level to allow motorized vehicular ingress to and egress from property.

Curb Line - A line [sometimes containing a raised concrete structure of not more than six inches (0.15m.)] located on either edge of the roadway, but within the right-of-way line.

Data Center – A stand-alone facility for the housing of computer systems, and associated components, such as telecommunications and data storage systems, to house, process, store, and transmit electronic data. Data Centers provide an off-site location for a business, enterprise, institution, or other similar entity in a secure location and with redundant data communication connections, environmental controls, and multiple or back-up power supplies.(Am.Ord. 9411)

DBH-Diameter at Breast Height- The diameter of the trunk of a tree measured in inches at a point four and one-half feet (4.5 ft.) above the existing grade at the base of the tree.

Dead Storage - Goods not in use and not associated with any office, retail, or other business use on premises. No perishable goods shall be allowed as dead storage.

Depth of Lot - The mean horizontal distance between the front and rear lot lines.

Depth of Yard - The mean horizontal distance between the building line and the lot line.

Development Plan – A development plan includes, but is not limited to, proposed site plan, landscape plan, signage, lighting (photometric) plan, all building elevations, architectural style and details, exterior materials and color palette, and a pedestrian and vehicular circulations plan. (Am.Ord. 9170)

District - A section of the City of Hammond, for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

Drive-In, Drive-through - A commercial establishment so developed that its operation is wholly or in part dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles rather than within a building or structure.

Dumpster – A covered container used for the temporary collection of refuse prior to disposal, having a capacity of at least one (1) cubic yard (.76 m³) or 200 gallons (757.1 liters). This definition excludes garbage cans, recycling cans, or similar refuse containers governed by the City of Hammond Sanitation Department. (Am.Ord. 9170)

Duplex - A building designed and used exclusively for residential purposes and containing two dwelling units separated by a common party wall or otherwise structurally attached building or structure.

Dwelling Unit - A "dwelling unit" consists of one or more rooms in a residential building or residential portion of a building, containing lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

1. Single Family: A detached residential dwelling other than a mobile home, designed for and occupied by one family only.
2. Two Family: A building on a lot designed and occupied exclusively as a residence for two families.
3. Row House: A building on a lot designed for and occupied exclusively as a residence for only one family and having one or more party walls in common with an adjacent single family residence.
4. Multiple Family: A building on a lot designed and used exclusively as a residence for three or more families living independently of one another.
5. Mobile Home: A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling unit when connected to the necessary utilities.

Easement - A portion or strip of land which is part of a lot or parcel which has been reserved for a specific use for access for persons, utilities or services.

Employee of an Adult Entertainment Business – A person, including a Performer, who performs any service on the premises of an Adult Entertainment Business on a full time, part time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the said person is paid a salary, wage, or other compensation by the business. “Employee of an adult entertainment business” does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, for the delivery of goods to the premises, nor does “employee of an adult entertainment business” include a person exclusively on the premises as a customer.

Enlargement - An increase in the size of the building, structure, or premises in which the use or business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

Erected - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

Essential services, minor. Includes overhead or underground gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith, but not including buildings.

Establishment of an adult entertainment business – means and includes any of the following:

1. the opening or commencement of any place of Adult Entertainment Businesses as a new business;
2. the conversion of an existing business, whether or not a place of Adult Entertainment Businesses, to such a place;
3. the addition of any features of one or more Adult Entertainment Businesses to an existing business; or
4. the relocation of any place of Adult Entertainment Businesses.

Event Space General Facility – A business, structure, or establishment whose primary purpose includes using, renting, or leasing an indoor space to member 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. (Am.Ord. 9625)

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. (Am.Ord. 9625)

Existing adult entertainment businesses – An Adult Entertainment Business, which was in existence on the effective date of this ordinance.

Extension - The act of increasing the amount of square footage devoted to a particular use (conforming or non-conforming) into previously unoccupied portions of an existing building, or previously used by another separate use in a portion of an existing building, without the construction of additional square footage.

Family –One (1) or more persons by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, noncompensating guests; or not more than four (4) persons not so related, occupying a dwelling unit and living as a single housekeeping unit. (Am.Ord. 9170)

Fence - A structure partially or completely surrounding a part of or the whole of a zoning lot which is intended to prevent intrusion from without and straying from within the area controlled, but not including a hedge or other natural growth.

Fireworks, Consumer Fireworks, or Special Fireworks: Fireworks, consumer fireworks, or special fireworks are defined in IC 22-11-14-1 as may be amended. (Am.Ord. 8971)

Flood Plain - Land subject to inundation by the maximum flood of reasonable regional expectancy (100 year flood) as determined by the Department of Natural Resources, Division of Water of the State of Indiana.

Floodway - The channel of a river or stream and those portions of the flood plain which are reasonably required to efficiently carry and discharge the flood water of the river or stream, so designated by the Federal Emergency Management Agency.

Floodway Fringe - That portion of a flood hazard area outside the limits of the floodway, so designated by the Federal Emergency Management Agency (FEMA).

Floor Area - The sum of the gross horizontal areas of the several floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating the buildings, including any area when used for residential, commercial, or industrial purposes, but not including a basement or portion of a basement used for storage or housing of mechanical or central heating or air conditioning equipment, the basement apartment of a custodian, unfinished attics, garages, outside balconies, open porches, accessory buildings, or any floor area within a building which is used for off-street parking.

The floor area of structures devoted to bulk storage of materials, including, but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet; i.e. 10 feet (3.05m.) in height shall equal one floor.

Floor Area Ratio - The floor area of the building or buildings on a zoning lot divided by the area of such zoning lot or, in the case of planned unit development, by the net site area. The floor area ratio requirements set forth in each zoning district shall determine the maximum floor area allowable for the building or buildings. Basements shall not be considered when determining FAR.

Foot Candle – A unit of illumination, equivalent to the illumination of all points which are one (1) foot distant from a uniform point source of one (1) candle power. (Am.Ord. 9170)

Fraternity or Sorority - A building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institutions of higher learning, and when regulated by such institutions.

Frontage - The contact of abutting property with a street which affords unobstructed access to the property.

Garage, Commercial - Any building or premises, except those defined herein as a private garage, used for storage of motor vehicles for remuneration.

Garage, Private - An accessory building in a residential district with the capacity of not more than three motor vehicles (720 SF/66.96 sq.m.) for storage only, not more than one of which may be a commercial vehicle of no more than one ton (680.4 k.) capacity. A garage designed to house one motor vehicle for each family housed in an apartment shall be classified as a private garage.

Garage Sale - See Sales, Rummage - Private and Public.

Garage, Vehicle Repair - A structure, or portion thereof, designed or used for the repair, equipment, or servicing of motor vehicles, including, but not limited to, collision repair, upholstery work, glass work, painting, welding, body and fender work, and major engine overhaul and transmission work, but not including motor vehicle sales. An area for the storage or parking of inoperable vehicles shall be screened from public view in accordance with Title XXII Section 22.30.

Golf Course - Public, semi-public or private grounds over which the game of golf is played, including accessory buildings and land uses incidental thereto.

Grade - The average level of the finished surface of ground adjacent to the exterior walls of a building.

Grade, Established - The elevation of a street grade in front of a property as fixed by the City Engineer of the City of Hammond.

Group Home - A residential use that provides residential occupancy or residential services for up to a maximum of 8 individuals with a disability or persons covered by the Fair Housing Act and such staff, as are necessary to adequately manage the home. Full time staff, meaning staff that occupies the residential dwelling unit overnight, shall not be included when calculating the number of unrelated persons living in the

residential dwelling unit, but shall be included when determining the number of persons who can live in a residential dwelling unit according to the building code. A rooming house, lodging house, bed and breakfast, or fraternity/sorority house is excluded from this definition.

Height - The vertical distance from the lot ground level to the highest point of a building or other structure.

Home Occupation - An occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign other than a name plate mounted flush against the wall no more than one (1) square foot in area that will indicate from the exterior that the building is being utilized wholly or in any part for any purpose other than that of a dwelling. A home occupation is one in which no commodity is sold or stored on the premises; no person is employed there other than a member of the immediate family residing on the premises and no classes or lessons are provided other than single purpose instruction. No use is permitted which violates any local, state, or federal pollution or safety law or regulation.

Hospice - A facility, either owned or operated by a person, at which hospice residential, short-term inpatient or respite services are or may be provided. Patients are enrolled in a program which is a specialized form of interdisciplinary health care designed to alleviate the physical, psychological, social and spiritual discomfort of an individual who is experiencing the last phase of life limiting illness anticipated to have a terminal prognosis within six (6) months. The facility must comply with Federal Hospice Regulations specified in Title 42 CFR 418.100.

Hospital - A facility in which human patients are rendered medical and/or surgical care on an episodic basis with the standard provision of continuous 24-hour acute medical care on an inpatient basis.

Hospital, Animal - A medical facility for the treatment of domestic animals and birds. For purposes of this Ordinance, an animal hospital shall also include a veterinary clinic.

Housekeeping Unit –See Family. (Am.Ord. 9170)

Illegal Use - Any use, whether of a building or other structure, or of a tract of land, in which a violation of any provision of this Ordinance has been committed or shall exist.

Improvement Location Permit - A permit issued by the Zoning Administrator stating that the proposed erection, construction, enlargement, or moving of a building or structure referred to therein complies with the provisions of this Ordinance.

Industrial Park - A unified development designed to accommodate a community of compatible and non-nuisance types of industry.

Intensification - The act of increasing the number of separate units of a similar or dissimilar use (conforming or non-conforming) in a building or portion thereof previously used or not.

Junk Yards - An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, or disassembled, or handled. Junk shall include, but not be limited to: rubbish, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes vehicular wrecking yards of any size for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel - Any lot or premises on which three (3) or more dogs, cats, and/or other household domestic animals at least three (3) months of age are kept.

Legislative Act - An approval by the Plan Commission or City Council for a decision by ordinance or resolution. Typically this is:

- a) adopting or approving a comprehensive plan or amendment thereto;
- b) certifying with or without recommendation a proposal to adopt a new zoning ordinance, amend the text of the zoning ordinance or amend the zoning map;
- c) designating a zoning district where a development plan is required;
- d) adopting, rejecting, or amending an impact fee ordinance;
- e) adopting, rejecting, or amending a PUD district ordinance; and
- f) adopting, rejecting, or amending a flood plain zoning ordinance. (Am.Ord. 9170)

Loading Space, Off Street - Space logically and conveniently located for both pick-ups and deliveries, and accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lot - A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building and its accessory buildings, and the open spaces required by this Ordinance, and having its principal frontage on a street, or an officially designated and approved place.

Lot, Corner - A lot at the junction of two (2) or more streets.

Lot, Interior - Any lot other than a corner lot.

Lot Line, Front - In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front line.

Lot Line, Rear - A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet (3.05m.) in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side - Any lot boundary line not a front lot line or a rear lot line.

Lot of Record - A parcel of land, the dimensions of which are shown on a document or map on file with the County Clerk or in common use by City or County Officials, and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, Through - A lot having frontage on two (2) parallel or two (2) approximately parallel streets.

Manufactured Housing - Any dwelling unit or units fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a seal certifying that it is built in compliance with the National Manufacturing Housing Construction and Safety Standards Code and complying with the State of Indiana. Such manufactured housing shall contain a minimum of nine hundred fifty (950) square feet (87.57sq m) of occupied space and exceed a minimum width of twenty-three (23) feet (7.01m).

Manufacturing or Industry - Any use, in which the major activity is the treatment, processing, rebuilding or repairing or bulk storage of material, products, or items, and where the finished product is not acquired by the ultimate user on the premises; as distinguished from a retail use, where the treatment, processing, repairing or storage is secondary to the sale, exchange or repairing of materials or products on the premises.

Mobile Home Park - A mobile home development, designed with facilities for common use, and in which mobile home spaces are rented.

Mobile Home Subdivision - A subdivision providing lots for sale for the placement of mobile homes for residential purposes.

Modular Home - The major assemblies of a factory fabricated transportable building, not including prefabricated panels, trusses, plumbing trees, and other prefabricated sub elements, which are to be incorporated into a structure at the site.

Motor Vehicle Sales Lot - Any premises where three (3) or more motor vehicles are offered for sale or sold during any calendar year.

Motor Vehicle Wrecking/Recycling Yard - Any place where two (2) or more motor vehicles not in running condition or otherwise legally operable on public ways, or parts thereof, are stored in the open and are not being restored to operation or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, including farm machinery stored in the open and not being restored to operating condition.

Nonconforming Lot - A lot of record that does not conform to the lot area or lot width regulations of this Ordinance.

Nonconforming Adult Entertainment Business - Any building, structure, or land lawfully occupied by an Adult Entertainment Business or lawfully situated at the time of passage

of the Zoning Ordinance or amendments thereto, which does not conform after the passage of the Zoning Ordinance or amendments thereto with the regulation of the ordinance.

Nonconforming Use - Any building or land lawfully occupied by a use which at the time of the passing of the Zoning Ordinance or an amendment thereto, does not conform with the regulations in which it is situated.

Noxious Matter - Offensive to the human senses, especially sight and smell.

Nudity or a State of Nudity – The appearance of a human bare buttock, anus, anal cleft or cleavage, pubic area, male genitals, female genital, or vulva, with less than a fully opaque covering or a female breast with less than a fully opaque covering of any part of the nipple; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Official Zoning Map - The official map(s) showing the location and boundaries established by this Ordinance. The Official Zoning Map, together with all the explanatory matter thereon and all amendments thereto, is adopted by reference and is a part of this Ordinance.

Off Street Parking - A parcel of land with a durable surfaced area, enclosed in a main building or an accessory building, or unenclosed, sufficient in size to store at least one (1) standard automobile. Such open, unoccupied space shall be other than a street or alley, and the principal use of such parcel of the land, durably surfaced, enclosed or unenclosed, shall be for the purpose of parking vehicles off the thoroughfares, within the corporate limits of the City.

Open Space - The portion of the gross site area that is landscaped or that is usable and maintained for recreational purposes (including lawns, patios, and usable rooftops).

Outside Storage - Storage of vehicles or goods which are not contained within a storage building.

Parking Area - An open off-street land area, including parking spaces and access and egress drives or aisles used or required by this Zoning Ordinance for the parking of automotive vehicles of the occupants, patrons, employees, visitors of specified types of buildings or land uses, which is accessible from streets, alleys or private driveways leading to a street and in which automotive accessories, fuels, and oils are not sold, automotive vehicles are not equipped, repaired, hired or sold, and on which no other business is conducted.

Parking Deck- An open off-street single paved structural platform, which is unenclosed or open to the sky and located on top of a building or similar structure which is designed to accommodate the parking of vehicles and is inclusive of access ramps.

Parking Garage, Parking Structure - A multi-level paved parking structure or building that is partially or totally enclosed which is designed to accommodate the parking of vehicles and is inclusive of access ramps.

Parking lot, Commercial - A parcel of land devoted to unenclosed parking spaces for two (2) or more motor vehicles for compensation or otherwise.

Parking space or parking stall –The area in which a single vehicle is accommodated while not being operated or in motion and excluding the required access area, drive aisles, or maneuvering lanes. (Am.Ord. 9170)

Pawn Shop - Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes, receives, and/or holds such personal property. (Am. Ord. 9237)

Payday Advance or Loan Business – A business that makes small consumer loans, usually backed by a post-dated check, or authorization to make an electronic debit from an existing financial account, where the check or debit is held for an agreed-upon term or until customer's next payday, and then cashed unless the customer repays the loan to reclaim such customer's check or debit. (Am. Ord. 9237)

Performance Standard - A criterion established to regulate noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in the use of land or building.

Permit, Zoning - Written authorization allowing construction on or use of a parcel of property in conformance with the provisions of this Zoning Ordinance and all other ordinances of the City of Hammond.

Permit - As set forth in IC § 36-7-4-1109(b), any of the following: (1) An improvement location permit; (2) A building permit; (3) A certificate of occupancy; (4) Approval of a site-specific development plan; (5) Approval of a primary (preliminary) or secondary (final) plat; (6) Approval of a contingent use, conditional use, special exception or special use.; (7) Approval of a planned unit development. In addition, permit includes a developmental variance and variance of use. (Am.Ord. 9460)

Place of Worship – A building used for the conduct of religious services. This shall include such commonly used terms as church, mosque, temple, or synagogue. This shall not include rescue missions or temporary structures used for revival activities.

Planned Unit Development – Residential, commercial, or industrial development, or combination thereof, of a tract of land under single ownership or control according to an approved final site development plan.

Planting Area – A strip of land of definite size and location reserved for planting of shrubs, trees, or similar vegetative materials to serve as an obscuring screen or buffer strip in carrying out the requirement of this Ordinance. This shall also include planting island, planting strip, transitional landscape area or greenbelt or bufferstrip.

Plat – A scaled drawing indicating the boundaries of a parcel of land and/or indicating the boundaries of individual lots within the parcel.

Plat of Subdivision – The map, drawing, or chart on which the subdivider's plan of subdivision is presented to the Plan Commission for approval.

Plat of Subdivision, Preliminary – A scaled drawing indicating planned location of individual lots and other information required by ordinance.

Plat of Subdivision, Final – The final approved scaled drawing of a parcel and/or individual lots and other information required by ordinance.

Porch – A roofed-over structure projecting out from the wall or walls of a principal structure and commonly open to the weather.

Primary Street - A street along which the primary street setback provisions of the Ordinance apply.

Public Transit Shelter – A structure constructed near a public transit/bus stop to provide seating and/or protection from weather for the convenience of waiting transit users.
(Am.Ord. 9170)

Public Utility - Any person, firm, corporation, or government unit supplying gas, steam, electricity, transportation, water, sewer or land line telecommunications to the general public. Commercial wireless telecommunication services are not to be considered as a public utility.

Public Way - Land which is subject to use by the general public for general transportation purposes or conveyance of utilities including, but not limited to, streets, alleys, boulevards, highways and roads, and other easements and rights-of-way whether or not in fact improved or actually used for such purposes.

Recreational Vehicle - Includes boats, motor homes, travel trailers, and other similar items designed and intended specifically for temporary living or transportation such as travel, camping and vacationing, whether self-propelled or towed.

Reservoir Parking - Those off street parking spaces allocated to automobile awaiting entrance to a particular establishment.

Restaurant –A commercial establishment in where food and beverages are prepared, served, and consumed on premises, whether or not entertainment is offered, and includes, but is not limited to, bars, grills, cafes, taverns, night clubs, dinner theatre, drive-in's, drive-thru's, fast food. (Am.Ord. 9170)

Restaurant, Café –A restaurant in which seating for a maximum of nine (9) customers is provided. (Am.Ord. 9170)

Restaurant, Carry-out/Take-out – A restaurant in which the food is prepared on premises for consumption off premises, with no seating or other area provided for consumption. The establishment may deliver food to the customer, or the customer may pick the food up. (Am.Ord. 9170)

Restaurant, Drive-In –A fast food restaurant where parking spaces are customarily provided for the ordering, delivery, and consumption of food and beverages; this excludes drive-thru lane facilities. (Am.Ord. 9170)

Restaurant, Drive-thru –A fast food restaurant where most customers order at a menu board while in their vehicle and are served their food and beverages while in a vehicle in packages prepared to leave the premises. (Am.Ord. 9170)

Restaurant, Fast Food –A restaurant in which the intended purpose is to prepare food and beverages in an expedited manner to customers who order their food and beverages at a counter to be consumed on or off premise. (Am.Ord. 9170)

Resumption – The reuse or reoccupation of a nonconforming use or nonconforming Adult Entertainment Business which has been discontinued for a period of one (1) year or more.

Right-of-Way - An easement granted or acquired for roads and/or utilities in excess of actual roadway or transit way, or for future location of same.

Right-of-Way Line - The dividing line between a lot and a public street, legally open or officially plotted by the City, County, or State or over which the owners or tenants of two (2) or more lots held in single or separate ownership have the right-of-way.

Sales, Rummage - Private - A temporary sale of used clothing and/ or household items conducted only by the immediate members of one or two families in a residence, private garage, porch or rear yard.

Sales, Rummage - Public - A temporary sale, conducted by a nonprofit organization such as a church or club, where the members of the group bring articles or items to a central building to be sold to raise money for use by the organization.

School - A school is defined as an accredited Elementary School, Middle School, High School, College, or University.

Screening - A hedge, fence or wall, or any combination thereof, used to reduce visual and audible effects of adjoining uses.

Self-Service Storage Facility - Any property designed and used for the purpose of renting or leasing individual storage space to tenants who are to have access to such space for the purpose of storing and removing personal property.

Semi-Nude or Semi-Nudity – A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Services Involving Specified Sexual Activities or Display of Specified Anatomical Areas means any of the following activities:

1. The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas;
2. The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas for observation by customers;
3. The operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas;
4. Live performances by persons who appear in a state of nudity or semi-nudity.

Setback - The minimum required horizontal distance between the center line of the right-of-way and the building line.

Sexual Encounter Center – A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of engaging in Specified Sexual Activities or the exposure of Specified Anatomical areas. The definition of Adult Entertainment Business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Shopping Center - A building or a group of buildings containing commercial establishments which: are planned, developed, owned, or managed as a unit; share one or more common site facilities and services such as driveway entrances and exits, parking areas, truck loading, maintenance, sewer and water utilities, or similar common facilities and services; and are related in location, size, and type of stores to the trade area which it serves.

Neighborhood Shopping Center - A small scale shopping center designed for the sale of convenience goods and personal services in a neighborhood trade area.

Community Shopping Center - A moderate scale shopping center designed to provide general merchandising of a limited nature, such as junior department stores, variety stores, and home furnishings in a community trade area.

Regional Shopping Center - A large scale shopping center designed to provide general merchandising and opportunities to the consumer for comparison shopping in a regional trade area.

Sign - Any name, identification, description, display or illumination which is affixed to, painted or represented directly or indirectly upon a building (including on window area), structure or land which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization or business.

Sign, Digital Billboard – An off-premise outdoor advertising (billboard) sign subject to T/S 21.30 that has a digital display of information that is capable of displaying multiple static images sequentially and is controlled by electronic communications. (Am.Ord. 9170)

Sign, Directional – Any on-premise sign that assists in the flow of pedestrian or vehicular traffic, such as denoting the entry, exit, traffic direction, or crosswalks. (Am.Ord. 9170)

Sign, Manual changeable copy – A sign in which the letters, symbols, figures, depictions, and/or numbers that can be manually installed, removed, or replaced. (Am.Ord. 9170)

Sign, Menu Board –A sign located in connection with a drive-thru facility, which is oriented toward vehicles located in a drive-thru lane and which provides information to the occupants of the vehicles related to products and services available at the drive-thru facility. (Am.Ord. 9170)

Sign, incidental –Any on-premise sign which provides information necessary or convenient to the user coming on to the property, including, but not limited to: address number; hours of operation; acceptance of specified means of financial transactions i.e. credit card, debit card; whether the business is open or closed; location of handicapped parking spaces, handicapped entrances, delivery or loading areas; or similar. (Am.Ord. 9170)

Sign, portable - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported by means of wheels.

Sign, programmable message display – An on-premise sign with a digital display of information that is capable of displaying characters, letters, or illustrations and can be electronically changed by remote or automatic means. A message sign with a digital display of information located within the public right-of-way that provides information to motorists and is operated by a government entity is not a programmable message display sign. A sign with a static digital display of fuel prices only is not a programmable message display sign. A sign with a digital display of time and temperature only is not a programmable message display sign. (Am.Ord. 9170)

Social Rehabilitation Center - An institution established for the purpose of treating, on a temporary resident or nonresident basis, persons with antisocial behavior problems not considered serious enough for the person(s) to be confined to an institution including, but not limited to, half-way houses, drug abuse centers, etc.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Story, Half - That portion of a building under a sloping gable, hip, or gambrel roof, the wall plates on at least two (2) opposite exterior walls of which are not more than three (3) feet (0.91 m.) above the floor level of such half-story.

Street - A public thoroughfare between property lines, which affords principal means of vehicular access to abutting property.

Structure - An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground. Advertising signs, billboards, backstops, tennis courts, mobile homes, and other similar things shall be included in this definition.

Subdivision - All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development.

Substantial Enlargement of an Adult Entertainment Business – An increase in the size of the building, structure or premises in which the Adult Entertainment Business is conducted by more than 15% of the floor area by either construction or use of: (1) an adjacent building, (2) an additional building, or (3) the construction or use of any portion of an adjacent or additional building, whether located on the same or an adjacent lot or parcel of land.

Swimming Pool - An artificial or semi-artificial basin or tank, including all appurtenant equipment, structures and facilities, for the purpose of impounding water to a depth of more than 2-1/2 feet (.76 m.) for the immersion or partial immersion therein of human beings.

Tavern - A public establishment where food is sold and served, but where the principal business is the selling and serving of alcoholic beverages for consumption on the premises.

Toxic Materials – Those substances, compounds, mixtures, chemicals, pollutants or combinations of pollutants, including disease causing agents as defined by the United States Government and/or State of Indiana which, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Zoning Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations in such organisms or their offspring. (Am.Ord. 9170)

Tow Yard, Vehicle - An area in private or public ownership for the purpose of temporary outside storage for up to 90 days of inoperable vehicles or vehicles damaged in an accident for purposes of waiting for insurance adjustment, prior to arrangement for repair at another location, impounded by the police, or similar purposes subject to applicable provisions of City Code § 72.

Trade School - A privately owned school not conducted by or under the sponsorship of a charitable organization, which teaches industrial, technical arts, or business/professional occupations.

Truck Fueling Station - A building or other structure or a tract of land used exclusively for the storage and sale of gasoline or other motor fuels and for any uses accessory thereto. The term truck shall include the terms semi-tractor trailer and trucks over 1 ton in weight. A truck fueling station shall be subject to Section 19.20.50 Environmental Issues.

Truck Service - A building, structure or tract of land used for the maintenance and/or repair of trucks over one ton. A truck service location shall be subject to Section 19.20.50 Environmental Issues.

Truck Terminal - Any place where trucks over one ton are stored and/or dispatched. A truck terminal facility may include areas where loads are transferred from one vehicle to another and/or truck service areas.

Use - The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Use, Accessory - A use which is incidental to the dominant use of the premises.

Use, Lawful - The use of any building, structure, or land that conforms with all of the regulations of this Zoning Ordinance, or any amendment hereto, and which conforms with all of the codes, ordinances, and all other legal requirements, as existing at the time of the enactment of this Zoning Ordinance, or any amendment thereto, for the structure of the land that is being examined.

Use, Non-Conforming - Any building, portion thereof, structure or land lawfully used or occupied which use or occupancy does not conform to the regulations of this Ordinance or any amendments thereto.

Use, Permitted - Any use which is or may be lawfully established in a particular zoning district or districts; provided it conforms with all requirements, regulations and, when applicable, performance standards of this Zoning Ordinance for the zoning district in which such use is located.

Use, Principal - The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, Prohibited - Any use marked as non-applicable in a particular zoning district or districts.

Use, Public - Public parks, schools, administrative and cultural buildings and structures, and similar uses, as permitted by this Zoning Ordinance.

Use, Special - A use which, because of its unique characteristics, cannot be properly classified as a permitted use in any particular zoning district or districts.

Variance, Developmental - A variation of the lot size or width requirements, yard requirements, height restrictions, sign regulations, parking and loading requirements, or other development standards from those set forth in the Zoning Ordinance, granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance where strict enforcement of the terms of the Ordinance would create undue hardship, owing to the unique characteristics of the property for which the variance is sought.

Variance of Use - Authorization of a use which would otherwise be prohibited within a zoning district. Any use specifically mentioned as an allowed use or conditional use within a zoning district requires a Variance of Use to locate within any other zoning district. Substantial proof of unnecessary hardship in the reasonable use of a building, structure or property, which because of unusual or unique circumstances is denied by this ordinance, must be provided by the petitioner.

Warehouse - A building used for the temporary storage of materials, supplies or personal goods or which materials and supplies are intended for further distribution.

Wetland - Land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface. The land is covered by shallow water.

Wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrates predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. Wetlands include such lands under the jurisdiction of the Army Corps of Engineers and/or the Indiana Department of Natural Resources.

Yards - The area of each lot in which no building or structure shall be erected. The size of such area is determined by the distance from the property lines to the building lines.

1. Front - The minimum required open space, extending the full width of the lot from the property line to the building line.
2. Side - The minimum required open space extending the full depth of the lot and extending from the side lot line to the nearest point of the main building line.
3. Rear - The minimum required open space extending the full width of the lot from the rear lot line to the nearest point on the main building line.
4. Corner Side Yard- A side yard which faces a public street.

Zone - Same as "District".

Zoning Administrator - The Director of City Planning or his/her designated staff member within the City Planning Department acts as the designated administrator and enforcement official of this Ordinance. (Am.Ord. 9460)

Zoning Decision - An approval by the Plan Commission or Board of Zoning Appeals for non-legislative actions. Typically this is a:

- 1) final Plan Commission approval of:
 - a) a subdivision plat,
 - b) an appeal of a commitment modification or termination approved by the Plan Commission,
 - c) a development plan, and
 - d) a final development plan or final plat of a Planned Unit Development
- 2) final Board of Zoning Appeals approval of:
 - a) an administrative appeals,
 - b) a conditional use
 - c) a special use or special exception;
 - d) a developmental variance or variance of use; and
 - e) an appeal of a commitment modifications or terminations approved by the BZA.
- 3) final decision of the zoning administrator regarding improvement location permits within flood plain areas, including said decision appealed to the Board of Zoning Appeals. (Am.Ord. 9170)

Zoning Lot - A tract of land designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A "zoning lot" may or may not coincide with a lot of record.

Zoning lot, Adult Entertainment Business- A parcel of land consisting of one or more adjacent lots of record in single ownership or control in which the Adult Entertainment Business and associated accessory uses including, but not limited to, parking is located. See also zoning lot.

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TITLE II - R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 2.01 INTENDED PURPOSES

The general character of these residential districts is to consist of single family detached dwellings, set on large building lots. Nonresidential uses would be restricted to those community facilities which:

- A. May appropriately be located in residential areas to serve educational needs or to provide other essential services for the residents, or
- B. May appropriately be located in residential areas to provide recreational, religious, health and other essential services for residents, or
- C. Can perform their activities more effectively in a residential environment, unaffected by adjacent industrial or general services, uses, and
- D. Do not create significant objectionable influences in residential areas.

In R-1 Residential Districts, the following regulations shall apply:

Section 2.10 PERMITTED USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes:

1. Single Family Detached Dwelling Units
2. Accessory Uses
3. Child Care Home Type I under I.C. 12-7-2-33.7 and in accordance with provisions in Title XIX Zoning and Conditional Provision.
4. Group Homes, in accordance with provisions in Title XIX Zoning and Conditional Provisions.
5. Community Garden (Subject to Title XIX Zoning and Conditional Provisions)
(Am.Ord. 9170)

Section 2.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Uses similar to those above in Section 2.10, if not otherwise specified below.
2. Child Care Home Type II under I.C. 12-7-2-33.8 and in accordance with provisions in Title XIX Zoning and Conditional Provisions.
3. Community centers, including swimming pools.
4. Convalescent homes, nursing homes, rest homes. Such facilities shall have all applicable licenses.
5. Community Residences, in accordance with provisions in Title XIX Zoning and Conditional Provisions.
6. Home Occupation
7. Monasteries, convents, novitiates, fraternity or sorority houses.
8. Museums, historic house museums, or noncommercial art galleries.

9. Municipal facilities.
10. Places of Worship, rectories, or parish houses
11. Schools (elementary, middle, and high), public or private
12. Temporary office space for residential sales or rentals for a definite period of time to be determined by the Board of Zoning Appeals.
13. Utility substations and transmission facilities.
14. Commercial Uses, but uses numbered 1-8 only, as listed under Title VII - Local Commercial District, Section 7.10. Such uses shall only be permitted on residential lots facing arterials and local collectors designated in the City of Hammond's Road Classification Map contained in the Comprehensive Land Use Plan. (Am. Ord. 9237)
15. Uses similar to number 1-14, inclusive, above

Section 2.20 HEIGHT REGULATIONS

- A. For any dwelling, 35 feet (10.67m), not exceeding 2.5 stories;
- B. For any building accessory to any dwelling use, 15 feet (4.57m), not exceeding 1 story;
- C. For any other nonresidential building or structure, 35 feet (10.67m), not exceeding 2.5 stories, except that such height may be increased to a maximum of 65 feet (19.81 m) provided that for every foot (.3 m) of height in excess of 35 feet (10.67 m) there shall be added to each yard requirement one corresponding foot (.3 m) of width and depth.

Section 2.30 AREA AND WIDTH REGULATIONS

- A. Permitted Residential Uses
 Minimum Lot Area of not less than 7,500 square feet (697.5 sq. m).
 Minimum Lot Width of not less than 60 feet (18.29m) at the building line.
- B. Permitted exception
 A lot of record of not less than 5,000 square feet (465 sq. m) and 50 feet (15.24m) in width at the building line may be developed for a single family residential use. The lot of record shall be recorded in the Office of the County Recorder on or before June 19, 1931.
- C. Non-residential Uses
 Minimum Lot Area of not less than 20,000 square feet (1,860 sq.m.)
 Minimum Lot Width of not less than 100 feet (30.48m) at the building line.
- D. Public Utility exception
 The minimum lot area and width requirements may be reduced when authorized by the Board of Zoning Appeals.

Section 2.31 YARD REQUIREMENTS

- A. Front Yard
 There shall be a front yard between the building line and the front property line of 25 feet (7.62 m).

B. Side Yards

1. On each interior lot, there shall be two side yards having an aggregate width of not less than 20 percent of the total lot width at the building line, and neither side yard having a width of less than 5 feet (1.52 m).
2. On any lot, in any side yard not abutting the street, a new detached private garage may be erected and maintained within the rear yard of the lot if not closer to the side lot line than 3 feet (.91m).

C. Rear Yard

There shall be a rear yard on each lot, the depth of which shall be not less than 25 feet (7.62m), except that an accessory use structure may be erected within the rear yard not closer to the property line than 3 feet (.91 m).

However, it shall be permitted to replace a previously constructed garage providing that the original garage foundation is used and the new garage is not larger than the previously existing garage.

D. Corner Side Yard

On each corner lot there shall be a corner side yard of 15 feet (4.57m) or 10% of the lot width, whichever is greater, except:

On streets designated as major and minor arterials on the Hammond Thoroughfare Plan, a distance of 60 feet (18.29 m) from the centerline of the right-of-way, or 15 feet (4.57m) from the Corner Side Yard property line, whichever is greater.

Garages, attached or detached, shall be no closer than 20 feet (6.10m) from the corner side yard property line. This is to insure that an automobile can be parked in the driveway and not encroach on the sidewalk. If entry into the garage is from the alley it may be constructed at the Corner Side Yard building line.

Section 2.32 BUILDING COVERAGE

Not more than 33 percent of the area of any lot shall be occupied by buildings. (Am.Ord. 9170)

Section 2.33 BUILDING ORIENTATION

The principle façade, elevation, and/or entrance of a primary building shall face the primary street. A principle entrance may be located on an elevation other than the principle elevation only if it has direct access from a porch, stoop, or similar feature that does face the primary street.

Buildings at a corner may face either street. Buildings at a corner of an alley and a

street shall face only the street.

Section 2.40 OFF STREET PARKING

Off street parking requirements will be in accordance with the provisions of Title XX.

Section 2.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 2.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVII.

Section 2.70 TREES AND LANDSCAPING REQUIREMENTS

A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.

B. Landscaping requirements are to be in accordance with Title XXII.

Section 2.80 OTHER CONDITIONS

New infill house construction in an existing neighborhood should be compatible with adjacent houses in the context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.

TITLE III R-1U URBAN SINGLE FAMILY RESIDENTIAL DISTRICT

Section 3.01 INTENDED PURPOSES

The general character of this residential district is to consist of single family detached and attached dwellings, set on smaller building lots. These smaller lots reflect the urban nature of Hammond and the densities appropriate for residential development near the urban center and in neighborhoods that originally developed at high densities. Nonresidential uses would be restricted to those community facilities which:

- A. May appropriately be located in residential areas to serve educational needs or to provide other essential services for the residents, or
- B. May appropriately be located in residential areas to provide recreational, religious, health and other essential services for residents, or
- C. Can perform their activities more effectively in a residential environment, unaffected by adjacent industrial or general services, uses, and
- D. Do not create significant objectionable influences in residential areas.

In R-1U Residential Districts, the following regulations shall apply:

Section 3.10 PERMITTED USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes:

1. Single Family Detached Dwelling Unit
2. Two Family Attached Dwelling Unit not to exceed twenty (20)% of the dwelling units on any block.
3. Accessory Uses
4. Child Care Home Type I under I.C. 12-7-2-33.7 and in accordance with provisions in Title XIX Zoning and Conditional Provisions.
5. Group Homes, in accordance with provisions in Title XIX - Zoning and Conditional Provisions.
6. Community Garden (Subject to Title XIX Zoning and Conditional Provisions)
(Am.Ord. 9170)

Section 3.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Conditional uses allowed in R-1 Section 2.11
2. Libraries.
3. Two Family Attached Dwelling Units in excess of twenty (20)% but not greater than thirty (30)% of the dwelling units on any block.

Section 3.20 HEIGHT REGULATIONS

- A. For any dwelling, 35 feet (10.67m), not exceeding 2-1/2 stories;
- B. For any building accessory to any dwelling use, 14 feet (4.27m), not exceeding 1 (one) story;
- C. For any other nonresidential building or structure, 35 feet (10.67m), not exceeding 2.5 stories except that such height may be increased to a maximum of 65 feet (19.81 m.) provided that for every foot (.3 m) of height in excess of 35 feet (10.67 m) there shall be added to each yard requirement one corresponding foot (.3 m) of width and depth.

Section 3.30 AREA AND WIDTH REGULATIONS

- A. Permitted Single Family Residential Uses
Minimum Lot Area of not less than 4,800 square feet (446.4 sq. m).
Minimum Lot Width of not less than 40 feet (12.19m) at the building line.
- B. Permitted/Conditional Use Two-Family Residential Uses
Minimum Lot Area of not less than 6,250 square feet (581.25 sq. m.)
Minimum Lot Width of not less than 50 feet (15.24m) at the building line.
- C. Non-residential Uses
Minimum Lot Area of not less than 20,000 square feet (1,860 sq.m.)
Minimum Lot Width of not less than 100 feet (30.48m) at the building line.
- D. Public Utility exception
The minimum lot area and width requirements may be reduced when authorized by the Board of Zoning Appeals.

Section 3.31 YARD REQUIREMENTS

- A. Front Yard
There shall be a front yard between the building line and the front property line of 15 feet (4.57 m).
- B. Side Yards
 - 1. On each interior lot, there shall be two side yards having an aggregate width of not less than 20 percent of the total lot width at the building line, and neither side yard having a width of less than 3 feet (0.91m).
 - 2. On any lot, in any side yard not abutting the street, a new detached private garage may be erected and maintained within the rear yard of the lot if not closer to the side lot line than 3 feet (.91m).
- C. Rear Yard
There shall be a rear yard on each lot, the depth of which shall be not less than 20 feet (6.10m), except that an accessory use structure may be erected within the rear yard not closer to the property line than 3 feet (.91 m).

However, it shall be permitted to replace a previously constructed garage providing that the original garage foundation is used and the new garage is not larger than the previously existing garage.

D. Corner Side Yard

On each corner lot there shall be a corner side yard of not less than 5 feet (1.52m) or 10% of the lot width, whichever is greater, except:

On streets designated as major and minor arterials on the Hammond Thoroughfare Plan, a distance of 50 feet (15.24 m) from the centerline of the right-of-way, or 15 feet (4.57 m) from the front property line, whichever is greater.

Garages, attached or detached, shall be no closer than 20 feet (6.10m) from the property line. This is to insure that an automobile can be parked in the driveway and not encroach on the sidewalk. If entry into the garage is from the alley it may be constructed at the Corner Side Yard building line.

Section 3.32 BUILDING COVERAGE

Not more than 50 percent of the area of any lot shall be occupied by buildings, including accessory structures.

Section 3.33 BUILDING ORIENTATION

The principle façade, elevation, and/or entrance of a primary building shall face the primary street. A principle entrance may be located on an elevation other than the principle elevation only if it has direct access from a porch, stoop, or similar feature that does face the primary street.

Buildings at a corner may face either street. Buildings at a corner of an alley and a street shall face only the street.

Section 3.40 OFF STREET PARKING

Off street parking requirements will be in accordance with the provisions of Title XX.

Section 3.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 3.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVIII.

Section 3.70 TREES AND LANDSCAPING REQUIREMENTS

- A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.
- B. Landscaping requirements are to be in accordance with Title XXII.

Section 3.80 OTHER CONDITIONS

New infill house construction in an existing neighborhood should be compatible with adjacent houses in the context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.

TITLE IV - R-2 ONE AND TWO-FAMILY RESIDENTIAL DISTRICT

Section 4.01 INTENDED PURPOSES

The general character of these residential districts is to consist of single family and two family dwellings, set on medium sized building lots. Nonresidential uses would be of similar character as those in R-1 Residential Districts. In R-2 Residential Districts, the following regulations apply:

Section 4.10 PERMITTED USES

A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes:

1. A use permitted in Title III - Section 3.10
2. Two-family dwellings (without restriction of the number of units per block).

Section 4.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and is compliance with all applicable conditions.

1. Conditional uses as allowed in Title III - Section 3.11 excluding the restriction on number 3.
2. Up to Four-Family Attached Dwelling units not to exceed twenty (20) % of the dwelling units on any block.

Section 4.20 HEIGHT REGULATIONS

- A. For any dwelling, 35 feet (10.67m), not exceeding 2.5 stories;
- B. For any building accessory to any dwelling use, 15 feet (4.57m), not exceeding 1 story;
- C. For any other nonresidential building or structure, 35 feet (10.67m), not exceeding 2.5 stories, except that such height may be increased to a maximum of 65 feet (19.81 m.) provided that for every foot (.3 m) of height in excess of 35 feet (10.67 m) there shall be added to each yard requirement one corresponding foot (.3 m) of width and depth

Section 4.30 AREA AND WIDTH REGULATIONS

- A. Permitted Single Family Residential Uses
Minimum Lot Area of not less than 6,250 square feet (581.25 sq.m.).
Minimum Lot Width of not less than 50 feet (15.24 m) at the building line.
- B. Permitted/Conditional Use Two-Family Residential Uses
Minimum Lot Area of not less than 7,500 square feet (694.5sq.m.).
Minimum Lot Width of not less than 60 feet (18.29m) at the building line.

C. Permitted exception

As provided in Title I, Section 1.06, a lot of record of not less than 5,000 square feet (465 sq. m) and 50 feet (15.24m) in width at the building line may be developed for single family residential use.

D. Non-residential Uses

Minimum Lot Area of not less than 20,000 square feet (1,860 sq.m.)

Minimum Lot Width of not less than 100 feet (30.48m) at the building line.

E. Public Utility exception

The minimum lot area and width requirements may be reduced when authorized by the Board of Zoning Appeals.

Section 4.31 YARD REQUIREMENTS

A. Front Yard

There shall be a front yard between the building line and the front property line of 25 feet (7.62 m).

B. Side Yards

1. On each interior lot, there shall be two side yards having an aggregate width of not less than 20 percent of the total lot width at the building line, and neither side yard having a width of less than 5 feet (1.52 m).

2. On any lot, in any side yard not abutting a street, a detached private garage may be erected and maintained within the rear yard of the lot if not closer to the side lot line than 3 feet (.91 m).

C. Rear Yard

There shall be a rear yard on each lot, the depth of which shall be not less than 25 feet (7.62m), except that a new accessory use structure may be erected within the rear yard not closer to the rear property line than 3 feet (.91 m).

However, it shall be permitted to replace a previously constructed garage providing that the original garage foundation is used and that the new garage is not larger than the previously existing garage.

D. Corner Side Yard

On each corner lot there shall be a corner side yard of 15 feet (4.57m) or 10% of the lot width, whichever is greater, except:

On streets designated as major and minor arterials on the Hammond Thoroughfare Plan, a distance of 60 feet (18.29 m) from the centerline of the right-of-way, or 15 feet (4.57m) from the front property line, whichever is greater.

Garages, attached or detached, shall be no closer than 20 feet (6.10 m) from the corner side yard property line. This is to insure that an automobile can be parked in the driveway and not encroach on the sidewalk. If entry into the garage is from the alley it may be constructed at the Corner Side Yard building line.

Section 4.32 BUILDING COVERAGE

Not more than 40 percent of the area of any lot shall be occupied by buildings.

Section 4.33 BUILDING ORIENTATION

The principle façade, elevation, and/or entrance of a primary building shall face the primary street. A principle entrance may be located on an elevation other than the principle elevation only if it has direct access from a porch, stoop, or similar feature that does face the primary street.

Buildings at a corner may face either street. Buildings at a corner of an alley and a street shall face only the street.

Section 4.40 OFF STREET PARKING

Off street parking requirements will be in accordance with the provisions set forth in Title XX.

Section 4.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 4.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVIII.

Section 4.70 TREES AND LANDSCAPING REQUIREMENTS

A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.

B. Landscaping requirements are to be in accordance with Title XXII.

Section 4.80 OTHER CONDITIONS

New infill house construction in an existing neighborhood should be compatible with adjacent houses in the context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.

TITLE V - R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 5.01 INTENDED PURPOSES

The general character of these residential districts is to consist of multiple family dwellings. This would typically be apartment buildings of 4 units or greater. The maximum number of units would be limited by the size of the property. Single family and two-family dwellings would be allowed on a limited basis and usually if they were existing. Conversion of single family and two family dwelling to higher density would be prohibited. Non-residential uses would be those typically permitted as conditional uses in Title II R-1 Residential Districts.

In R-3 Residential Districts, the following regulations shall apply:

Section 5.10 PERMITTED USES

A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other:

1. Multiple family dwellings as prescribed in Section 5.30 of this Title.
2. Single family attached, not to exceed six dwellings per structural unit.
3. Any use permitted in Title IV - Section 4.10.
4. Accessory uses, except that garage space may be provided for three (3) motor vehicles on any lot, and garage space may be provided for one (1) additional motor vehicle for each 1,000 square feet (92.6 sq.m.) of lot area by which such lot area exceeds 5,000 square feet (463 sq.m.); provided, however, that these provisions shall permit the location of a private garage within an apartment building or in a contiguous building not more than 15 feet (4.57m) high, permitting the storage of one (1) car for each apartment in the building .

Section 5.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and is compliance with all applicable conditions.

1. Conditional uses as prescribed in Title II Section 2.11
2. Bed and Breakfast or Lodging House. Each dwelling unit shall have a minimum of 144 square feet (13.33 sq. m.).
3. Boarding or Rooming Houses. Each dwelling unit shall have a minimum of 144 square feet (13.33 sq. m.).
4. Licensed Day/Child Care Centers
5. Libraries
6. Mobile home parks in accordance with the regulations established in Title XIX.
7. Professional offices.

Section 5.20 HEIGHT REGULATIONS

No building shall hereafter be erected or altered to exceed 35 feet (10.67m) in height or 3 stories in height.

Section 5.30 AREA AND WIDTH REGULATIONS

A minimum lot area per housing unit and a minimum lot width at the building line shall be provided for every building erected, altered or used for any dwelling use permitted in this district in accordance with the following table:

| <u>Type of Dwelling</u> | <u>Minimum Lot Area Per Dwelling Unit</u> | <u>Minimum Lot Width</u> |
|--|---|------------------------------|
| Single Family Dwelling | 6250 sq.ft.(581.25 sq.m.) | 50 ft.(15.24m) |
| Single Family, attached (not more than 6 units per structure) | 2500 sq.ft.(232.5 sq.m.) | 20 ft. (6.10m) |
| Two Family Dwelling | 7500 sq.ft.(697.5 sq.m.) | 60 ft.(18.29m) |
| Multi-Family Dwelling | | |
| For first two units | 7500 sq.ft.(697.5 sq.m.) | 60 ft. |
| For each additional unit | 3500 sq.ft.(325.5 sq.m.) | |
| Up to a maximum of 12 units per acre | | |

For any other use than listed above, there shall be a lot area of not less than 10,000 square feet (926 sq.m.) and a lot width of not less than 80 feet (24.38m) at the building line.

Section 5.31 YARD REQUIREMENTS

A. Front Yards

There shall be a front yard between the building line and the front property line of 25 feet (7.62 m).

B. Side Yards

1. On each interior lot, side yards shall be provided in accordance with the following table:

| <u>Type Dwelling Unit</u> | <u>Min. No. of Yards</u> | <u>Min. Agg. Width</u> | <u>Minimum For Any One</u> |
|--------------------------------------|------------------------------|------------------------|--------------------------------|
| Single Family | 2 | 20% of width of lot | 5 ft.(1.52m) |
| Single Family attached (end only) | 1 | 12 feet (3.66m) | 12 ft.(3.66m) |
| Two Family | 2 | 20% of width of lot | 5 ft.(1.52m) |
| Multi-Family | 2 | | 25 ft.(7.62m) |

2. On each corner lot there shall be a side yard abutting the street having a width of not less than 15 feet (4.57m) and, except where the lot is occupied by a single family dwelling, or a two family dwelling, a side yard abutting the interior side lot line having a width of not less than 5 feet (1.52m).
3. For every building erected, altered or used for any other use not specified above, there shall be side yards provided in accordance with the following:
 - a. On the interior lots, there shall be two side yards having an aggregate width of not less than 20 percent, neither side yard having a width of less than 5 feet (1.52m).
 - b. On each corner lot, there shall be two side yards, the side yard abutting the street having a width of not less than 35 feet (10.67m), and the side yard not abutting the street having a width of not less than 5 ft. (1.52m).
4. On any lot, in any side yard not abutting the street, a new detached private garage may be erected and maintained within the rear quarter of the lot if not closer to the side lot line than 3 feet (.91m), and private garages may be erected and maintained on adjacent lots within the rear quarters thereof having a wall in common located on the common side lot line.

C. Rear Yard

There shall be a rear yard on each lot, the depth of which shall be not less than 25 feet (7.62m), except that an accessory use structure may be erected within the rear yard not closer to the rear line than 3 feet (.91 m)

However, it shall be permitted to replace a previously constructed garage providing that the original garage foundation is used and that the new garage is not larger than the previously existing garage.

Section 5.32 BUILDING COVERAGE

Not more than 40 percent of the area of any lot shall be occupied by buildings.

Section 5.33 BUILDING ORIENTATION

The principle façade, elevation, and/or entrance of a primary building shall face the primary street. A principle entrance may be located on an elevation other than the principle elevation only if it has direct access from a porch, stoop, or similar feature that does face the primary street.

Buildings at a corner may face either street. Buildings at a corner of an alley and a street shall face only the street.

Section 5.34 DISTANCE BETWEEN STRUCTURES

The minimum distance between any two multiple-family residence buildings on the same lot shall be 50 feet (15.24m), except that where two buildings are so situated that:

1. neither is visible from any window or entrance of the other, or
2. no line drawn perpendicular to any wall of either building intersects the other building, then the minimum distance between such buildings may be 25 feet (7.62m) less than indicated above.

Section 5.40 OFF STREET PARKING

Off street parking requirements will be in accordance with the provisions of Title XX.

Section 5.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 5.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVIII.

Section 5.70 TREES AND LANDSCAPING REQUIREMENTS

- A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.
- B. Landscaping requirements are to be in accordance with Title XXII.

Section 5.80 OTHER CONDITIONS

In the event of new single-family or two-family dwellings are constructed on existing lots, the new infill house construction should be compatible with adjacent houses in the context of size, front elevation orientation, roof shape, roof pitch, and roof orientation.

TITLE VI - R-4 HIGH DENSITY RESIDENTIAL DISTRICT

Section 6.01 INTENDED PURPOSES

This district is intended to accommodate those high-density residential uses located within high-rise structures of three (3) or more stories. On a limited basis, retail uses or offices (administrative or professional) which would be generally compatible with high density residential living environment and which are necessary to the normal conduct of the community's business activities are allowed. It is specifically designed; however, to prohibit the introduction of commercial establishments of a retail nature or other activities which would require constant visits of the general public.

Section 6.10 PERMITTED USES

A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and no other:

1. Multi-family residential structures less than three stories (Am.Ord. 9170)
2. Office and/or commercial uses permitted in Title VII when designed as an integral part of a residential complex of at least 100 units on the same zoning lot, provided that the total office/commercial development does not exceed 5,000 square feet (463 sq.m.), and that all such office/commercial uses would be below the first story ceiling;
3. Accessory buildings and uses.
4. Group Homes, or Community Residences, in accordance with provisions in Title XIX - Zoning and Conditional Provisions.
5. Community Garden (Subject to Title XIX Zoning and Conditional Provisions) (Am.Ord. 9170)

Section 6.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and is compliance with all applicable conditions.

1. Bed and Breakfast or Lodging House. Each dwelling unit shall have a minimum of 144 square feet (13.33 sq. m.).
2. Boarding or Rooming Houses. Each dwelling unit shall have a minimum of 144 square feet (13.33 sq. m.).
3. Licensed Day/Child Care Centers
4. Libraries
5. Multi Family residential structures three stories or more (Am.Ord. 9170)
6. Professional offices.
7. Accessory (attached to a building) antenna and Commercial wireless telecommunication services (attached to a building of a minimum of 8 stories)
8. Utility substations

Section 6.20 HEIGHT REGULATIONS

On lots that are a minimum of 3 acres (1.215 ha.), buildings shall not exceed 96 feet (29.26m) in height or 8 stories in height or exceed a floor area ratio of 2.5.

On lots that are less than 3 acres (1.215 ha.), buildings shall not exceed 35 feet (10.67 m) in height.

Accessory towers, commercial wireless telecommunication services, and antenna integral or attached to the roof of the building may be erected on buildings that are a minimum of 96 feet (29.96m); provided any such tower does not exceed 120 feet (36.58m) in height above the street grade at the corner of the front of the building; provided further that any such tower sets back from every street and lot line, in addition to other yard and set back requirements herein specified, one (1) foot (.3m) for each two (2) feet (.61m) of height in excess of 100 feet (30.48m) .

Section 6.30 AREA AND WIDTH REGULATIONS

For every building erected, altered or used, for lots that are a minimum of 3 acres (1.215 ha.), a minimum lot area per dwelling unit of 1000 square feet (93 sq. m.) up to a maximum of 43 units per acre or a floor area ratio of 2.5 shall be provided, whichever results in the larger lot size.

For lots less than 3 acres (1.215 ha.), the minimum lot area per dwelling unit is 2400 square feet (223.2 sq. m.) up to a maximum of 18 units per acre.

Section 6.31 YARD REQUIREMENTS

A. Front Yards

There shall be a front yard between the building line and the front property line of 30 feet (9.14m).

B. Side Yards

1. For each interior lot, there shall be two side yards having an aggregate width of not less than 25 percent of the total lot width at the building line, and neither side yard having a width of less than 15 feet (4.57m).
2. For each corner lot, there shall be a side yard abutting the street having a width of not less than 30 feet (9.14m) and a side yard abutting the interior side lot line having a width of not less than 15 feet (4.57m).

C. Rear Yard

There shall be a rear yard on each lot, the depth of which shall be not less than 30 feet (9.14m) except that an accessory use structure may be erected within the rear yard not closer to the rear line than 10 feet (3.05 m).

Section 6.32 BUILDING COVERAGE

Not more than 40 percent of the area of any lot shall be occupied by buildings or a floor area ratio of 2.5 whichever results in the greater space not covered by a building.

For residential uses, a minimum of 250 square feet (23.25 sq. m.) of usable open space shall be provided for each residential unit. This is in addition to required yards or setbacks and required parking spaces.

Section 6.40 OFF STREET PARKING

Off street parking requirements will be in accordance with the provisions of Title XX.

Section 6.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 6.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVIII.

Section 6.70 TREES AND LANDSCAPING REQUIREMENTS

A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.

B. Landscaping requirements are to be in accordance with Title XXII.

TITLE VII - C-1 LOCAL COMMERCIAL DISTRICT

Section 7.01 INTENDED PURPOSES

The C-1 Local Commercial Districts, as herein established, are intended to be small scale commercial uses, designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced. All business, serving or processing, except for off street parking or loading, shall be conducted within a completely enclosed building.

Section 7.10 PERMITTED USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes:

1. Generally recognized retail business which supplies commodities on the premises for persons residing in adjacent residential areas, such as, but not limited to: deli, groceries, meats, dairy products, baked goods, or other foods, drugs, flowers, jewelry, dry goods, clothing and notions, arts and crafts, tobacco, or hardware.
2. Business or financial establishments which perform services on the premises: a) Offices of general business or services; b) Offices of professional services, such as, but not limited to: architects, engineers, lawyers, or real estate agents; or c) Offices of financial services, such as, but not limited to: accountants, banks, financial institutions, investment services, mortgage services, or insurance offices. (Am.Ord 9237)
3. Child care centers
4. Personal service establishment which performs services on the premises such as, but not limited to: beauty parlors or barber shops; photographic studios; photocopy shops; small appliance repair shops; shoe repair or tailor shops; stationary and retail mail services; and self service laundries.
5. Medical professional services performed on the premises, such as, but not limited to: offices of chiropractors, doctors, dentists, optometrists, or similar or allied professions; (A medical clinic is not permitted)
6. Post office and similar governmental office buildings serving persons living in the adjacent residential area.
7. Dry cleaning establishments or pick-up stations, dealing directly with consumers. Central dry cleaning plants serving more than one retail outlet shall be prohibited. All chemicals shall be EPA/IDEM approved.
8. Residential, above the first floor.
9. Restaurant, Carry-out/Take-out (Am.Ord. 9170, 9237)
10. Accessory structures and uses (Am.Ord. 9237)

Section 7.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Any use of the general character as any of the above permitted uses.
2. Drive-thru facility accessory to a permitted use. (Fast-food restaurant prohibited).
Subject to Title XIX-Zoning and Conditional Provisions.
3. Funeral Homes
4. Furniture, appliance and video rental stores (no outside storage).
5. Off-street and shared parking.
6. Places of worship, places of assembly, not to exceed 100 persons.
7. Private clubs and lodges.
8. Public buildings, library, museums, and public transportation stations.
9. Utility substation and transmission facilities.
10. Bed and Breakfast/lodging homes
11. Medical Clinics (outpatient services only)
12. Restaurant, Café (Am.Ord. 9170)
13. Event Space Limited Facility (Subject to Title XIX Zoning and Conditional Provisions). (Am.Ord. 9625)

Section 7.20 HEIGHT REGULATIONS

No building shall exceed forty (40) feet (12.19m) or three (3) stories in height.

Places of worship, or any other public building permitted to be constructed in a business district may be built to a height of 70 feet (21.34m) or 6 stories; provided any such building sets back from every street and lot line in addition to any other yard and setback requirements specified for commercial districts, one (1) foot for each two (2) feet of height of the building above 45 feet (13.72m).

Section 7.30 AREA AND WIDTH REGULATIONS

For buildings existing prior to the effective date of this ordinance:

Minimum Lot Area of not less than 5000 square feet (465 sq.m.)

Minimum Lot Width of not less than 40 feet (12.19 m.).

For buildings on or after the effective date of this ordinance:

Minimum Lot Area of not less than 10000 square feet (930 sq.m.)

Minimum Lot Width of not less than 80 feet (24.38 m).

Section 7.31 YARD REQUIREMENTS

A. Front Yard: On a street frontage between two (2) street intersections, each lot fronting on such street shall have a setback line between the lot line and the front building line as follows:

1. Where all lots are unimproved, the front building line depth shall be not less than 50 feet (15.24m) from the center of the street.
2. Where one or more lots are improved, the front yard setback need not be more than the average setback or depths of the existing front yards of the lots adjoining on either side. Zero front yard setback is permitted when the abutting buildings have an existing zero front yard setback.

B. Side Yards

1. On each corner lot, there shall be a side yard, abutting the street, having a width of not less than 25 feet (12.19m), and another side yard having a width of not less than 8 feet (2.44m) unless the building employs a common party wall with the building on the adjoining lot.
2. On a lot abutting any residential zoning district, there shall be a side yard abutting such district having a width of not less than 20 feet (6.10m), subject to Section 7.71.
3. Where abutting lots have buildings employing a common party wall, no side yard is required.
4. All interior lots shall have 2 side yards, each having a width of not less than 8 feet (2.44m), except where party walls are used.

C. Rear Yards

There shall be a rear yard on every lot, which rear yard shall have a minimum depth of not less than 10 percent of the depth of the lot for a one story building, which depth shall be increased to 15 percent of the depth of the lot for a 2 story building. The maximum rear yard is 30 feet (9.14m) in depth. Accessory buildings not more than 15 feet (4.57m) high, may be located in a rear yard provided the accessory buildings occupy not more than 25 percent of the rear yard area. Accessory buildings shall not be used for residential purposes.

Section 7.32 BUILDING COVERAGE

No more than sixty (60) percent of any lot may be covered by buildings.

Section 7.40 OFF STREET PARKING AND LOADING

Adequate off street parking and loading space shall be provided in accordance with Title XX.

Section 7.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 7.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVIII.

Section 7.70 TREES AND LANDSCAPING REQUIREMENTS

A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.

B. Landscaping requirements are to be in accordance with Title XXII.

Section 7.80 OTHER CONDITIONS

All business shall be conducted within a completely enclosed building, except for off street parking, unless authorized as a special exception.

The primary entrance to any structure shall face the primary street, unless otherwise authorized by the Plan Commission. Direct paved accessible pedestrian access between the building entrance, parking area, and the public right-of-way sidewalk shall be provided.

TITLE VIII - C-2 SHOPPING CENTER DISTRICT

Section 8.01 INTENDED PURPOSES

The C-2 Shopping Center District is established to assure the grouping of buildings on a parcel of land in such manner as to constitute a harmonious, efficient, and convenient retail shopping center, and to provide a means for permitting the establishment of such centers as a part of the development of the City. The C-2 district is created for such store groupings in order to secure: traffic safety through provision for proper traffic routing and auto parking; freedom from traffic congestion on the public streets through provision for adequate off street parking, off street loading, and off-street circulation; the protection of the surrounding residential values; and the promotion of the general welfare of the surrounding residential area.

It is the specific intent of this Title:

- 1) to prohibit residential and industrial use of the land and to prohibit any other use which would substantially interfere with the development or continuation of the commercial structures in the district; and
- 2) to discourage any use which, because of its character or size, would interfere with the use of land in the district as a shopping and a service center for the surrounding residential areas.

Section 8.10 PERMITTED USES

No building or structure or part thereof shall be erected, altered, or used, or premises used, in whole or in part, for other than one or more of the following specified uses:

1. Any use permitted in C-1 Local Commercial District except residential uses.
2. Antique store
3. Appliance, furniture, or video sales or rental (no outside storage)
4. Catalogue showroom for retail sales only
5. Commercial Recreation
6. Common Parking Lots and Parking structures (public or private)
7. Computer sales (hardware and software) including assembly, service and repair.
8. Department, Hobby, or Variety Stores
9. Health and fitness club, day spa, tanning salon.
10. Movie theatre/cinema.
11. Restaurants (including fast food, but excluding drive-thru facility).
12. Taverns (and the like) with liquor license issued by the state allowing for consumption on premises.
13. Accessory Uses
14. Office Buildings, not to exceed 4 stories or fifty (50) feet (15.24 m).

Section 8.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Any use of the same general character as any of the above permitted uses.
2. Any conditional use in Title VII Section 7.11, except number 10 (Bed & Breakfast/Lodging Houses).
3. Arcades.
4. Accessory (attached to a building) antenna and Commercial wireless telecommunication services.
5. Restaurants, Drive-in, or Drive-thru. (Subject to Title XIX Zoning and Conditional Provisions) (Am.Ord. 9170)
6. Event Space General Facility, Event Space Limited Facility (Subject to Title XIX Zoning and Conditional Provisions). (Am.Ord. 9625)

Section 8.20 HEIGHT REGULATIONS

No building shall exceed 3 stories, nor shall it exceed thirty-six (36) feet (10.94m); except office buildings shall not exceed 4 stories or fifty (50) feet (15.24 m).

Section 8.30 AREA AND WIDTH REGULATIONS (Am.Ord. 9170)

Minimum Lot Area of not less than 4 acres (1.62 ha)
Minimum Average Lot Width of 200 feet (60.96m)
Minimum of any boundary/property line of 100 feet (30.48m).

In accordance with the provisions of the subdivision control ordinance, the Plan Commission may approve a development plan that includes one or more commercial outlots smaller than stated minimum lot area, the minimum average lot width, and/or minimum boundary/property line; provided that adequate vehicular access and easements are maintained, the total area of the commercial outlots is less than 40% of the total area of the development, and that the commercial outlots are approved as a part of the subdivision plat.

Section 8.31 YARD REQUIREMENTS (Am.Ord. 9170)

No building shall be less than 50 feet (15.24m) distant from any lot lines.
No parking area shall be less than 20 feet (6.10m) distant from any lot line.

The Plan Commission may approve a development plan which includes commercial outlots that allows for a building setback of less than 50 feet and a parking area setback of less than 20 feet for lots lines internal to the development, subject to the provisions in Title XXVII, but no changes to the setbacks shall be in violation of T/S 18.20.

Section 8.32 BUILDING COVERAGE

No more than forty (40) percent of any lot may be covered by buildings.

Section 8.40 OFF STREET PARKING AND LOADING

Adequate off street parking and loading space shall be provided in accordance with the regulations specified in Title XX.

Section 8.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 8.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVII.

Section 8.70 TREES AND LANDSCAPING REQUIREMENTS

A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.

B. Landscaping requirements are to be in accordance with Title XXII.

Section 8.80 OTHER CONDITIONS(Am.Ord. 9170)

All business shall be conducted within a completely enclosed building except for off street parking.

The primary entrance to any structure shall face the primary street, unless otherwise authorized by the Plan Commission.

All buildings located in this district shall be constructed using the concept of four-sided architecture, in which all exterior elevations are designed with equal stylistic details, materials, massing, and similar design elements, unless otherwise authorized by the Plan Commission.

All buildings shall provide for accessible pedestrian sidewalk or walkways internal to the development as well as direct paved accessible pedestrian access between the building entrance, parking area, and the public right-of-way sidewalk.

Section 8.90 APPROVAL OF DEVELOPMENT PLANS (Am.Ord. 9170)

The approval of a development plan in this zoning district is subject to the provisions of I.C. 36-7-4-1400 series and Title XXVII Development Plans of this Ordinance.

TITLE IX - C-3 CENTRAL BUSINESS DISTRICT

Section 9.01 INTENDED PURPOSES

The C-3 Central Business District is designed for the downtown core of the City, comprising office and retail and government services. It serves the entire community and should provide room for the variety of retail services and offices requiring downtown locations.

Section 9.10 PERMITTED USES

Within any C-3 District, no building structure or premises shall be designed, used, altered or arranged to be used except for one or more of the following uses:

1. Any use permitted in the C-2 Shopping Center District (excluding for fast food drive-thru facilities or residential)
2. Business Services, business equipment sales and service (retail and wholesale)
3. Business incubator space; business/trade schools.
4. Common Parking Lots and Parking structures (public or private)
5. Cultural Facilities, theatres, museums
6. Hotels, Convention Centers (provided that adequate off-street parking is provided in accordance with Title XX)
7. Hospitals, Clinics (for humans)
8. Information technology businesses
9. Laboratories (Medical-Dental)
10. Library
11. Office Buildings
12. Personal Service Establishments
13. Publishers, Printers
14. Public/governmental buildings
15. Schools, colleges, universities (Am.Ord. 9170)

Section 9.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Any use of the general character as any of the above permitted uses.
2. Arcades
3. Accessory (attached to a building) antenna and Commercial wireless telecommunication services (attached to a building a minimum of 8 stories).
4. Accessory drive-thru facilities (non-fast food).
5. Day/child care facilities
6. Artist studio.
7. Convalescent homes, nursing homes, rest homes and the like
8. Fast Food Restaurant including drive-thru facility. Such uses shall be limited to along State Line Avenue.
9. Funeral Homes

10. Motels, Bed and Breakfast Inns
11. Private clubs and lodges.
12. Places of worship, Places of Assembly.
Event Space General Facility, Event Space limited Facility (Subject to Title XIX Zoning and Conditional Provisions) (Am.Ord. 9625, scrivener's error correction)
13. Radio and television studios, facilities, and related equipment.
14. Residential above the ground floor. Apartments or dwelling units may be permitted above the first floor in conjunction with a business or commercial establishment. Apartment dwellings shall be prohibited below a commercial establishment. Occupancy of garages for residential purposes is prohibited.
15. Train station, public transportation stations, bus terminal (Public or private).
16. Utility substation and transmission facilities.
17. Heliport, accessory to a hospital
18. Any use similar to numbers 1-16, inclusive, above.

Section 9.20 HEIGHT REGULATIONS

No building shall hereafter be erected or altered to exceed 125 feet (38.1m) or 10 stories in height. Towers (accessory only, not free-standing) may be erected on a building above such height; provided any such tower does not exceed 150 feet (45.72m) in height above the street grade at the corner of the front of the building.

Section 9.30 AREA AND WIDTH REGULATIONS

Minimum Lot Area of not less than 2750 square feet (255.75 sq.m.)

Minimum Lot Width of not less than 25 feet (7.6 m.).

Section 9.31 YARD REQUIREMENTS

A. Front yard

A zero front yard setback is permitted on blocks where zero front yard setbacks have existed prior to effective date of this ordinance. Otherwise, a front yard setback of 20 feet (6.096 m.) is required.

B. Side yard

A side yard, not abutting a street, if provided, shall be not less than three (3) feet (.91m) wide. Common party walls are permitted. A side yard abutting a street shall be the same as a front yard.

C. Rear yard

A side yard, if provided, shall be not less than ten (10) feet (3.05 m.)

Section 9.32 BUILDING COVERAGE

No more than 90 percent of any lot may be covered by buildings.

Section 9.40 OFF STREET PARKING AND LOADING

Individual uses are not required to provide on-site off-street parking, unless specifically required above. Off-street parking may be accommodated by public or private parking lots or structures. If off-street parking or loading is provided, it shall be in accordance with the provisions of Title XX. Common parking lots and structures are encouraged.

Section 9.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 9.51 SPECIAL DOWNTOWN SIGN DISTRICT

Reserved.

Section 9.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the intent of provisions of Title XVIII of this Ordinance and will not prevent the use of the zero lot line provisions of Section 9.31, unless there is a public safety issue.

Section 9.70 TREES AND LANDSCAPING REQUIREMENTS

- A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.
- B. Landscaping requirements are to be in accordance with Title XXII as well as landscaping shall be in compliance with the provisions of the Redevelopment Commission in conjunction with the requirements of the urban renewal district whichever is more restrictive.

Section 9.80 OTHER CONDITIONS

- A. All business shall be conducted within a completely enclosed building, except for off street parking, unless authorized as a special exception by the Board of Zoning Appeals.
- B. Outdoor festivals, farmers' markets, publicly sponsored events, and the like are permitted exceptions subject to the Board of Public Works or other responsible public agency, but not the Board of Zoning Appeals.
- C. The primary entrance to any structure shall face the primary street, unless otherwise authorized by the Plan Commission. Direct paved accessible pedestrian access to the public right-of-way sidewalk shall be provided. (Am.Ord. 9170)

TITLE X - C-4 GENERAL COMMERCIAL DISTRICT

Section 10.01 INTENDED PURPOSES

This district is designed to provide for automotive, service, and freestanding commercial activities which require limited comparison shopping. Customers usually arrive by automobile, making a separate stop for each errand. Uses permitted in this district usually require larger sites and buildings and often provide services which are not compatible with other commercial or residential districts. These commercial areas are usually located along major arterials or adjacent to limited access highway interchanges.

Section 10.10 PERMITTED USES

Within a C-4 General Commercial District no building, structure, or premises shall be used or arranged or designed to be used, except for one or more of the following uses:

1. Any use permitted in the C-3 Central Business District
2. Automobile service, quick service (no gasoline/fuel sales)
3. Automobile rental
4. Vehicle sales; New and/or used (Subject to Title XIX Zoning and Conditional Provisions). (Am.Ord. 9170)
5. Building Materials - Retail or Home Improvement Stores
6. Contractors - Air Conditioners, Construction, Plumbing, Heating and Ventilating, Electric, Insulation, Roofing or similar.
7. Fireworks, Consumer (Subject to Title XIX Zoning and Conditional Provisions)
8. Furniture repair/refinishing; Upholstery shops
9. Gun/firearm dealer, licensed, and in compliance with the minimum separation requirements under I.C. 35-47-11-2
10. Hotels, motels, convention centers
11. Light equipment rental/service/repair
12. Motorcycle sales and service
13. Pawn Shops, Alternative Financial Business (Subject to Title XIX Zoning and Conditional Provisions) (Am.Ord. 9237)
14. Private Clubs and Lodges
15. Restaurants (Drive-in, Drive-thru's subject to Title XIX Zoning and Conditional Provisions) (Am.Ord. 9170)
16. Tattoo and Body Piercing Establishments (Subject to City licensing requirements)
17. Train station, public transportation stations, bus terminal (Public or private).
18. Adult Entertainment Businesses, (subject to Title XIX Zoning and Conditional Provisions).

Section 10.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Any use similar to those above, but not specifically listed.
2. Animal Hospitals/Kennels

3. Automobile Fueling Station (Subject to Title XIX Zoning and Conditional Provisions).
4. Automobile Car Wash, detail shops
5. Automobile only Vehicle Repair Garage, restoration, body shops
6. Commercial Wireless Telecommunication Services (Subject to Title XIX Zoning and Condition Provisions).
7. Convalescent homes, nursing homes, rest homes and the like
8. Laundries
9. Mobile Home Sales and Service
10. Packaging Services
11. Places of worship, day care centers.
Event Space General Facility, Event Space limited Facility (Subject to Title XIX Zoning and Conditional Provisions) (Am.Ord. 9625, scrivener's error correction)
12. Residential above the first floor
13. Radio and television transmitting and/or receiving stations, towers, and related equipment
14. Sale yards for recreational vehicles, swimming pools, or other similar large items
15. Self Service Storage Facilities (Subject to Title XIX - Zoning & Conditional Provisions)
16. Utility substation and transmission facilities.
17. Any use similar to numbers 1-16, inclusive, above.

Section 10.20 HEIGHT REGULATIONS

No building shall exceed 40 feet (12.19 m) or three (3) stories in height.

Towers for telecommunications, radio, and television shall not exceed 100 feet (30.48 m).

Section 10.30 AREA AND WIDTH REGULATIONS

Minimum Lot Area of not less than 20,000 square feet (1,860 sq.m.)

Minimum Lot Width of not less than 100 feet (30.48m) at the building line.

Section 10.31 YARD REQUIREMENTS

Yard requirements should reflect the size of the building, its use and parking requirements with 10% available for landscaping and greenspace.

A. Front Yard

There shall be a front yard between the building line and the front property line of 25 feet (7.62 m).

B. Side Yard

1. On each interior lot, there shall be 2 side yards having a width of not less than 10 feet (3.05m) each.
2. On each corner lot, there shall be 2 side yards, the side yard abutting the street having a width of not less than 25 feet (7.62m) and the side yard not abutting the street, having a width of not less than 10 feet (3.05m).

3. On any lot, any side yard not abutting a street may be used to provide access to the rear portion of the yard.

C. Rear Yard

There shall be a rear yard on every lot, which yard shall have a minimum depth of not less than 25 feet (7.62m). Accessory buildings not more than 15 feet (4.57m) high may be located in a rear yard provided the accessory building occupies not more than 25 percent of the rear yard area. Accessory buildings shall not be used for recreational purposes.

Section 10.32 BUILDING COVERAGE

Not more than 45 percent of the area of any lot shall be occupied by buildings.

Section 10.40 OFF STREET PARKING

Off street parking will be in accordance with the provisions of Title XX.

Section 10.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI

Section 10.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the intent of provisions of Title XVIII.

Section 10.70 TREES AND LANDSCAPING REQUIREMENTS

- A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.
- B. Landscaping requirements are to be in accordance with Title XXII.

Section 10.80 OTHER CONDITIONS(Am.Ord. 9170)

- A. All Business shall be conducted within a completely enclosed building. Outside sales or displays of merchandise or commodities are prohibited. Outside storage, which is a permitted accessory use, is allowed only if it is completely obscured from public view by a six foot (1.83m) high solid fence.
- B. The following list of exceptions to these requirements is listed below:
 1. Automotive service stations which display items such as oil and new tires.
 2. Garden centers which display plants and related landscape items and which conduct their business from a main building.
 3. Sale yards for motor vehicles, recreational vehicles, and swimming pools.
 4. Merchant sponsored sidewalk sales, tent sales, special promotions, or special events may be permitted for a period of seven (7) days during the calendar year with the approval and issuance of an improvement location permit by the Zoning Administrator.

- C. All buildings and site shall have accessible pedestrian sidewalk or walkways internal to the development that are directly accessible from the public right-of-way sidewalk.

TITLE XI - I-1 LIGHT INDUSTRIAL DISTRICT

Section 11.01 INTENDED PURPOSES

This district is intended to provide sites for heavy commercial and light manufacturing activities employing relatively large numbers of people. Industrial uses would generally be located on sites of not more than 10 acres (4.05 ha) and activities would be of such a nature that they do not create serious problems of compatibility with other kinds of adjacent land use. Permitted commercial uses would be those which are most appropriately located as neighbors of industrial uses or which are necessary to serve the immediate needs of the people in these districts. Truck traffic and loading operations are expected to be characteristic of the districts, however, all storage and operations would be confined to completely enclosed buildings. Retail activities targeted to the general public are not appropriate in this district. The I-1 district may serve as a buffer between heavier industrial uses and residential and/or commercial uses. Uses must conform with all applicable federal, state, or local environmental laws and regulations.

Section 11.10 PERMITTED USES

In the I-1 Industrial District, buildings and premises may be used, and buildings may be erected or structurally altered for the following uses only:

1. Accessory offices
2. Boat storage /dry dock facility
3. Carpentry, wood working, or cabinet shop
4. Central plant facilities for dry cleaners and laundries
5. Commercial wireless telecommunication services, in accordance with Title XIX Zoning and Conditional Provisions.
6. Contractors
7. Distribution
8. Equipment Repair / Services
9. Fireworks, Consumer (Subject to Title XIX Zoning and Conditional Provisions)
10. Food Processing (Slaughterhouses are prohibited per Ordinance 3280)
11. Grinding, Milling, and Production
12. Laboratories
13. Light Fabrication, Assembly and Packaging
14. Machine shops, metal anodizing, buffing or similar
15. Material Handling and Equipment (sales and repair only)
16. Maintenance and Mechanical Repair of Automobiles, Trucks or Construction Equipment
17. Metal molding, plastic molding, or extrusion shops
18. Outdoor Advertising (Billboards) subject to Title XXI - Signs
19. Public Utility Services
20. Radio and television transmitting and/or receiving stations, towers, and related equipment

21. Self storage warehouse, self service storage facilities, in accordance with provisions in Title XIX - Zoning & Conditional Provisions
21. Truck and/or Heavy Equipment Fueling Operations or Automobile fueling stations subject to Title XIX - Zoning & Conditional Provisions
22. Truck, vehicle, and/or heavy equipment rental.
23. Truck/vehicle/automobile service, repair, or washing
24. Warehousing, Storage Movers, Cartage, Express and Parcel Delivery, Freight Terminals
25. Wholesaling and mail order establishments
26. Adult Entertainment Businesses, in accordance with provisions in Title XIX - Zoning and Conditional Provisions.
27. Vehicle sales (Subject to Title XIX Zoning and Conditional Provisions) (Am.Ord. 9170)
28. Data Center (Am.Ord.9411)

Section 11.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Any use permitted under Title XII, Section 12.10.
2. Any use similar to permitted uses in Section 11.10
3. Outside materials storage as a necessary accessory use to a permitted use. Any material storage in front and/or side yards shall be screened from view.
4. Household product recycling facility
5. Sale yards for recreational vehicles, swimming pools, or other similar large item
6. Tow yard

Section 11.20 HEIGHT REGULATIONS

The maximum height of buildings and other structures erected or enlarged in this district shall be 35 feet (10.67m), except that such height may be increased to a maximum of 65 feet (19.81m) provided that for every foot (.3m) of height in excess of 35 feet (10.67m) there shall be added to each yard requirement one corresponding foot (.3m) of width and depth.

Towers for telecommunications, radio, and television shall not exceed 100 feet (30.48m); except as otherwise provided in Title XIX - Zoning and Conditional Provisions.

Section 11.30 AREA AND WIDTH REGULATIONS (Am.Ord. 9170)

Minimum Lot Area of not less than 2 acres (.81 ha)
 Minimum Average Lot Width of 100 feet (30.48m)

Section 11.31 YARD REGULATIONS

A. Front Yards

There shall be a front yard on each lot which shall be not less than 30 feet (9.14m) in depth (see Section 18.12).

B. Side Yards

1. On each interior lot there shall be 2 side yards having an aggregate width of not less than 25 feet (7.62m), neither side yard having a width of less than 10 feet (3.05m), except as hereinafter provided in Subsection D hereof.
2. On each corner lot there shall be 2 side yards, the side yard abutting the street having a width of not less than 30 feet (9.14m) and the side yard not abutting the street having a width of not less than 40 feet (12.19m), except as hereinafter provided in Subsection D hereof (see Section 18.12)

C. Rear Yard

There shall be a rear yard on each lot the depth of which shall be not less than 20 feet (6.1m), except as hereinafter provided in Subsection D hereof.

D. Lots Abutting Residential Districts

Unless authorized as a conditional use, in no case shall any building or structure be erected closer than 100 feet (30.48m) to any residential district nor shall any parking area be closer than 40 feet (12.19m) to any residential district which 40 feet (12.19m) area between such parking lot and such residential district shall be maintained as green area entirely covered by in any combination of grass, shrubs, trees, or other organic materials. This requirement is in addition to the required landscaping of Section 22.65

Section 11.32 BUILDING COVERAGE

Not more than 50 percent of the area of any lot shall be occupied by building.

Section 11.40 OFF STREET PARKING AND LOADING

The provisions of Title XX shall apply except that no parking area shall be permitted closer than 40 feet (12.19 m) to the front line of any lot in this district, nor closer than 40 feet (12.19m) to any residential district.

Section 11.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 11.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVII.

Section 11.70 TREES AND LANDSCAPING REQUIREMENTS

A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.

B. Landscaping requirements are to be in accordance with Title XXII.

C. Landscaping requirements shall also be in compliance with Section 11.31 D.

Section 11.80 OTHER CONDITIONS

A. Open Storage

Any open storage yards shall be entirely enclosed with a fence at least 8 feet (2.44m) in height. The material and construction of this fence shall be approved in accordance with Title XXII Fences.

TITLE XII - I-2 MANUFACTURING DISTRICT

Section 12.01 INTENDED PURPOSES

This district is designed to provide areas suitable for development as heavy industrial sites, and at the same time, protect such industrial developments from the intrusion of non-industrial uses which impede the full utilization of properly located sites for industrial purposes. These uses are on large sites and typically need to be separated or isolated from residential or commercial areas to minimize any adverse effects on the residential or commercial areas. No use is permitted which violates any local, state, or federal environmental law or regulation.

Section 12.10 PERMITTED USES

A building or other structure shall be erected, altered or used, and a lot shall be occupied or used for any of the following purposes:

1. Any use permitted in the I-I Light Industrial District Section 11.10
2. Accessory Uses
3. Bulk Storage
4. Fabricating, Manufacturing, or Processing (not otherwise listed)
5. Forging, foundry uses
6. Handling and/or Processing of Construction Materials
7. Handling and/or Processing of Raw Materials
8. Truck Terminals
9. Vehicle Tow Yard

Section 12.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Any conditional use permitted in Section 11.11
2. Chemical manufacturing
3. Energy Generating Plant
4. Junk yard, Vehicle wrecking yard, or Scrap Processing/Recycling of Metals and/or Storage
5. Refinery and/or storage of related product
6. Sand or Gravel Quarrying
7. Storage and/or Handling of Explosives, Flammables, or Other Potentially Dangerous Materials. Applicable regulations of the Hammond Fire Department and Hammond Department of Environmental Management shall be adhered to.
8. Any other use, which may, under some circumstances, be injurious to public health or safety, subject to Title XIX-Zoning and Conditional Provisions.
9. Outside materials storage as a necessary accessory use to a permitted use.

Section 12.20 HEIGHT REGULATIONS

The maximum height of buildings and other structures erected or enlarged in this district shall be 35 feet (10.67m), except that such height may be increased to a maximum of 65 feet (19.81m) provided that for every foot in excess of 35 feet (10.67m), there shall be added to each yard requirement one corresponding foot (.3m) of width and depth.

Towers for telecommunications, radio, and television shall not exceed 100 feet (30.48m) except as otherwise provided in Title XIX - Zoning and Conditional Provisions.

Section 12.30 AREA AND WIDTH REGULATIONS (Am.Ord. 9170)

Minimum Lot Area of not less than 5 acres (2.02 ha)

Minimum Average Lot Width of 200 feet (60.96 m)

Section 12.31 YARD REGULATIONS

A. Front Yards

There shall be a front yard on each lot which shall be not less than fifty (50) feet (15.24m) in depth.

B. Side Yards

1. On each interior lot there shall be 2 side yards having an aggregate width of not less than 100 feet (30.48m), neither side yard having a width of less than 40 feet (12.19m), except as hereinafter provided in Subsection D hereof.
2. On each corner lot there shall be 2 side yards, the side yard abutting the street having a width of not less than 100 feet (30.48m) and the side yard not abutting the street having a width of not less than 40 feet (12.19m), except as hereinafter provided in Subsection D hereof.

C. Rear Yard

There shall be a rear yard on each lot the depth of which shall be not less than 50 feet (15.24m), except as hereinafter provided in Subsection D hereof.

D. Lots Abutting Residential Districts

Unless authorized as a conditional use, in no case shall any building or structure be erected closer than 200 feet (60.96m) to any residential district nor shall any parking area be closer than 40 feet (12.19m) to any residential district which 40 feet (12.19m) area between such parking lot and such residential district shall be maintained as green area entirely covered by in any combination of grass, shrubs, trees, or other organic materials. This requirement is in addition to the required landscaping of Section 22.65

Section 12.32 BUILDING COVERAGE

Not more than 50 percent of the area of any lot shall be occupied by building.

Section 12.40 OFF STREET PARKING AND LOADING

The provisions of Title XX shall apply except that no parking area shall be permitted closer than 20 feet (6.1m) to the front line of any lot in this district, nor closer than 40 feet (12.19m) to any residential district.

Section 12.50 SIGNS

Sign requirements will be in accordance with the provisions of Title XXI.

Section 12.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of Title XVII.

Section 12.70 TREES AND LANDSCAPING REQUIREMENTS

- A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.
- B. Landscaping requirements are to be in accordance with Title XXII.
- C. Landscaping requirements shall also be in compliance with Section 12.31 D.

Section 12.80 OTHER CONDITIONS

- A. Open Storage

Any open storage or repair yards shall be entirely enclosed with a fence at least 8 feet (2.44m) high. The material and construction of this fence shall be in accordance with Title XXII Fences.

TITLE XIII - S-I OPEN SPACE AND RECREATIONAL FACILITIES DISTRICT

Section 13.01 INTENDED PURPOSES

As the density of the population in the community increases, the importance of preserving existing and proposed open space and drainage ways for their intended purpose becomes more critical. When land is developed, a greatly increased amount of water run-off results from the replacement of open land with streets and buildings. In addition, the density of the urban environment requires that a portion of the land be set aside for vegetation and mostly free from buildings, roads, and parking lots; for passive or active recreational spaces; and to protect sensitive or natural areas from harm or inappropriate intrusions contrary to the natural area.

The purpose of this zoning district is to preserve existing and proposed future park and recreation areas, as well as other major open space and to preserve drainage basins in the community.

Section 13.10 PERMITTED USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes:

1. Animal and/or plant sanctuary, preserve, or other sensitive natural area.
2. Cemetery or other open space area as identified on the Comprehensive Plan map.
3. Floodways, drainage basins, wetlands, or water and shore areas of rivers, ponds, or lakes.
4. Marina, boat dock, fishing pier, or boat launch.
5. Park, playground, bike/hiking/walking path, nature trail, golf course, or other similar passive or active recreational uses.
6. Proposed park or public recreational uses as identified on the Comprehensive Plan map.
7. Sports playing facilities and grandstands/bleachers when not associated with a school campus.
8. Any ancillary uses as defined in Section 13.12.

Section 13.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Community garden.
2. Gymnasiums, stadiums, community centers, or day care centers.
3. Any use similar to those specified in Section 13.10 or 13.11.

Section 13.12 ANCILLARY USES

Ancillary uses that are housed in structures as prescribed below are allowed. Not more than 10% of the lot may be covered by said Ancillary uses.

Ancillary uses include picnic/pavilion structure, public restroom, bandshell, concession facility, maintenance/storage facility, office and support services serving the facility, visitors' center, swimming pool, or similar uses.

Cemeteries may include Ancillary buildings for office, maintenance facilities and mausoleums, but not crematoria.

Section 13.20 HEIGHT REGULATIONS

No building or structure shall exceed 35 feet (10.67m) in height.

Section 13.30 AREA AND WIDTH REGULATIONS

Minimum lot size shall be 1 acre (.405 ha).

Section 13.31 YARD REQUIREMENTS

There shall be a minimum 20 foot (6.096 m) setback from all public rights of way for any structures.

Section 13.32 BUILDING COVERAGE

Not more than 10% of the lot may be covered by said Ancillary uses.

Parking spaces are accessory uses and are not included in the 10% calculation.

Recreational facilities such as playing fields, tennis courts, playground equipment, or similar active or passive recreational facilities are not included in the 10% calculation.

Section 13.40 OFF STREET PARKING

Off street parking shall be in accordance as warranted with the provisions of Title XX.

Section 13.50 SIGNS

Only identification signs are permitted and shall be in accordance with the provisions of Title XXI.

TITLE XIV - S-2 INSTITUTIONAL DISTRICT

Section 14.01 INTENDED PURPOSES

Every community is serviced by government or public facilities that by their nature serve a public function to satisfy a public need or public desire. In addition private entities or public-private partnership ventures have taken over the role of providing these services on behalf of government. Often times these facilities require large tracts of land. Whether publicly or privately owned, these facilities are regulated by local, state, or federal law or agency that have established separate minimum requirements for site development. These requirements are often more restrictive than the local zoning requirements.

The purpose of this zoning district is to identify these uses and service facilities, preserve their designed use, and control the reuse of the buildings in which these uses are housed.

Section 14.10 PERMITTED USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes:

1. Public or government service building.
2. Public or private elementary, secondary, and post-secondary schools.
3. Hospitals (human), medical.
4. Public Transportation Stations
5. Public Library, Public Museum, or Public Art Gallery

Section 14.11 CONDITIONAL USES

A building may be erected, altered, or used, and a lot may be used or occupied for any of the following upon receiving approval as a conditional use and in compliance with all applicable conditions.

1. Uses similar to above
2. Any permitted or conditional use in Title XIII
3. Convalescent homes, nursing homes, rest homes.
4. Institutions serving children and/or patients numbering more than 13, short-term or long-term.
5. Asylum, sanitarium, mental hospital
6. Heliport serving a hospital.

Section 14.20 HEIGHT REGULATIONS

No building or structure shall exceed 35 feet (10.67m) in height.

Section 14.30 AREA AND WIDTH REGULATIONS

Minimum lot size shall be 1 acre (.405 ha).

Section 14.31 YARD REQUIREMENTS

There shall be a minimum 20 foot (6.096 m) setback from all public rights of way for any structures.

Section 14.40 OFF STREET PARKING

Off street parking shall be in accordance as warranted with the provisions of Title XX.

Section 14.50 SIGNS

Only identification signs are permitted and shall be in accordance with the provisions of Title XXI.

Section 14.60 VISION CLEARANCE

Vision clearance requirements will be in accordance with the provisions of XVIII.

Section 14.70 TREES AND LANDSCAPING REQUIREMENTS

- A. Trees planted in the tree lawn (between the curb line and the sidewalk) shall be in compliance with City Code Chapter 105 Municipal Street Tree Regulations as may be amended from time to time.

- B. Landscaping requirements are to be in accordance with Title XXII.

TITLE XV - S-3 SPECIAL CLASSIFICATION DISTRICT

Section 15.01 INTENDED PURPOSES

The S-3 Special Classification District is intended to allow the use of and to facilitate the development of docking facilities and land based operations that are essential or related to the operation of a gaming facility that has been licensed and is authorized to operate in the State of Indiana.

Section 15.10 PERMITTED USES

Within any S-3 Special Classification District, no building, structure or premises shall be designed, used, altered or arranged to be used as a free-standing use or incorporated into a building or structure including other primary use(s) except for one or more of the following uses:

1. GAMING FACILITY (as regulated by the rules and regulations promulgated by the State of Indiana, including, but not limited to, the Indiana Gaming Commission), including, but not limited to all allowed and/or ancillary or related operations and activities (including, but not limited to: arcades; docking facilities; accessory ticketing operations; accessory hotel operations, and passenger terminal area(s) for customers waiting for boarding of or disembarking from a casino vessel).
2. OFFICE USE (including, but not limited to: Governmental/Regulatory; Professional/Management; and Financial).
3. RESTAURANTS AND FOOD SERVICE ESTABLISHMENTS (any type, including, but not limited to: Sit-down, Fast-food, Food Court, Catering Hall, Buffet, Ice Cream Parlor, or Family Restaurants).

Restaurants may include: outdoor seating areas, live entertainment, and dancing; provided, however, facilities engaging in Adult Entertainment Uses shall be prohibited.

4. DRINKING PLACE (including, but not limited to: Bar; Tavern; Night Club; Entertainment Lounge).
5. MEETING PLACE (including, but not limited to: Ballroom, Meeting Room, Convention Center and Auditorium).
6. RETAIL-TYPE USES (including, but not limited to: Gift Shops; Clothing and Apparel or Accessory Stores; Book Store; Camera and Photographic Supply Store; Card Shop; Computer Store; Drug Store; Food Store (i.e., bakery, candy, nut, confectionery store, deli, grocery, produce); Hobby, Toy or Game Shop; Jewelry Store; Liquor Store; Music Store; Luggage and Leather Goods; Office Supply; Optical Goods; Shoe Store; Stationer; Telephone Store; and Variety Store).

7. PERSONAL SERVICE ESTABLISHMENTS (including, but not limited to: Barber Shop; Beauty Shop; Dry Cleaning; Banking Facilities (including ATM's); Photo finishing; and Photography Studio).
8. TRANSPORTATION FACILITIES (including, but not limited to: Public or Private Roadways; Bus Terminals; Docking Facilities; and Railroad Tracks, Train Stations, Switching Facilities and related supporting operations).
9. PARKING LOTS OR STRUCTURES/HELICOPTER LANDING PADS (as a primary use or accessory use on any lot).
10. ACCESSORY STRUCTURES, BUILDING OR USES (including any structure, building or use that is subordinate to, customarily associated with, and appropriate and incidental to any primary structure, building or use permitted within the S-3 Special Classification District).
11. OTHER USES that are specified in the petitioner's request for zone map change to the S-3 Special Classification District which are similar and comparable in nature to the above permitted uses and which are approved by the Common Council of the City of Hammond.

Section 15.20 HEIGHT REGULATIONS

No building or structure shall hereafter be erected or altered to exceed one-hundred and twenty-five (125) feet (38.1m) in building height. Accessory communication towers may be erected above such building height limit, provided that any such tower shall not exceed one-hundred and fifty (150) feet (45.72 m) in height above the grade at the front of the building.

Section 15.31 YARD REQUIREMENTS

No front, side or rear yard setback shall be required from the right-of-way of a public or private street or adjoining property line; provided, that in no case, however, any front, side or rear yard abutting a major or minor arterial, as delineated on the Hammond Thoroughfare Plan shall have a setback from centerline of the thoroughfare of less than sixty (60) feet (18.29m).

Section 15.40 OFF STREET PARKING AND OFF STREET LOADING

Access drives to off street parking and off street loading areas shall not exceed forty (40) feet (12.19m) in width.

The total number of required off street parking spaces for all uses within the S-3 Special Classification District shall not be less than one-thousand two hundred (1,200) parking spaces.

Except as expressly provided otherwise, all off street parking and off street loading facilities shall be provided for all uses within the S-3 Special Classification District in compliance with the provisions of Title XX of the City of Hammond Zoning Ordinance.

Section 15.50 SIGNS

There shall be permitted one or more signs with a total, combined sign surface area not to exceed one-thousand five-hundred (1,500) square feet (138.9 sq. m.).

Except as expressly provided otherwise, all signs permitted in the S-3 Special Classification District shall be in compliance with applicable provisions for signs in C-4 districts as set forth in Title XXI Section 21.02 and Section 21.23.

Section 15.80 SPECIAL PROVISIONS

Except as provided in Sections 15.40 and 15.50 above, the provisions and requirements of Title XVIII and Title XX of the City of Hammond Zoning Ordinance shall not be applicable to any development in the S-3 Special Classification District. All structures, buildings or uses permitted in the S-3 Special Classification District shall comply with this Title.

TITLE XVI - PUD- PLANNED UNIT DEVELOPMENT DISTRICT PROCEDURES

(Am.Ord. 9189)

Section 16.01 INTENDED PURPOSES

Recognizing that there may be unique circumstances that affect how a parcel may be developed, traditional zoning classifications may not provide the flexibility that may be required in providing future City needs. This flexibility may be necessary in order to adapt to: unusual or unique topographical constraints; unusually shaped parcels of land; environmentally sensitive or natural areas; brownfield or contaminated land; new building methods, materials, etc.; or the desire to secure the benefit of solar orientation, climate control, or additional privacy.

The Planned Unit Development district allows the Plan Commission to adapt to non-traditional site layouts or mixture of uses not normally allowed to locate next to each other. This includes providing for:

- 1) the application of neo-traditional planning approaches and techniques;
- 2) the planning of a variety of uses, buildings, or dwelling types not traditionally allowed to be grouped together;
- 3) the development of commercial buildings and groups thereof to secure greater convenience to the public through improved methods of merchandising, transportation, office management and distribution of services necessary to the public welfare;
- 4) the development of industrial buildings and groups thereof to secure greater convenience in production through improved methods of manufacturing, transportation, office management, and distribution of products necessary to the public welfare; or
- 5) the ability to adapt to and meet changing needs of the future or technology.

In exchange for this flexibility, the Planned Unit Development District shall provide for increased open space requirements, covenants or other legal protections for sensitive lands, public improvements in response to increased traffic, or other requirements in direct response to ramifications of the development.

Parcels may be zoned as Planned Unit Development District for the accomplishment of the foregoing purposes, in accordance with the following procedure, under the authority of the 1500 Series-Planned Unit Development (IC 36-7-4-1500 through IC 36-7-4-1599 and any amendments thereto).

Section 16.02 DEFINITIONS

Planned Unit Development District Ordinance is the ordinance that sets out the zoning provisions to guide the development within the planned unit development area. At a minimum, the PUD Ordinance shall include the legal description of the area subject to the regulations and the allowable uses, general pattern of development, location of the open space, general design criteria, and any other criteria deemed necessary by the Plan Commission, including, but not limited to, drainage and protection of natural resources. Charts, graphs, photographs or other graphic representations may be included. The ordinance may also cross-

reference to other Titles of the Zoning Ordinance to address provisions not specifically address in the PUD District Ordinance. (Am.Ord. 9189)

Preliminary Plan of Planned Unit Development includes the Planned Unit Development District Ordinance and the general plan of development or plat/site plan drawings that show at a minimum the required open space and preliminary lot divisions. Any drawings shall be completed in accordance with standard architectural or engineering practice and drawn in an appropriate scale. (Am.Ord. 9189)

Final Plat of Planned Unit Development is the document that defines the division of land into parcels including the open space parcel. The final plat shall follow the requirements of the subdivision ordinance.

Final Development Plan of Planned Unit Development is the document that establishes the final site plan layout of the development. The Final Development Plan shall be drawn in accordance with standard architectural or engineering practice and drawn in a scale of not less than 1"= 100'.

Open space shall consist of one or more defined lots or easement areas restricted to open space usage that is a minimum of 8% of the total PUD district site. The open space may be used in any combination of recreational areas, natural areas, common areas, drainage areas, or similar areas approved by the Plan Commission. The Plan Commission may consider area of less than the minimum 8% if properly zoned and restricted open space areas are immediately adjacent and available to the development. A maintenance mechanism to manage the open space within the PUD shall be provided and approved by the Plan Commission. (Am.Ord. 9189)

Section 16.10 CLASSIFICATION OF PARCELS TO PLANNED UNIT DEVELOPMENT ZONING DISTRICT

If a parcel of land is not zoned as Planned Unit Development District, it shall be rezoned to said classification by following the established rezoning procedures. If the Council approves the rezoning, the Zoning Map shall be amended accordingly. An application for rezoning may be submitted co-terminously with the application for the Preliminary Plan.

The Zoning Map may also indicate by appropriate abbreviation the general category(ies) of allowable use(s) or corresponding zoning district(s) as defined in the Titles of this Ordinance which are more particularly defined by the Final Development Plan. For example, a light industrial planned unit development with some commercial uses allowed would be designated as PUD-CI.

Section 16.15 PUD's IN EXISTENCE PRIOR TO OCTOBER 31, 2012 (Am.Ord. 9189)

Planned Unit Development districts that were established by Council Resolution before October 31, 2012 shall continue to be governed by the provisions of their respective Council Resolution(s). After October 31, 2012 any amendment to the PUD provisions shall be done so by Ordinance.

Section 16.16 LOCATION OF INDIVIDUAL PUD's PROVISIONS (Am.Ord. 9189)

Adopted Planned Unit Development Preliminary plans and provisions shall be identified in Title XXX of this Ordinance or made a part of the Zoning Ordinance by reference.

Section 16.20 PRELIMINARY PLAN PROCEDURE (Am.Ord. 9189)

The petitioner shall submit a Preliminary Plan also known as the Plan of PUD in accordance with the established Department of Planning procedures. The Preliminary Plan, an Ordinance including any graphic representations, the Plan Commission's recommendation and other required documentation shall be submitted to the City Council.

If the City Council approves the Preliminary Plan or Plan of PUD, the ordinance shall be adopted by the City Council in accordance with its procedures and filed with the Secretary for the Plan Commission. This shall be the official document for which future approvals of the development plan are based.

Section 16.21 FINAL PLAT PROCEDURE

The petitioner shall submit a Final Plat to the Department of Planning in accordance with the established procedures and in accordance with the procedures for subdivision approval. The Final Plat will be submitted for the established agency review as for subdivisions.

The Final Plat of PUD shall include all information as provided for in the subdivision ordinance including all certifications, signature lines, dedication statements, and any other appropriate information as required by the Plan Commission or the subdivision ordinance. This document shall also include information regarding the types of uses allowed and a statement of the Plan Commission's authority to approve amendments and modifications to the document. This document shall include boundary lines, zones, or area defining the building area (but not necessarily the building footprint), buildable area, parking area, detention/retention area, area of sensitive or special lands, or other similar areas or information as required by the Plan Commission.

After the Plan Commission approves the Final Plat, the petitioner shall submit the plat for approval to the Board of Public Works and Safety and have it recorded at the Lake County Recorder of Deeds.

Section 16.22 FINAL DEVELOPMENT PLAN PROCEDURE

The petitioner shall submit a Final Development Plan to the Department of Planning in accordance with the established procedures and in accordance with the procedures for site plan approval. The Final Plat will be submitted for the established agency review as for site plans.

After the Plan Commission approves the Final Development Plan and all conditions have been met, the petitioner shall submit the development plan to the Zoning Administrator for an improvement location permit. Upon receipt of the improvement

location permit, the petitioner may proceed with the normal building permit procedures. A copy of the Final Development Plan shall be kept on file with the Department of Planning.

Section 16.30 TIME LIMITS AND PHASING

Within a period of twelve (12) months following the approval of the preliminary plan, a Final Plat and a Final Development Plan shall be submitted for approval. The Plan Commission may extend this time if circumstances warrant an extension.

Although the Preliminary Plan must show the entire proposed development, the Final Development Plan and the Final Plat may be submitted and approved in phases.

The Final Plat and the Final Development Plan may be submitted at the same time. However, the Final Plat must receive final approval first and approval of the Final Development Plan will be subject to approval by the Board of Public Works and Safety and recording of the plat at the Lake County Recorders.

No building permit shall be issued nor construction be commenced before a Final Development Plan and Final Plat for that phase is approved by the City Plan Commission, filed with the Secretary for the City Plan Commission and approved by the Board of Public Works and Safety and the County Recorder when required.

Section 16.40 CONDITIONS AND COMMITMENTS

As a part of the preliminary plan, the City Council may impose or the Plan Commission may recommend to the Council for imposition: 1) reasonable conditions on the PUD; 2) conditional issuance of an improvement location permit based on the furnishing of a bond or satisfactorily written assurance guaranteeing the timely completion of a proposed public improvements in the PUD or serving the PUD; and/or 3) allow or require the owner to make a written commitment.

The Plan Commission may also impose said conditions or commitments during the final development plan or amendment thereto.

Any conditions or commitments are subject to the provisions of applicable state statute and Title XXVII. (Am.Ord. 9189)

Section 16.50 THE PRELIMINARY PLAN (Am.Ord. 9189)

The Preliminary Plan or Plan of PUD shall show the layout of the total area to be include in the proposed district, identify the proposed uses in the specific or by reference to a zoning classification otherwise described in this Ordinance and shall be accompanied by documentary evidence to the satisfaction of the Plan Commission and the City Council allowing the following:

- A. That the plan and the PUD District Ordinance is consistent with the Comprehensive Plan and the Zoning Ordinance and that it will promote the general welfare of the City;

- B. That the appropriate use and value of adjacent property will be safeguarded;
- C. That the capacity of existing or proposed utilities, drainage areas, streets, and thoroughfares is adequate for the existing and additional proposed facilities. That any burden is mitigated by means of related appropriate measures;
- D. That the development will consist of a grouping of buildings or other structures deemed by the City Plan Commission to be architecturally harmonious; that adequate service areas, parking, and open spaces will be provided; and that this development will be a common operating and maintenance unit, where practical;
- E. That proper and sufficient provision is made for open space in addition to required yards and that a maintenance mechanism has been established for the open space or common space;
- F. That spacing between principal buildings shall be similar to such spacing as would be required between buildings similarly developed under the terms of this Ordinance on separate lots or shall at a minimum comply with building code and fire safety regulations;
- G. That yards and spacing between the PUD and surrounding developments be adequate to provide a buffer if the land use in the PUD is different from the surrounding uses; i.e., commercial adjacent to residential;
- H. All other requirements, restrictions and allowances which are appropriate to the proper development of the site.

Section 16.51 FINAL DEVELOPMENT PLANS (Am.Ord. 9189)

If the development is to be carried out in progressive phases, each phase may be submitted with its own separate development plan, but shall be so planned that the foregoing conditions and intent of this Ordinance shall be fully complied with at the completion of any phase as well as the overall final development. Final Development Plans of PUD shall be approved of by the Plan Commission and shall conform to the Preliminary Plan of PUD. The Final Development Plan of PUD shall be submitted in conjunction with the Final Plat of PUD. The Final Plat of PUD shall be approved in accordance with the Subdivision Control Ordinance.

The comprehensive Final Development Plan shall be accompanied by documentary evidence to the satisfaction of the Plan Commission allowing the following:

- A. That the final development plan is in compliance with the PUD district ordinance and applicable provisions of the Zoning Ordinance;
- B. That adequate provision is made for safe and efficient pedestrian and vehicular circulation within the site;

- C. That the location, dimensions, and arrangements of all open spaces, yards, access ways, entrances, exits, pedestrian ways, widths of roads, streets and sidewalks are adequate to provide for safe and efficient ingress and egress to and from public streets and highways serving the development;
- D. That the size and capacity of all areas to be used for automobile access, parking, loading and unloading, are in compliance with applicable parking provisions in the PUD District Ordinance or Off-Street Parking and Loading regulations;
- E. The location, uses planned, elevations, major exterior treatment, dimensions, gross floor area, building coverage, and height of each building or other structure are compliant with the PUD District Ordinance;
- F. The location and arrangement of all areas devoted to planted lawns, trees, recreation, natural areas, drainage areas and retention ponds, and similar purposes are identified and a maintenance mechanism has been established for the required open spaces;
- G. Provisions made for the location of existing or proposed sewage disposal, water supply, storm water drainage, parking lot lights, and other utilities are sufficient and compliant;
- H. Sufficient additional data as may have been required by the Plan Commission or City Council subsequent to the approval of the preliminary plan to enable the Plan Commission to judge the effectiveness of the design and character of the entire Planned Unit Development District and to consider properly such things as the relationship to surrounding area, anticipated traffic, public health, safety, and general welfare.

Section 16.60 NOTIFICATION REQUIREMENTS

Unless otherwise specified, notification requirements for Preliminary Plan, Final Development Plans, and Final Plat of PUD shall be the same as those required for all other zoning and planning actions.

Developmental modifications to an approved Final Development Plan that are not greater than a 10% modification of a building footprint, building material, landscape plan or similar and these modifications are not in conflict with the approved Final Development Plan or other Title or provision of this Ordinance may be approved by the Zoning Administrator or his designee without notification or review by the City Plan Commission. However, staff must report said modification to the City Plan Commission at the next regularly scheduled meeting.

Developmental modifications to an approved Final Development Plan that are greater than 10% but less than 40% modification as described above shall be approved by the Plan Commission at a public meeting with legal notice publication required but notice to property owners within 300 feet is not required.

Developmental modifications to an approved Final Development Plan that are greater than 40% shall be approved by the Plan Commission at a public meeting with legal notice publication required and notification of property owners within 300 feet by first class mail. Said notifications shall meet the established schedule.

Any change of use to a different zoning classification shall be approved as an amendment to the preliminary development plan and approved by the City Plan Commission and the Council in accordance with the procedures for the approval of the preliminary development plan.

Section 16.70 RECORDATION

The Final Plat of PUD shall be recorded with the Lake County Recorder in accordance with established procedures for the recording of subdivisions. Approved modifications of said documents shall also be recorded when required.

Section 16.80 TIME LIMIT FOR BEGINNING OF CONSTRUCTION AND REVERSION TO FORMER ZONING CLASSIFICATION

Every application, when approved by the Plan Commission, either as submitted or resubmitted in modified form, shall constitute an agreement by the applicant or owner that such installation shall be made, completed and operated as indicated by the approved plan and in accordance with the provisions of this title and that the area which has been zoned or rezoned shall lose its new classification and revert to its former zoning classification, in any of the following events occur:

- A. If construction of approved buildings and improvements shall not be undertaken within 12 months after the approval of the detailed plans or within such additional time as may be authorized by the City Plan Commission.
- B. If there shall be a failure to complete construction or to comply or to continue to comply with the specified conditions listed in Section 16.40 and in this section, or with conditions imposed by the City Council hereunder in the zoning of the area.

The change of zoning required by this title shall not be effective unless written notice has been given to the applicant by mail giving him 30 days in which to show cause to the City Plan Commission why the change in zoning should not take place.

Section 16.90 ZONING DESIGNATION BINDING SUCCESSORS IN INTEREST

Whenever a tract of land has been designated as a Planned Unit Development, said zoning designation, approved Final Development Plan, and approved Final Plat of PUD, or approved modifications thereto shall continue in effect irrespective of subsequent changes in ownership, whether all or a portion of the designated tract; and the uses and regulations of such zoning shall bind and be applicable to any successors in interest to those who were the owners of such tract at the time this zoning was imposed upon this real estate.

TITLE XVII - NONCONFORMING BUILDINGS, USES AND LOTS

Section 17.01 PURPOSE

The purpose of this title is to set forth criteria, standards, and procedures for establishing, continuing, altering, amortizing, and discontinuing legal nonconforming uses, structures, and situations. This title is intended to provide for the continued use of legal nonconforming structures, uses and situations, along with reasonable maintenance and repairs, while also achieving the long term goals of either phasing out and discontinuing these uses over time or bringing nonconforming uses and structures into conformance with the standards, requirements, and purposes of this ordinance where possible.

Section 17.10 CONTINUATION

Any building or other structure, or any use that does not conform with the provisions of this Ordinance and which lawfully or legally existed prior to the effective date of this Ordinance, or which subsequently becomes nonconforming as a result of an amendment to this Ordinance, shall be permitted to continue and be considered as a legal nonconforming building, structure, or use, except as otherwise provided in this Ordinance.

Section 17.20 MAINTENANCE AND REPAIRS PERMITTED

Nothing in this Ordinance shall be interpreted to prevent the normal maintenance and repair of legal nonconforming structures or of structures that contain legal nonconforming uses, except as otherwise provided in this Ordinance. Normal maintenance and repair does not include the razing of walls to the foundation and rebuilding, nor does it include altering a structure that contains a legal non-conforming use in any way that results in additional habitable space.

Section 17.30 EXTENSION AND INTENSIFICATION

A legal nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law, and that no nonconforming use is extended to displace a conforming use.

A legal nonconforming use may not be intensified (or increase the degree of nonconformity with respect to developmental regulation throughout a building) unless authorized as a special exception by the Board of Zoning Appeals and that no nonconforming use is intensified to displace a conforming use.

An illegal nonconforming use may not be extended, intensified, or displace a conforming use.

Section 17.40 CHANGE

Any legal nonconforming use of a building or land may be changed to another nonconforming use of the same classification, unless otherwise provided herein. Parking may be provided on a lot used for a nonconforming use. If the legal nonconforming use has been abandoned for more than one year, then the use may not be changed to another nonconforming use of the same classification, unless approved by the Board of Zoning Appeals as a special exception.

Section 17.50 RESTORATION

Any legal nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, wind storm, or other similar active cause, to an extent of not more than 75 percent of its fair market value (prior to the damage or destruction), may be reconstructed in the same location, provided that:

- a. The reconstructed building or structure shall not exceed the height, area, or volume of the damaged or destroyed building or structure except as provided in Section 2.03 of this Title, herein, and;
- b. Reconstruction shall begin within one year from the date of damage or destruction and shall be carried on without interruption.

Section 17.60 ABANDONMENT

If a legal nonconforming use of a building or other structure is abandoned or discontinued for a continuous period of one year or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this Ordinance except that the Plan Commission, upon request, may extend the period of time.

Section 17.70 LOTS NONCONFORMING AS TO AREA AND WIDTH REGULATIONS, AND LOTS OF UNUSUAL DIMENSIONS

- A. When authorized by the Board of Zoning Appeals, a building may be erected or altered on any lot held in single and separate ownership on the effective date of this Ordinance which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in providing the required open spaces for the district in which the lot is situated.
- B. Where two or more contiguous undeveloped lots are held in single ownership, within a subdivision which has been duly recorded prior to the effective date of this Ordinance, which lots are individually not of the required minimum area or width for the district in which they are situated, no special exception shall be required for the issuance of Building Permits provided that such lots shall be developed in groups or fractions thereof, as single lots, to provide the minimum lot frontage required for each structure.

Section 17.80 ARCADES

Any arcade, which was operating on September 8, 1982, has become classified as a legal nonconforming use. An arcade no later than five (5) years after September 8, 1982, (September 8, 1987) must have obtained a conditional use permit and comply with the applicable municipal codes in order to operate said devices or facilities.

Section 17.81 NONCONFORMING ADULT ENTERTAINMENT BUSINESS

- A. A lawful nonconforming Adult Entertainment Business may not be changed to another Adult Entertainment Business unless the new Adult Entertainment Business is in compliance with all provisions within the zoning ordinance for establishing an Adult Entertainment Business.
- B. The subsequent establishment of a place of worship, school, park, child day care center or home, or residentially zoned district within the prescribed separation distances for Adult Entertainment Business shall not change the status of the Adult Entertainment Business to that of a nonconforming Adult Entertainment Business.

TITLE XVIII - SPECIAL PROVISIONS

Section 18.01 INTENDED PURPOSES

The purpose of this section is to identify special and unique circumstances that are not adequately addressed elsewhere in the Ordinance. These provisions are intended to provide a clear and fair way with resolving the unique and special circumstances.

Section 18.10 MODIFICATION OF FRONT YARD REQUIREMENTS

- A. Where an unimproved lot is situated between 2 improved lots having on each a principal building within 25 feet (7.62m) of the side boundary line of such unimproved lot, which extends into the required front yard of each such improved lot and has been so maintained since the effective date of this Ordinance, the front yard depth of such unimproved lot may be the average depth of the front yard of the 2 adjacent improved lots, notwithstanding the other yard requirements of the district in which it is located .
- B. Where an unimproved lot adjoins only 1 improved lot having a principal building thereon within 25 feet (7.62m) of the common side lot line which extends into the required front yard of such improved lot and has been so maintained since the effective date of this Ordinance, the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the district in which such unimproved lot is located, notwithstanding the other yard requirements for such district.
- C. In C-1 and C-3 Commercial Districts, the Zoning Administrator may modify the front yard requirements to maintain an existing zero lot line if the preponderance of the adjacent buildings are constructed at the zero lot line.

Section 18.11 PROJECTIONS INTO REQUIRED YARDS

No building and no part of a building shall be erected within or shall project into any required yard in any district except that:

- A. A terrace, platform or land place, not covered by a roof, canopy or trellis, which does not extend above the level of first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet (3.66m) provided that it shall not extend into such yard more than 40 percent of the required depth or width of the yard.
- B. A carport may be erected over a driveway in a required side yard, provided that such structure is:
 - 1. No more than 15 feet (4.57m) in height and 20 feet (6.10m) in length;
 - 2. Entirely open on at least 3 sides, exclusive of the necessary supporting columns and customary architectural features, and;
 - 3. At least 5 feet (1.52m) from the side lot line.

- C. A buttress, chimney, cornice, pier, or pilaster of a building may project not more than 18 inches (.46m) into a required yard.
- D. Open, unenclosed fire escapes, steps, bay windows, and balconies may not project into any required yard.

Section 18.12 YARD REQUIREMENTS ON LOTS ABUTTING MAJOR OR MINOR ARTERIAL

Any yard, front, side or rear, abutting a major or minor arterial as delineated on the Hammond Thoroughfare Plan shall have a setback from the center line of the thoroughfare of not less than 60 feet (18.29m), or as required in the District regulations.

Section 18.20 CORNER VISION OBSTRUCTION

A triangular space at the intersection of any traffic way shall be free from any kind of obstruction to vision between the height of 30 inches (.76m) above the road surface to a height of at least 12 feet (3.66m) above the road surface. The triangular space is determined by a diagonal line connecting 2 points measured 15 feet (4.57m) from the point of the intersection of the traffic ways.

Section 18.30 STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off street parking.

Section 18.40 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In any commercial and/or industrial district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 18.50 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, residential television antennas, water tanks, ventilators, chimneys, communication towers (but not commercial wireless telecommunication services which are subject to Title XIX Zoning and Conditional Provisions) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

Section 18.60 ACCESSORY BUILDINGS

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to, all regulations of this Ordinance applicable to main buildings.
- B. In residential districts detached accessory buildings shall not be erected in any yard, except a rear yard.
- C. An accessory building may not exceed 1 story or 15 feet (4.57m) in height. In locally designated, National Register eligible, or National Register designated Historic Districts, the Zoning Administrator may allow accessory building roof heights up to 18 feet (5.49m) to match the pitch of the roof on the principle building when approved by the Historic Preservation Commission.
- D. No detached accessory building shall be located closer than 10 feet (3.05m) to any main building nor shall it be located closer than 5 feet (1.52m) to any side or rear lot line with eaves, no closer than 3 feet (.91m) to any lot line.
- E. No accessory building shall be converted into a dwelling unit, although an accessory portion of a dwelling unit attached to that dwelling unit may be converted to additional living space for that same dwelling unit provided all applicable building and zoning requirements are met.

Section 18.70 ACCESSORY USES (Am.Ord. 9170)

When "accessory" is used in the text, it shall have the same meaning as accessory use.

An accessory use includes:

- A. Living or sleeping accommodations for servants.
- B. Living or sleeping accommodations for caretakers in connection with any use.
- C. Living or sleeping accommodations for employees in connection with commercial or manufacturing uses.
- D. Keeping of domestic (household) animals, but not for sale.
- E. Swimming pools not located within a building, provided that:
 - 1. The use of such pools shall be restricted to occupants of the principal use and guests for whom no admission or membership fees are charged;
 - 2. If accessory to a nonresidential use, the edge of the pool shall be located not less than 100 feet (30.48m) from any lot line;
 - 3. Illumination of such pools shall be limited to underwater lighting.
 - 4. Swimming pool clubs are not accessory uses.
 - 5. Fencing is in compliance with Title XXII.
- F. Domestic storage in a barn, shed, tool room, or similar building or other structure.

- G. Home occupations in accordance with Title XIX Zoning and Conditional Provisions.
- H. In connection with commercial or manufacturing uses, the storage of goods normally carried in stock, used in or produced by such uses, unless the storage is expressly prohibited under the applicable district regulations.
- I. In connection with commercial and manufacturing uses, incidental repairs, unless expressly prohibited under the applicable district regulations.
- J. The removal for sale of sod, loam, clay, sand, gravel, or stone in connection with the construction of a building or other structure on the same zoning lot, or in connection with the regrading of a zoning lot, but in the latter case, not below the legal street grade.
- K. Accessory off street parking spaces, open or enclosed.
- L. Accessory off street loading berths.
- M. Accessory radio, television and the like towers, but not CWTS. (Subject to applicable F.C.C. Regulations and Section 19.13).
- N. In connection with industrial or manufacturing uses: green roofs, green energy technology, small (non-commercial) green houses.(Am.Ord.9411)

Section 18.71 RESTAURANT OPEN AIR OR OUTDOOR SEATING AS AN ACCESSORY USE (Am. Ord. 9250)

18.71.01 Intended purpose

The purpose of this section is to provide for the circumstances and provisions upon which restaurant seating that would otherwise occur in a total enclosed structure may occur and protect the health, safety, and general welfare of the community at large and residential areas in particular.

18.71.02 Definitions

For the purpose of this section, the following definitions are applicable:

Restaurant Open Air seating is defined as a seating area that is otherwise classified as interior space under the Building Code in which the walls are partially or fully openable by means of a retractable mechanism with the intent of creating an open-air environment on a seasonal basis.

Restaurant Outdoor Seating area is defined as a seating area that is classified as exterior space under the Building Code which is uncovered or covered by means of an umbrella, awning (retractable or unretractable), canopy (retractable or unretractable), or similar with the intent of creating an outdoor environment on a seasonal basis.

18.71.03 Permitted or Conditional use

Restaurant Open air seating and Restaurant Limited Outdoor Seating areas may be permitted as an accessory use to a restaurant with indoor seating in C-2, C-3, or C-4 zoning districts, subject to the provisions herein.

Restaurant General Outdoor Seating requires a conditional use permit in C-2, C-3, or C-4 districts.

Outdoor seating is prohibited for mobile food carts or similar.

18.71.04 Notice to interested parties for conditional use

For purposes of this section only, notice to adjacent property owners is limited to owners within 150 feet from the subject property boundaries.

18.71.05 Restaurant Open air seating

Restaurant Open air seating shall comply with all applicable Building Codes for interior seating, all applicable noise ordinances, and all setbacks for the zoning district in which it is located.

For purposes of calculations for required parking, the restaurant open air seating area shall be included in the basis for determining parking for the primary restaurant type as defined in Title XX.

18.71.06 Restaurant Outdoor seating area General provisions

All Outdoor seating areas, subject to the following provisions:

1. Seating areas shall be shown on a seating plan, identifying the number of tables and chairs and their approximate location. The seating area shall be limited to 33% of the number of seats in the indoor restaurant space as approved by building code and the Building Commissioner. The number of seats shall not be increased without prior authorization and shall not exceed the 33% limitation.
2. Seating areas shall be located on private property and shall not encroach into any required yard setbacks. No outdoor seating areas are allowed in the public right-of-way, public sidewalk, or in any required off-street parking areas.
3. Seating areas shall not obstruct required accesses, entrances, or exits.
4. An accessible path of travel shall be provided between tables.
5. No food or beverages shall be served outside of the outdoor seating area. Signage shall be posted that prohibits the consumption of alcohol outside of the designated areas.
6. Cooking and preparation of food and beverages shall be prohibited from the outdoor seating area.
7. Lighting shall only illuminate the seating area. Lighting levels shall not exceed zero foot-candles at the abutting property line.
8. All tables and chairs shall be kept in a clean and sanitary manner. Tables and chairs shall be maintenance free furniture that enhances the appearance of the business. Outdoor trash receptacles shall be provided.
9. Any canopies, umbrellas, roofs, etc. shall be free of signs unless otherwise required in this section.
10. The hours of operation of the outdoor seating shall not exceed the hours of operation for the indoor restaurant hours, but shall be no later than 10:00 p.m.
11. If the principal use abuts a residential zoning district, outdoor electronic speaker devices shall not be operated between 9:00 p.m. and 7:00 a.m. For all other

zoning districts, outdoor electronic speaker devices shall not be operated between 10:00 p.m. and 7:00 a.m. Compliance with applicable noise ordinance provisions shall be required.

18.71.07 Limited outdoor seating areas

Limited outdoor seating areas contain 8 seats or less and shall also meet the following:

1. No tables, chairs or other furnishings shall remain in the seating area when the business is closed.
2. No additional parking spaces shall be required.

18.71.08 General outdoor seating areas

General outdoor seating areas contain 9 seats or more and shall also meet the following:

1. The seating area shall be enclosed by approved landscaping and fencing.
2. The outdoor seating area shall be entered only through the principal building. There shall be no exit gates from the outdoor seating area unless required by the Building Code.
3. In addition to the required number of parking spaces pursuant to the principal use, additional parking shall be required at a ratio of 1 parking space for every 4 seats in the outdoor seating area.

TITLE XIX ZONING AND CONDITIONAL PROVISIONS

Section 19.01 INTENDED PURPOSES

This section lays out specific criteria that shall be met in order for a use to be allowed to be established, operate, continued, or maintained within the City of Hammond. As identified, this criteria may be reviewed and approved, either by the Zoning Administrator (if listed as a permitted use); or by the Board of Zoning Appeals (if listed as a conditional use). Where applicable as a variance of use, the City Council shall also review and approve the use. In addition to these provisions, the use shall be governed by the applicable provisions for the zoning district in which it is located.

Section 19.10 Reserved

Section 19.11 Child Care Center or Home (Am.Ord. 9170)

19.11.01 Purposes

The purpose of this section is to provide additional guidance in the administration of Child Care services in addition to IC 12-7-2-28.4 et seq., IC 12-17.2 et seq. and related applicable State Statute.

19.11.02 Child Care Home

A child care home is subject to the definition in Title 1. The facility is intended to be occupied by the operator of the facility in a residential dwelling in a residential district.

19.11.03 Child Care Center

A child care center is subject to the definition in Title 1. The facility is not occupied by the operator of the facility and is not in a residential dwelling structure

Section 19.13 COMMERCIAL WIRELESS TELECOMMUNICATIONS SERVICES (CWTS) (Am.Ord. 9170)

19.13.01 Purposes

The purpose of this section is to provide regulations governing commercial wireless telecommunication services so that the aesthetic and visual qualities of Hammond are protected while facilitating the provision of said services. The goal is to minimize the visual impact of said services especially near residential areas by minimizing the height of towers, encouraging co-location, and alternative tower structures or "stealth technology."

19.13.05 CWTS Inclusions And Exclusions

In addition to the services as definition for CWTS in Title I, the provisions for this section also govern towers/antennae which are used for the purpose of broadcasting, transmitting and/or receiving television and radio transmissions and their related equipment. Television antennae, microwave dishes, satellite dishes, amateur radio antennae, and similar technology used for residential purposes are not subject to these provisions.

19.13.10 Height and Yard Regulations

The maximum height of a CWTS tower/antenna shall be 100 feet (30.5 m). The height is measured from grade level to the highest point of the tower/antenna whether or not the tower/antenna is located on a building or structure. The approved height of the antenna/tower shall be the minimum height technically necessary to function satisfactorily.

The CWTS tower/antenna, guy wires, service buildings, and fencing shall be in compliance with the applicable yard setback provisions for the zoning district in which the tower/antenna is located.

19.13.11 Co-location

A CWTS co-location shall provide for a minimum of two services located on a single tower/structure at a single location. Appropriate structural information that demonstrates that the tower/structure is capable of supporting more than one service provider's equipment shall be submitted. A site plan shall be submitted that demonstrates that there is enough area to accommodate a minimum of two service buildings/structures within the applicable setback provisions for the zoning district in which the tower/antenna is located.

Upon receipt, review, and verification of the documentation described above, the Zoning Administrator is authorized to grant an administrative developmental variance to the height of the tower up to 120 feet (35.576 m).

Heights above 120 feet (35.576 m) must receive a developmental variance approved by the Board of Zoning Appeals.

19.13.12 Verification of Location of Tower/Antenna

The company proposing to locate a CWTS tower/antenna shall demonstrate that the tower/antenna must be placed in its proposed location in order to satisfy its function in the grid system. Prior to the approval of a new tower/antenna, the company must demonstrate that it has contacted the owners of nearby tall structures [structures 80 feet (24.38 m) or greater] and other CWTS tower/antennae within a one (1) mile radius of the proposed site, asked for permission to install the antenna on those structures, and was denied for non-economic reasons.

This information is to be provided to the Zoning Administrator prior to approval of the permit. If a variance is being requested, then this information shall be provided also to the Board of Zoning Appeals. The Zoning Administrator or the Board of Zoning Appeals may deny the application for construction of a new tower/antenna if the company/applicant has not made a good-faith effort to mount the antenna in these alternate locations.

19.13.13 Fencing and Screening

A fence shall be required around the tower/antenna and service building, unless the antenna is mounted on an existing structure. The fence is to be eight (8) feet (2.44m) high and shall be erected to prevent access to non-authorized personnel. Landscaping

of a densely packed hedge or similar planting shall be provided to screen the service building and ground level features from the public view Landscaping shall be a minimum of 30 inches (.76 m.) high at the time of planting which shall grow to a minimum of 6 feet (1.83 m) at maturity.

19.13.14 Stealth design

A service building for a tower/antenna located within 100 feet (30.5 m) of any residential district shall be of a residential design similar to adjacent residential structures. This shall include pitched roofs and exterior materials commonly used for residential construction.

"Stealth" design of towers/antennas shall be considered for any location. Said "stealth" design may take the form of clock towers, bell steeples, light poles, flag poles or similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

19.13.15 Non Interference With Public Safety Telecommunications

No new or existing telecommunications service shall interfere with public safety telecommunications. Appropriate measures are required to assure that there is no interference with public safety telecommunications

Section 19.15 Community Gardens (Am.Ord. 9170)

19.15.01 Intended purposes.

The purpose of the community garden is to provide for an opportunity for multiple users to cultivate fruits, vegetables, plants, flower, or herbs in a communal setting on vacant parcels as an interim or temporary use.

19.15.02 Prohibitions

The following are prohibited from being grown, raised, produced, or similar in a community garden:

- a) Plants that are considered to be illegal or produce an illegal substance under applicable local, state, or federal laws or regulations.
- b) Chickens, pigs, or similar animals prohibited from the City of Hammond by local ordinance.
- c) Bees.

19.15.03 Administration

A community garden shall be under the auspices of the City of Hammond Redevelopment Commission's Adopt-a-Lot program or sponsored by a non-profit organization, school, place of worship, public housing entity, or similar.

The area of the community garden may be divided into subareas (i.e. plots) which may be tended by different individuals, groups, or organizations.

19.15.04 Area and Yard Regulations

A. The lot size shall be 0.5 acres (0.2 ha) or less.

B. The area for the purposes of cultivation shall have the following setbacks:

- a) front yard and corner front yard setback equal to the front yard setback requirement of the zoning district in which it lies or the average of the setbacks of the adjacent buildings.
- b) side and rear yard setback of 5 feet (1.5 m.)

19.15.05 Appurtenances

- a) Any fencing shall be in accordance with the fencing requirements in T/S 22.20 for the applicable zoning district.
- b) Accessory structures for the purpose of storing equipment for gardening shall not exceed 100 square feet (9.29 sq. m.) and shall be located in the rear portion of the parcel between the rear property line and the midpoint of the front and rear property lines.
- c) Signage shall be limited to 32 square feet (2.97 sq. m.). Signs shall not be taller than 6 feet (1.82 m.).
- d) When raised planting beds are provided, then a minimum of 25% shall be accessed by an ADA accessible pathway between the public sidewalk, the planting bed, and any accessory structures under T/S 19.15.05(b).
- e) Water containers shall not exceed 5 feet (1.5 m) in height.

Section 19.16 COMMUNITY RESIDENCES

19.16.01 Intended purposes

The purpose of this section is to address the various concerns that often arise in locating community residences. Community residences of 9 (nine) residents or more are conditional uses in all residential districts, except in the R-4 High Density

Residential District in which they are permitted uses, and provided that they are in compliance with applicable state law and federal regulations including the Fair Housing Acts, as well as applicable local, state, and federal licensing, health, safety, housing, and building code regulations or requirements and the provisions of this section. Community residences shall be similar to and compatible with surrounding residential properties to maintain neighborhood character, pursuant to Section 19.16.10. Allowable reasonable accommodations provided for under the Fair Housing Acts and the Americans With Disabilities Act are to be complied with.

19.16.10 Compliance criteria

In addition to the established criteria for conditional uses, the Board of Zoning Appeals shall also consider the criteria below. The Zoning Administrator shall also consider the following criteria for community residences in an R-4 district.

- 1) A Community Residence shall not be located within 500 feet (152.4 m) of another community residence or group home.
- 2) A Community Residence shall be similar to and compatible with the surrounding residential properties in size, setbacks, massing, scale, and directional expression of the front elevation.

19.16.20 Reasonable accommodation

As a part of the determination of a community residence as a conditional use in the R-1, R-1U, R-2 and R-3 districts, the Board of Zoning Appeals shall apply Section 24.53 for the determination of a reasonable accommodation through the conditional use permit. The Board of Zoning Appeals shall make a determination of reasonable accommodation for a community residence that is otherwise a permitted use in an R-4 district through the conditional use permit process and in compliance with Section 24.53.

Section 19.18 DRIVE-THRU and DRIVE-IN FACILITIES (Am.Ord. 9170)

19.18.01 Intended purposes

The purpose is to provide for adequate design for engineering, stacking, and traffic flow to assure the public safety and welfare for the use of the facility.

19.18.10 Review by City Engineer

The review of the design for the drive-thru or drive-in facilities is subject to the approval of the City Engineer in accordance with applicable provisions of the current edition of the Uniform Traffic Control Device Manual, the Transportation and Traffic Engineering Handbook, Hammond City Code, or similar resources.

19.18.11 Stacking and Parking

The required amount of space for purposes of stacking of the vehicles to use the drive-thru facility and parking for a facility that has a drive-thru are subject to T/S 20.44. The drive-thru stacking lane shall be separate from other maneuvering or access lanes within the site. A by-pass lane from the stacking lane shall be provided unless otherwise determined by the City Engineer. Traffic flow and maneuverability within the site shall be subject to review by the City Engineer in accordance with current the Uniform Traffic manual or similar authoritative sources.

19.18.12 Landscaping and Fencing

Landscaping and fencing shall be in compliance with applicable provisions found in Title XXII.

19.18.13 Access to right-of-way

A drive-thru shall be accessed (ingress and egress) directly on to a public street right-of-way or an internal access easement within a C-2 Shopping Center District or PUD Planned Unit Development district. Access shall not be from an alley, unless authorized by the City Engineer.

19.18.14 Accessible Path

A drive-thru lane shall be designed and located so that there is no conflict with (or cause an adverse affect on the public health, welfare and safety of the use of) an accessible path of travel between an accessible parking space and an accessible entrance.

19.18.15 Menu boards

A restaurant drive-thru facility is allowed to have one primary menu board that does not exceed 53.82 square feet (5 sq. m.) and 8 feet (2.44 m) in height; and one secondary

menu board that does not exceed 10.75 square feet (1 sq. m.) and 6 feet (1.82 m) in height. Neither the primary nor the secondary menu board is permitted in the front yard between the primary wall of the building and the public right-of-way.

A restaurant drive-in facility is allowed up to 5 square feet (0.46 sq.m.) per vehicle for one or more menu boards that are primarily intended to be solely visible to the patrons while parked.

19.18.16 Drive-thru or Drive-in Speaker boxes

In addition to applicable provisions in the City Code regarding noise, the sound emanating from a speaker box or similar device shall not be greater than 75db measured at 5 feet (1.5 m) from the speaker.

19.18.17 ATM's

Signage, logos, stripes, graphics, and the like shall not exceed more than 40% of the surface of an ATM, either in total surface area of the four sides of the machine or for each face of the machine, whichever is the lesser. Signage on an integral or attached canopy or structure that is a part of, over, or surrounding the ATM shall not exceed 40% of the vertical surface area of the canopy or structure. No signage is allowed to be above or attached on top of the canopy or structure. This signage is subject to the maximum allowable signage per the zoning district in which it is located.

Section 19.18.50 EVENT SPACE FACILITIES (Am.Ord. 9625)

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.

Section 19.19 FIREWORKS (Am. Ord. 8971)

19.19.01 Intended purposes

The purpose is provide for appropriate regulations and provisions to protect the health, safety, welfare of the citizenry of and real property within the City of Hammond. Fireworks by their very nature are combustible, flammable, explosive, and potentially dangerous. Because of these dangers, the sale, storage and distribution of these products need to be appropriately separated from the citizens who reside in Hammond or congregate in public assembly venues. These products need to be appropriately separated from other businesses that have combustible, flammable, or explosive products housed on their property.

19.19.02 Conduction of Business

All Business shall be conducted within a completely enclosed building. In accordance with T/S 20.70.02, temporary fireworks stands (either stationary or in portable structures) are prohibited.

19.19.03 Permitted Zoning Districts and Uses of consumer fireworks

The sale, storage, or distribution of consumer fireworks is permitted in the C-4, I-1, and I-2 zoning districts only in accordance with the provisions of this section.

The sale, storage, or distribution of consumer fireworks is prohibited from all other zoning districts.

The storage of consumer fireworks shall be considered as an accessory use to the primary use of sale or distribution and shall not encompass more than 50% of the net square footage of the building.

19.19.04 Class of building

In accordance with IC 22-11-14-4.5 (b) and (c), the sale (and storage) of consumer fireworks shall be located in a Class 1 structure (as defined in IC 22-12-1-4).

In accordance with IC 22-11-14-4.5 (c), the sale (and storage) of consumer fireworks is exempt from the provisions of this section 19.19 if the sales (and storage) is located in a Class 1 structure that is also a B-2, M, or H-3 building classification under the circumstances described in IC 22-11-14-4.5 (b).

19.19.05 Prohibition of special fireworks.

The sale, storage, or distribution of special fireworks is prohibited in all zoning districts.

19.19.06 Minimum Yard Requirements.

A building in which the sale, storage, or distribution of consumer fireworks shall be located in accordance with the yard requirements of the zoning district in which it is located.

19.19.07 Minimum Separation

A building being used for the sale, storage, or distribution of consumer fireworks shall be located no closer than 100 feet from nearest zoning lot line of any property containing or being used as any of the following:

- a) a residential dwelling unit located within any zoning district;
- b) a place of assembly or place of worship;
- c) a school, park, child care facility, nursing home, or hospital;
- d) an automobile or truck fueling facility;
- e) a building or structure in which bulk liquid oxygen storage units are used or contained;
- f) a building being used for the sale, storage, or distribution of consumer fireworks;
- g) a building or structure in which toxic materials as defined in Title/Section 1.50 of this Ordinance are used or contained; or
- h) a building or structure in which explosive, flammable or other potentially dangerous materials as identified in Title/Section 12.11 of this Ordinance are used or contained.

19.19.08 Parking Requirements

The required amount of parking shall be in accordance with T/S 20.40 and T/S 20.44.01 in any zoning district in which the use is permitted.

19.19.09 Signage

Signage shall be in accordance with the applicable provisions of the zoning district in which the fireworks establishment is located. Balloon or inflatable devices are prohibited from the roofs of the any building or structure. Beacon, spot lights, or similar devices are prohibited. Signs shall not be located in any vision clearance area, drive aisle, pedestrian way, public sidewalk, public right-of-way or any required parking spaces.

19.19.10 Requirements for review for fireworks

The facility and handling/storage operations and practices being used for sale, storage, or distribution of consumer fireworks shall be reviewed by the Office of the Building Commissioner and the Hammond Fire Department for compliance with applicable building and fire protection regulations. The facility and handling/storage operations and practices being used for the sale, storage, or distribution of consumer fireworks shall be

reviewed by the Department of Environmental Management for compliance with applicable environmental regulations, if the facility is located adjacent to uses described in T/S 19.19.07(g) and (h).

Said review shall be provided to the applicant and the Zoning Administrator prior to the issuance of any permits. Any recommendation(s) forthcoming from the review shall be included as a condition of any approval and the issuance of an improvement location permit.

Section 19.20 FUELING STATIONS (Automobile and Truck)

19.20.01 Intended purposes

The City of Hammond has been experiencing a proliferation of fueling stations being located along the City's streets. This proliferation of fueling stations is especially acute within one mile of the State Line and adjacent to the Borman and the Toll Road. The desirability of these locations because of the beneficial sales tax arrangement has resulted in an increased attractiveness of these stations. The success of these businesses has led to deleterious effects on the streets of Hammond from increased traffic congestion, noise, and air pollution. Traffic, noise, etc. emanating from the stations negatively impact upon the quality of life of those living in adjacent residential areas.

In addition, there is a distinction in the fueling industry regarding the nature of the customers served: one level of station serves primarily the automobiles used by the general public, and a second level serves primarily the heavy trucks used by the trucking industry.

These regulations are intended to provide uniform criteria for fueling stations to address: 1) the outdoor nature of their primary activity; 2) the generation of noise, or air pollution, 3) the aesthetic impact on adjacent properties; 4) the intensive vehicular demands for ingress and egress both on-site and off-site on City streets; 5) the reduction of pedestrian-vehicular conflict; and 6) environmental issues, including, but not limited to, the disposal or handling of volatile chemicals.

19.20.10 Automobile Fueling Station

An automobile fueling station is a conditional use in a C-4 General Commercial zone. The station is allowed to be located only on an arterial street as defined in the Comprehensive / Land Use plan. No more than two automobile fueling stations shall be located at any intersection of streets.

A minimum separation distance of 500 feet (152.4 m)) is required between any two automobile fueling stations. If a second station is located at the same intersection as the first station, the minimum separation distance is not required. Said distance is measured in a straight line without regard to intervening structures from the nearest lot line to the nearest lot line of each station. An automobile fueling station is not designed to serve heavy, semi-tractor, or similar trucks because of the larger turning movements and

higher canopy heights; therefore heavy, semi-tractor, or similar trucks are prohibited from using an automobile fueling station.

19.20.11 Minimum lot size and yard requirements.

The minimum lot size shall be 20,000 square feet (1860 sq. m.). Yard requirements shall be the same as those of the C-4 zoning district in which it is located. A canopy over the pump islands may be allowed to be no closer than one half of the required yard setback or a minimum of 5 feet (1.52 m) whichever is greater. The setback is measured from the outermost edge of the canopy transferred to the ground.

19.20.12 Development Standards

1. A building or structure servicing the fuel pump islands shall have a minimum of 5% of each façade facing the street comprised of windows or equivalent fenestration; and that said windows or fenestration shall not be covered or blocked by signage, internal feature, furniture, display units, or similar. (Am.Ord. 9170)
2. Pedestrian entrances shall be easily identified and preferably located on the façade facing the street.
3. Buffering and screening shall be provided to reduce noise and light impacts and enhance aesthetic qualities on surrounding properties.
 - a) A minimum 8 foot (2.44 m) solid masonry wall, or similar sound barrier material that has an equal or greater sound barrier quality as a masonry wall (chainlink fence is excluded), is required on the side of the property that abuts any residential district. When it abuts an alley, the wall may be at the property line. When it abuts a street, the wall shall be setback 20 feet (6.1 m) and the setback area shall be landscaped in accordance with Title XXII.
 - b) For aesthetic purpose, all paved areas including the pump islands shall have perimeter landscaping in accordance with the provisions for parking lots under Section 22.70.
 - c) Lighting shall be directed on site and away from adjacent properties. Light at the property line abutting a residential district shall not exceed 3 footcandles. Hours of operation of a station abutting any residential district shall be limited to between 6:00 a.m. and 10:00 p.m., unless otherwise authorized by the Board of Zoning Appeals.
 - d) The operator shall provide a noise abatement policy that establishes procedures for the operator to limit the noise from car alarms, horns, music, etc. from encroaching upon or creating a nuisance on adjacent property owners in accordance with City Code § 97.
4. Ingress and egress to the pump islands shall be accomplished in such a manner as to minimize any pedestrian / vehicle conflicts.
5. All stacking shall be provided for on-site and shall be in compliance with the City Engineer's established gas station site requirements, and subject to the traffic control requirement for the issuance of a curb cut permit.
6. Parking shall be provided for the maximum number of employees on site at any point in time, plus a minimum of 2 spaces for customers not using the pump islands. Parking shall meet the all applicable provisions of Title XX. A minimum of one handicapped space shall be provided in accordance with applicable provisions of Title XX and the Americans With Disabilities Act.

19.20.20 Truck fueling stations

Truck fueling stations are permitted uses in the I-1 and I-2 zoning districts.

A minimum separation distance of 500 feet (152.4 m)) is required between any truck fueling station and any residential zoning district. Said distance is measured in a straight line without regard to intervening structures from the nearest lot line to the nearest lot line of each station. Automobiles are not prohibited from using a truck fueling station.

19.20.21 Minimum lot size and yard requirements.

The minimum lot size shall be 50,000 square feet (4650 sq. m.). Yard requirements shall be the same as those of the zoning district in which it is located. A canopy over the pump islands may be allowed to be no closer than 30 feet (9.144 m) from any property line. The setback is measured from the outermost edge of the canopy transferred to the ground.

19.20.22 Development standards

1. A building or structure servicing the pump islands is required to provide for windows or some equivalent fenestration facing the street.
2. Pedestrian entrances are required to be easily identified.
3. Site lighting shall be directed on to the site and away from adjacent properties. Lighting fixtures on a fuel station canopy shall be directed downward towards the ground and not in a horizontal direction. The lighting fixtures shall not extend below the lower horizontal surface of the canopy; or otherwise a shielding device shall be attached to minimize the light emission in a horizontal direction. The light measured at the property line shall not exceed 3 footcandles and shall not exceed 1 footcandle at the property line abutting any residential zoning district or residential uses in a PUD. (Am.Ord. 9170)
4. Ingress and egress to the pump islands shall be accomplished in such a manner as to minimize any pedestrian /vehicle conflicts.
5. All stacking shall be provided for on-site and shall be in compliance with the City Engineer's established gas station site requirements and subject to the traffic control requirement for the issuance of a curb cut permit.
6. Parking shall be provided for the maximum number of employees on site at any point in time, plus a minimum of 2 spaces for customers not using the pump islands. Parking shall meet the all applicable provisions of Title XX. A minimum of one handicapped space shall be provided in accordance with applicable provisions of Title XX and the Americans With Disabilities Act.
7. Truck fueling stations located in any Industrial zones shall comply with the applicable Section 11.31D or 12.31D. For aesthetic purpose, all paved areas including the pump islands shall have perimeter landscaping in accordance with the provisions for parking lots under Section 22.70.

19.20.30 Combination fueling stations

Automobile or truck fueling stations are allowed to combine with retail or restaurant services or uses only if the individual provisions provided for both the fueling station use and the additional service or use are complied with. An automobile fueling station is prohibited from combining with a truck fueling station in a C-4 zoning district.

19.20.31 Parking (Am.Ord. 9170)

Parking for a combination fueling station is the sum of the parking requirements for each individual use, plus employees. This total may be reduced by 30% for shared parking.

19.20.40 Requirements for review by the City Engineer.

The review of the design layout of the either an automobile fueling stations (Section 19.20.10) or a truck fueling station (Section 19.20.20) is subject to approval by the City Engineer in accordance with the established gas station site requirements and applicable provisions found in Uniform Traffic Control Device Manual, the Transportation and Traffic Engineering Handbook, or similar authoritative professional engineering publications.

19.20.50 Environmental issues

In order to protect the public health and safety, each automobile fueling station (Section 19.20.10) or truck fueling station (Section 19.20.20) shall be required to have on hand an Emergency Response Plan (ERP) that will specifically address the steps the station will take in the event there is a spill or release of any petroleum products on their premises (gasoline, oil or antifreeze) and/or other dangerous vehicle fluids. Each fueling station shall be required to have an oil/water separator installed at a point in the drainage system just prior to discharge into any sewer system (storm and/or sanitary). A shut-off valve shall be located after the oil/water separator and prior to the actual discharge into the system. All other applicable local, state, and federal environmental regulations including, but not limited to, the disposal and handling of volatile chemicals and fuels shall be complied with.

In accordance with the definitions in Title I, this provision shall also apply to automobile service station, truck service station, vehicle repair garage, vehicle tow yard, vehicle salvage and junk yard, or similar automobile, vehicle, or truck uses that maintain, handle, or use vehicle petroleum or other dangerous vehicle fluids.

Section 19.30 GROUP HOMES

19.30.01 Intended purpose and criteria

Group homes of 8 residents or less under the Fair Housing Acts are permitted in all residential zones where the following criteria are met.

- 1) The location of a group home facility is no closer to two (2) or more existing group homes than 500 feet (152.4 m) as measured from lot line to lot line in the most direct manner without regard to intervening structures, or by any distance requirement set by the State, whichever is greater.

Section 19.35 HOME OCCUPATIONS

19.35.01 Intended Purposes

The City of Hammond recognizes the desire and/or need of some citizens to use their residence for business activities in order to reduce trip generation and to provide another economic development tool, but the City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.

19.35.10 Permitted

A permitted home occupation/home based business is an accessory use and is any type of occupation or business that meets the following criteria:

1. The activity is compatible with the residential use of the property and surrounding residential uses;
2. The activity employs family members residing in the dwelling or unit and/or up to one (1) employee not residing in the dwelling unit;
3. The volume of business-related persons who visit the residential dwelling or unit is not in the excess of eight (8) per day;
4. The volume of business-related deliveries or truck and other vehicular traffic is not in excess of two (2) per day;
5. The activity uses no equipment or processes that create noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, detectable by any neighbors;
6. The activity does not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;
7. The activity does not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in a business;
8. No classes or lessons shall be provided other than single purpose instruction; and
9. The activity does not involve any illegal activity, nor any activity which violates any local, state or federal law or regulation.

19.35.11 Location within a Principle Building

The activity shall be carried on wholly within the principle building. No home occupation/home based business or any storage of goods, materials, or products connected with a home occupation/home based business shall be allowed in accessory buildings or garages.

19.35.12 Retail Sales

No commodity is sold or involves no retail sales on the premises. Direct sale product distribution (including, but not limited to, Avon, Amway, Tupperware, etc.) and incidental retail sales are permitted. Parties for direct sale products shall not be held more than four (4) times per month.

19.35.40 Off-Street Parking

A home occupation/home based business shall provide additional off street parking area reasonably adequate to accommodate needs created by the home occupation/home based business of not less than one (1) parking space for each three hundred (300) square feet (91.4 sq. m.) of floor area devoted to the home occupation/home based business.

19.35.50 Signs

There shall be no signs present on the property other than a name plate mounted flush against the wall, no more than one (1) square foot in area, that will indicate from the exterior that the building is being utilized wholly or in any part for any purpose other than that of a dwelling.

19.35.90 Prohibited

The following uses shall be prohibited as a home occupation/home based business:

- 1) Kennels, stables, veterinarian clinics/hospitals;
- 2) Medical and dental clinics, hospitals;
- 3) Restaurants, clubs, drinking establishments;
- 4) Motor vehicle/small engine repair;
- 5) Lodging, rooming houses, bed and breakfast inns; and
- 6) Adult Entertainment Business, massage parlors, tattoo businesses.

Section 19.40 INJURIOUS CHEMICALS OR PROCESSES

19.40.01 Intended purposes (Am.Ord. 9170)

The purpose of this section is to recognize that certain materials, compounds, mixtures, or chemicals used in manufacturing processes or are generated as a product or waste or are stored or handled, that may do potential harm to humans, animals, or the environment and affect the public health and safety. The intent is to have these situations evaluated by a local authority to determine the appropriate safety measures, monitoring, and response actions to assure the safety, health, and protection of adjacent residents, businesses, and industries, and to insure continuous compliance in accordance with applicable City of Hammond, State of Indiana, and federal laws and regulations. Said materials, compounds, mixtures, or chemicals are often used in various industries permitted in either Industrial zoning district. Said materials, compounds, mixtures, or chemicals may be or may become a significant threat to the public health and safety; cause or result in a burden or detriment to the sanitary system; and/or are a potential violation of City of Hammond, State of Indiana, or federal air and water quality standards shall require a conditional use permit in the I-1 Light Industrial or I-2 Manufacturing Zoning Districts granted by the Board of Zoning Appeals. The Board of Zoning Appeals can grant a conditional use permit only if all applicable health, safety, and environmental laws are complied with. The provisions herein are intended to provide the Board with adequate guidance in its deliberations.

19.40.10 Review responsibility (Am.Ord. 9170)

The use, handling, storage, manufacturing, processing or generation as a product or waste, of any materials, compound, mixture, or chemical that may be dangerous, hazardous, or injurious to any organism or the environment shall be reviewed by the Hammond Department of Environmental Management (HDEM) and the Hammond Fire Department (HFD). The review shall be conducted using any available information and shall include any applicable United States Environmental Protection Agency, Indiana Department of Environmental Management or other City of Hammond, State of Indiana, or federal laws, regulations, or standards. HDEM and the HDF, when applicable, shall submit to the Zoning Administrator a report including a recommendation regarding the criteria or conditions under which a conditional use permit is to be granted.

19.40.11 Minimum submission requirements (Am.Ord. 9170)

An HDEM Construction Permit Application shall be completed and submitted to HDEM and the HFD for review along with a Material Safety Data Sheet (MSDS) for each material, compound, mixture or chemical, waste or byproduct used, handled, stored or generated. A plant or facility site plan, process flow diagram and detailed process or handling description shall be included, along with, where applicable, monitoring (air/water/waste) protocols and procedures, including quality assurance and quality control plans.

19.40.20 Conditions

The Board of Zoning Appeals may grant a conditional use for the handling, storage, use, production and/or processing of injurious chemicals or compounds, or materials that contain injurious chemicals and may impose any restrictions or conditions as recommended by HDEM and HFD and in compliance with applicable City of Hammond, State of Indiana, and federal laws, regulations, or standards. As a part of the approval process, the BZA may require that HDEM and/or HFD monitor the provisions of the conditional use permit at specified intervals, and written recommendations as to the continuance or discontinuance of the conditional use permit.

19.40.30 Toxic Materials (Am.Ord. 9170)

Toxic materials under the definition in Section 1.50 or other applicable regulatory definition may not be allowed under the conditional use permit process. A special use shall be applied for and received under the applicable Council procedures for special use.

Toxic materials used, handled, or stored in manufacturing processes or toxic materials generated as a product or waste are those which are identified as toxic in any of the following:

- a. The most current edition of the United States Department of Transportation's "Emergency Response Guidebook"; or
- b. The most current edition of "N. Irving Sax's Dangerous Properties of Industrial Materials"; or,
- c. The most current edition of "Hawley's Condensed Chemical Dictionary"; or
- d. Any Material Safety Data Sheet (MSDS) that is available for that material, compound, mixture, chemical or waste.

Section 19.50 MANUFACTURED HOUSING

19.50.01 Intended Purposes

It is the intent of this Title to comply with the State law governing the placement of manufactured homes on residential zoning lots. In order to protect the residents of both manufactured housing and of the surrounding neighborhood, the following requirements and procedures are set forth herein to maintain property values and the stability of the neighborhood by:

- 1) assuring that manufactured housing is similar in appearance and compatible with the scale and character of the surrounding neighborhood;
- 2) protecting the architectural character of the historic areas; and
- 3) assuring the soundness of construction of manufactured housing and dwellings that have been or might be constructed under these and other lawful regulations.

19.50.02 Applicability of regulations out of Parks

This Section shall apply only to manufactured housing located outside of approved manufacturing housing parks.

19.50.03 Year of Manufacture

This section shall apply only to manufactured homes constructed after January 1, 1981.

19.50.10 Permitted Placement

The establishment, location, and use of Type I or Type II manufactured homes as permanent residences shall be permitted in any residential zone permitting installation of a dwelling unit subject to:

- 1) a case by case approval to assure compliance with the materials, design, and other provisions specified herein,
- 2) the requirements and limitations that apply generally to such residential use in the district, and
- 3) the provision that such homes meet the following requirements and limitations:
 - a. The dwelling shall meet the appropriate Exterior Appearance Standards as hereinafter set forth in Section 19.50.20;
 - b. The dwelling shall be sited in a district where such use is permitted in the Zoning Ordinance; and
 - c. The dwelling shall receive all required permits and conform to the Zoning Ordinance, Building Codes, and other ordinances of the City of Hammond.

19.50.11 Historic Districts

Due to the sensitive character of certain areas of the City, the establishment, use, and/or construction of manufactured homes is not permitted in any area:

1. Which is identified as a proposed Historic District, as documented in the Lake County Interim Report of the Indiana Historic Sites and Structures Inventory, 1996; or
2. Which is designated as a local, state, or federal Historic District; or

3. Which may not be a recommended district in the above survey or a designated district, but which may be under consideration for historic district status by the Historic Preservation Commission.

19.50.20 Exterior Appearance and Compatibility Standards

- A. Manufactured housing of Type I and Type II shall comply with all of the zoning provisions required for the zoning district in which it is located. This shall include, but not be limited to, setback distance; side and rear yard area; vehicle parking space; and height of structure.
- B. The primary entrance of Type I and Type II housing shall face the primary street or face a side yard if the primary entrance is located on a porch, stoop, or similar structure that does face the primary street.
- C. The following siding materials are approved for usage on residential design Type I or Type II manufactured homes:
 1. Residential horizontal wood, vinyl, or aluminum lap siding.
 2. Cedar or other wood siding.
 3. Stucco siding.
 4. Brick or stone siding.
- D. The following roofing materials are approved for usage on residential design Type I or Type II manufactured homes:
 1. Fiberglass shingles on a roof pitched according to the design specifications of the shingles.
 2. Shake shingles on a roof pitched according to the design specifications of the shingles.
 3. Asphalt shingles on a roof pitched according to the design specifications of the shingles.
 4. Tile materials on a roof pitched according to the design specifications of the materials.

19.50.30 Installation Standards

Perimeter Retaining Wall

Manufactured homes must be set onto an excavated area with footings, foundations, and basement walls constructed in accordance with the terms of the One and Two Family Dwelling Code. The space between the floor joists of the home and the excavated under floor grade shall be completely enclosed with the permanent perimeter retaining wall. The wall shall be composed of solid masonry, which shall extend below the frost line. The design by a registered professional engineer or architect shall safely support those loads, as determined by the character of the soil.

Section 19.60 MOBILE HOME PARKS

19.60.01 Intended Purposes

Mobile Home Parks serve a segment of the housing market. However, due to their incompatibility with traditional single family neighborhoods, such parks are conditional uses in an R-3 Medium Density Residential. These regulations are intended to address issues of density, design, traffic movement, landscape, and quality of life within a mobile home park.

The issuance of a Conditional Use permit requires compliance with the following minimum requirements.

19.60.10 Minimum Rental Period

No mobile home site shall be rented in any park except for periods of 30 days or longer.

19.60.11 Minimum Area of Mobile Home Park

The minimum area of a mobile home park shall be 5 acres (2.02 ha).

19.60.12 Minimum Area of Mobile Home Site

Mobile home sites shall be a minimum of 4,000 square feet in area (370.4 sq.m.). Each Mobile home site shall have a minimum width of 40 feet (12.19m) and a minimum depth of 100 feet (30.48m).

19.60.13 Separation

The minimum distance between a mobile home and another mobile home or structure shall be 15 feet (4.57m). Each mobile home shall be located at least 10 feet (3.05m) from the green belt.

19.60.14 Setback from Right-of-Way

No mobile home shall be nearer than 50 feet (15.24m) to the right-of-way line of any thoroughfare.

19.60.15 Pad requirements

Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or 2 concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock. An anchor system shall be provided in connection with the placement of each mobile home. The minimum thickness of the concrete slab or ribbon shall be 6 inches (.15m).

19.60.16 Storage

Each park shall provide either one central waterproof structure available to all mobile home sites or a single waterproof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.

19.60.17 Buffer

A dense green belt of evergreen trees and/or shrubs, not less than 6 feet (1.83m) high after one full growing season and which at maturity is not less than 12 ft. (3.66m) high,

shall be located and effectively maintained at all times along all park boundary lines except at established entrances and exits serving the park.

19.60.18 Required Recreational Area

Each park shall provide a recreational area or areas equal in size to at least 8 percent of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.

19.60.19 Allowable commercial establishments

Coin-operated laundries, laundry and dry cleaning pickup stations and other commercial convenience establishments may be permitted in mobile home parks provided: (1) they are subordinate to the residential character of the park; (2) they are located, designed and intended to serve only the needs of persons living in the park; (3) the establishments and the parking areas related to their use shall not occupy more than 10 percent of the total area of the park; and (4) the establishments shall present no visible evidence of their commercial nature to areas outside the park.

19.60.20 Lighting

All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.

19.60.21 Compliance with Subdivision Regulations

All improvements within the mobile home park will conform to the standards delineated in the City's Subdivision Regulation Ordinance.

Section 19.65 PAWN SHOPS, ALTERNATIVE FINANCIAL BUSINESS (Am. Ord. 9237)

19.65.01 Intended purposes

The purpose of regulating pawn shop establishments and alternative financial businesses is to ensure security and compatibility with surrounding uses and properties, and to avoid any adverse impacts associated with such uses. Geographic limitations are designed to preserve the value of the property throughout the City as well as protect the character of residential and commercial areas.

19.65.02 Separation from similar uses

No pawn shop or alternative financial business shall be located within 500 feet (152.4 m) of any other pawn shop or alternative financial business. The distance shall be measured in a straight line, without regard to intervening structures or objects from the nearest zoning lot line of each such uses.

19.65.03 Design criteria

The window and door area of any existing first floor façade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level. Nothing on the interior shall obstruct the views into the building.

For new construction, at least 30 percent of the first floor façade that faces a public street or sidewalk shall be windows and doors of clear or lightly tinted glass that allows views into the window at eye level. Nothing on the interior shall obstruct the views into the building.

19.65.04 Signage

Back-lighted signs, back-light awnings, portable signs, and temporary signs shall be prohibited.

Section 19.70 SELF-SERVICE STORAGE FACILITIES

19.70.01 Intended Purposes

The construction, operation and maintenance of self-service storage facilities shall be subject to the following regulation and development standards:

19.70.10 Materials and Activities Allowed

Self-service storage facilities are for dead storage only and the following storage and activities are prohibited:

1. auctions, commercial sales, wholesale or retail sales, or miscellaneous or garage sales. In accordance with IC 26-3-8, the operator of a facility may conduct on-site auctions for unclaimed articles but no more than two times per year.
2. the servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, furniture, or other similar equipment.
3. the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, and other similar equipment.
4. the use of storage units for living quarters for human or animal habitation.
5. any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.
6. storage of radioactive materials, explosives, and flammable or hazardous chemicals. Gasoline must be drained from lawn mowers, snowblowers, etc.

19.70.11 Outside Storage

All outside open storage in areas that are not zoned industrial shall be prohibited. No partially dismantled, wrecked or inoperable vehicles shall be allowed in outside storage. Outside storage areas must be screened with a fence eight (8') feet (2.44m) in height and 100% obscure.

19.70.12 Facility Manager

A manager shall be present on-site or in close proximity to the self-service storage facility during all business hours in which the facility is open to the public. The manager is responsible for maintaining the operation of the facility in conformance with the conditions of approval and all applicable ordinances. Security personnel shall be permitted to occupy on the premises in a permanent structure to the extent required by such use.

19.70.13 Lot Size and Lot Coverage

A maximum acreage for a single story self-service storage facility shall be three acres. Building coverage shall not exceed 50% of the total lot area.

19.70.14 Setbacks

All required yard setbacks shall follow the requirements for each zoning district as specified in the Zoning Ordinance. In General Commercial (C-4), Light Industrial (I-1), and Manufacturing (I-2) districts, side yard setbacks shall be 10 feet (3.05m) unless adjacent to the residential property in which case there shall be a minimum of 20 feet (6.10m).

19.70.15 Building Height

No building shall exceed a single story or a maximum of 15 feet (4.57m).

19.70.16 Off-Street Parking and Driveway Width

1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-five (25) feet (7.62m) wide when cubicles open onto one side of the lane only and at least thirty-five (35) feet (10.67m) wide when cubicles open onto both sides of the lane.
2. Designated parking areas shall be provided adjacent to the leasing office. One space for the facility manager and one space for each employee must be provided
3. One parking space for every one hundred (100) storage units or fraction thereof with a minimum of two such spaces shall be provided for public parking.
4. Required parking spaces may not be rented or used for any type of vehicular storage.

19.70.17 Lighting

The self-service storage facility will be required to be illuminated at night in order to discourage vandalism and theft and must be in accordance with appropriate foot candle levels set by industry standards for outdoor illumination. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage facility premises and such light and glare shall be deflected, shaded, and focused away from all adjoining property.

19.70.18 Signage

Signage shall be limited to one ground sign for each property line abutting or adjoining a street right-of-way that is used as an entrance or exit. No additional signage or advertising is permitted including signage on buildings other than the number of the storage unit, which shall not exceed one half of a square foot (.05sq m). All signage shall be in accordance with the City of Hammond's Zoning Ordinance.

19.70.19 Site Drainage

The site shall be graded, drained, hard surfaced and maintained in accordance with the requirements set forth by the Zoning Ordinance and the City Engineer's Office. Detention areas may be required due to the large quantity of storm water running from roofs and pavement areas. The detention areas are to be designed by a licensed civil engineer with verification of storm water calculations. All detention design and calculations are to be reviewed and approved by the City Engineer's Office.

19.70.20 Building Construction, Appearance and Size

Buildings shall be of masonry construction. All construction shall be non-combustible with no wood unless for roof structure. Roof shapes and other architectural designs, which blend with the surrounding building environment, are encouraged. A maximum of 10,000 square feet (926sq m) is allowed per building with a maximum storage unit size of 300 square feet (27.78sq m) in commercial areas and 600 square feet (55.56sq m) in industrial areas. All garbage receptacles shall be screened.

19.70.21 Site Plan Required

A site plan shall be submitted for all proposed self-service storage facility developments. Administrative review shall be undertaken by the Department of Planning and Development, Office of the City Engineer, Building Department and Fire Department.

The site plans shall be drawn to scale and include all building locations, drives, parking, fencing, and signage. Building Elevations shall also be included on the plan along with specifications of the exterior appearance of the facility. A landscape plan shall also be incorporated.

19.70.22 Fire Protection Concerns

All plans for developments in both commercially and industrially zoned area must be submitted to the Fire Prevention Bureau of the Hammond Fire Department for review and compliance to state and local regulations. The site plan shall include the locations of all fire hydrants within a 150' radius (45.72m) of the proposed site.

19.70.23 Fencing, Landscaping, and Screening

There shall be fencing, landscaping, and screening required around all of the perimeter edges of the development. Such perimeter fencing or screening must be 6 feet (1.83m) in height unless located around outside storage areas in industrial zones. These outside storage areas must be screened with a fence 8 feet (2.44m) in height and 100% obscure. Backs of storage buildings, which do not have door openings, may be used in part to meet the fencing and screening requirement. Mounding and earthwork combined with landscape materials other than grass may be used in part to meet the screening requirements.

Front yard fencing or screening may be a combination of landscape material and fence materials such as brick, decorative masonry block units, wood, ornamental iron, architectural tile, stone or other similar materials.

There shall be an area between the property line and any fencing or building setback (where there is no fencing) and this area is required to be landscaped. This area shall be landscaped with a minimum density of 50% live tree and shrub plant material spaced and planted in such a way to provide adequate screening of the site from adjacent property. The remaining 50% of the landscaped area may be grass lawn areas, walkways, ground covers, or mulch materials.

Those areas around the leasing office, public parking, and all areas on the site not covered by pavement or structures must be brought to finished grade and planted with turf or other appropriate ground cover(s), shrubs and/or trees.

Section 19.80 SEXUALLY-ORIENTED BUSINESS, ADULT ENTERTAINMENT BUSINESS

19.80.01 Purpose

The purposes of these regulations are to protect the public health, safety, and welfare of the community. These regulations seek to protect minors from exposure to services from which they are prohibited by law. Also these regulations seek to protect the property values and quality of life of the City of Hammond by limiting the blighting influences caused by the deleterious effects associated with these uses. This is accomplished through various regulatory means including the separation of these uses from protected areas, restriction to specified zoning districts, and limitations on signage. Various communities, including Indianapolis, have conducted studies documenting the deleterious effects resulting from these uses. These studies are included by reference providing for the justification of these regulations.

19.80.02 Definitions

1. Services involving Specified Sexual Activities or display of Specified Anatomical Areas means any of the following activities:
 - 17 The sale or display of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
 - b. The presentation of films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas for observation by customers.
 - c. The operation of coin or slug operated or electrically, electronically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices to show images to five (5) or fewer patrons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
 - d. Live performances by persons who appear in a state of nudity or semi-nudity.
2. Specified Anatomical Areas. The human male genitals in a discernibly turgid state, even if fully and opaquely covered or less than completely covered human genital, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
3. Specified Sexual Activities means and includes any of the following:
 - a. the fondling or other erotic touching of human genitals, pubic regions, buttocks, anus, or female breasts, whether covered or not;
 - b. sex acts, normal or perverted, actual or simulated including intercourse, oral copulation, or sodomy;
 - c. masturbation, actual or simulated;
 - d. flagellation or torture in the context of a sexual relationship;
 - e. masochism, erotic or sexually oriented torture, beating, or the infliction of pain;

- f. erotic touching, fondling, or other such contact with an animal by a human being, or
- g. human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in above definitions.

19.80.03 Provisions to permit an adult entertainment business

An adult entertainment business is permitted in C-4, I-1, and I-2 districts provided that:

1. Said use is located no closer than one thousand (1000) feet (304.8 m) to a school, park, licensed child day care center or child day care home, place of worship, designated local historic district, Residential zone R-1, R1-U, R-2, R-3, or R-4 or similar uses found in a Planned Unit Development and no closer than one thousand (1000) feet (304.8 m) to another Adult Entertainment Business.
2. No Adult Entertainment Business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas or anyone appearing nude or semi-nude, by display, decoration, sign, show window or other opening from any public way.
3. Said business or use is in compliance with the established parking and signage requirements. and
4. There is no violation of any federal or state law relating to obscenity.

19.80.04 Prohibitions

The establishment, substantial enlargement, reconstruction, resumption, or structural alteration (except such structural alteration as is ordered made pursuant to the provision of the Unsafe Building Law, I.C. 36-7-9-1 et seq. and any amendments thereto) of any Adult Entertainment Business shall be prohibited unless such use is located in C-4 General Commercial District, I-1 Light Industrial District, or I-2 Manufacturing District and in compliance with all zoning provisions established for Adult Entertainment Businesses.

19.80.05 Measurement of Distances

1. The distance between one Adult Entertainment Business and another Adult Entertainment Business shall be measured in a straight line, without regard to intervening structures or objects, from the nearest Adult Entertainment Business zoning lot line of each such uses.
2. The distance between an Adult Entertainment Business and any residential zoning district or use found in a Planned Unit District, place of worship, designated local historic district, school, or park shall be measured in a straight line, without regard to intervening structures or objects, from the nearest Adult Entertainment Business zoning lot line to the nearest zoning lot line of the place of worship, designated local historic district, school, park, residential zoning district or residential use found in a Planned Unit District.
3. If an Adult Entertainment Business is located within a shopping center or integrated center, the closest exterior wall of the space occupied by the Adult Entertainment Business shall be used in determining the point of measurement.

19.80.06 Parking

Parking for an Adult Entertainment Business shall be as required in Title XX.

19.80.07 Signage

1. Exterior display

No Adult Entertainment Business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or specified anatomical areas or anyone appearing nude or semi-nude by display, decorations, sign, show window or other opening from any public way.

2. Number of Signs

One business wall sign shall be permitted for an Adult Entertainment Business and said sign shall be permitted only on the front facade. In addition to the one permitted business wall sign, an Adult Entertainment Business shall be permitted one pole or ground sign structure. Said signage shall meet all of the requirements of the zoning district in which it is located. Such requirements shall include direct access to a public street from that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.

3. Sign height, location, and vision clearance

A pole or ground sign structure shall be set back at least half the required yard depth distance from each abutting street. The sign's bottom edge shall be at least ten (10) feet (3.05m) above the level of the ground. The overall height shall not exceed twenty-four (24) feet (7.32m). Signs shall be located such that vision at intersections is not obstructed.

4. Sign surface area

The sign surface area of a business wall sign for an Adult Entertainment Business shall not exceed an amount equal to five percent of the front building façade of the first floor elevation [first ten (10) feet (3.04 m) of the premises occupied by the Adult Entertainment Business or one hundred (100) square feet (9.3 sq. m), which ever is the lesser. The maximum sign surface area of a ground or pole sign structure, where permitted, shall not exceed one square foot (.09sq m) for each lineal foot (.3m) of frontage of the lot or thirty-six (36) square feet (3.33 sq. m), whichever is the lesser.

5. Lighting

Signs and sign structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g. spot or floodlights) or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

Section 19.90 Reserved (Am.Ord.9170)

Section 19.95 Vehicle Sales, New and/or USED (Am.Ord.9170)

19.95.01 Intended Purposes

The purpose of these regulations is to assure that a facility for the purpose of vehicle sales is designed to be as compatible with adjacent uses as possible. The regulations are intended to address the blighting influence resulting from the concentration of these facilities. Vehicle sales under this section include passenger automobiles, SUV's, pick-up trucks under 1 ton (0.91 metric ton) capacity, RV's, boats, and the like. Semi-trucks, construction equipment, and the like are not subject to this section.

19.95.10 Location

Vehicle sales facilities are to be located on major or minor arterials as defined in the Comprehensive Plan. Said facilities shall be separated from another facility by 500 feet (132.4 m) as measured from zoning lot line to zoning lot line. Accessory used car/vehicle sales to new car/vehicle sales facilities are considered to be a single sales facility for the purpose of this section and are not subject to the separation distance.

19.95.20 Minimum lot size

Vehicle sales facilities shall have a minimum lot size of 20,000 square feet (1858 sq. m.)

19.95.30 Permanent structure and sales yards

Vehicle sales facilities shall be in an enclosed structure or in a sales yard. A vehicle sales yard shall have a permanent structure on a foundation that meets current building code to house the office and support services. The structure must be a minimum size of 400 square feet (37.2 sq.m.). It also shall be heated and contain toilet facilities for the employees. Office trailers, portable buildings, mobile homes, and the like are not allowed for this purpose.

19.95.40 Accessory repair facilities

An accessory vehicle repair service facility for the vehicles for sale and/or those purchased at the facility may be provided. Repair services do not include body work or engine repair/replacement. Repair services for vehicles not for sale at or not purchased at the facility are prohibited. The accessory facility shall comply with all applicable regulations, including, but not limited to, environmental and fire regulations.

19.95.50 Parking and permanent surfaces

All surfaces used for the display of vehicles shall be paved and drained in conformance with Title XX and receive approval from the City Engineer. In addition to employee parking, one (1) space per every 10 vehicles for sale shall be provided for customer parking. Vehicles for sale, repair, or employees shall not be parked in the required customer parking spaces, in the required access aisles, in the public right-of-way, or in landscape areas.

19.95.60 Landscaping

Vehicle sales facilities shall be subject to applicable landscape provisions for the zoning district in which it is located. Vehicle sales yards shall be subject to the landscaping provisions for off-street in T/S 22.50 et seq.

TITLE XX - OFF STREET PARKING AND OFF STREET LOADING

Section 20.01 INTENDED PURPOSES

Parking is a necessary and practical requirement for every use here within identified. Required parking is to be provided off of the public way and shall be easily accessible by being located on the same property as the use or adjacent within 300 feet (91.44m) to the use. Shared or managed parking arrangements on private lots or public parking lots or structures are encouraged when feasible, practical, or do not result in underserving the uses.

The nature and intensity of the use dictates the number of parking spaces to be provided for customers, employees, persons with disabilities and the public in general. Often the high density of the urban environment, the small lot sizes, and increasing vehicular traffic, providing for adequate off-street parking is often difficult and complicated. Modifications and variances to the parking requirements should be judged carefully and balanced with the demands of the current use and demands of anticipated needs or future uses where possible.

Section 20.10 SCOPE OF REGULATIONS

The off street parking and off street loading provisions of this Ordinance shall apply as follows:

- A. Accessory off street parking and off street loading facilities shall be provided as required by the regulations of this Title for all buildings and structures erected and all uses of land established in each district after the effective date of this Ordinance. However, where a Building Permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within six months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said Building Permit may be provided in lieu of any different amounts required by this Ordinance.
- B. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement in the amount specified herein requiring parking or loading facilities, such additional parking and loading facilities as required herein shall be provided.
- C. Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use.

Section 20.21 EXISTING PARKING FACILITIES

Accessory off street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Ordinance.

Section 20.22 PERMANENCY OF SPACES PROVIDED

Any parking or loading space established prior to the effective date of this Ordinance which is used or intended to be used in connection with any building, structure or use, or any space designed and intended to comply with the requirements of this Ordinance for any such building or structure erected after such effective date shall hereafter be maintained in conformance with the provisions of this Ordinance. The Planning Commission shall at all times be furnished proof in writing of permanency of the parking area provided in compliance with this Ordinance.

Section 20.30 OFF STREET PARKING

Off street parking facilities for motor vehicles shall be provided in accordance with additional regulations set forth hereinafter.

20.30.01 Use

Accessory off street parking facilities required as accessory to uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants, or employees. (When bus transportation is provided for patrons, occupants or employees of a specific establishment, additional open or enclosed off street parking spaces for each bus to be parked on the premises shall be provided in accordance with regulations herein for access, in yards, design and maintenance and area applicable to accommodating such buses.)

20.30.02 Use restrictions

Repair and service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with any parking facilities. No gasoline or motor oil shall be sold in conjunction with any accessory parking facilities.

20.30.03 Required license

Automotive vehicles or trailers of any kind or type without current license plates and current state inspection shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

20.30.04 Collective Provisions

Off street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is no less than 90% of the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, or portions thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

Section 20.31 LOCATION OF PARKING

20.31.01 Parking on same lot

All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same lot as the building or use served. Buildings or uses in any district except single family and two family dwellings existing on the effective date of this Ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this Ordinance and new uses established in any Commercial District may be served by parking facilities located on land other than the lot on which the buildings or use served is located, provided such facilities are within 300 feet (91.44m) walking distance of a main entrance to the use served, and in any case are located in districts where parking lots or storage garages are listed as permitted uses or conditional uses.

20.31.02 Parking In Yards

Vehicle parking spaces in residential areas that are open to the sky shall be subject to applicable yard requirements. Parking spaces may be located in any yard, (except the front yard) in a side yard adjoining a street, or in enclosed buildings and carports containing off street parking spaces. Any side yard parking shall be behind the front building line. Any driveway shall extend past the front building line twenty feet to accommodate on parking space open to the sky or may terminate within an enclosed parking space (i.e. garage, carport, or similar).

In commercial and industrial areas parking, open to the sky, excluding approved driveways and parkways, may be located any in any yard subject to any restriction stated within the zoning district in which it is located.

Section 20.32 DESIGN AND MAINTENANCE

Parking facilities shall be designed and maintained in accordance with the following.

20.32.01 Open or enclosed parking

Accessory parking spaces may be open to the sky or enclosed in a building.

20.32.02 Enclosed Areas, Underground and Above Ground Parking Structures.

Enclosed parking spaces shall have a vertical clearance of at least 7 feet (2.14m).

20.32.03 Access (Am.Ord.9170)

Each required off street parking space shall open directly upon an aisle, maneuvering lane, or driveway of such width and design as to provide safe and efficient means of vehicular access to the parking space. No obstructions or parked vehicles shall be allowed to interfere with the safe and efficient flow of vehicular access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No vehicle is allowed to back into a public or private street or alley unless authorized by the City Engineer or Board of Public Works and Safety. No

driveway at the right-of-way line shall exceed a width of 25 feet (7.62m) unless otherwise authorized by the City Engineer or the Board of Public Works and Safety

20.32.04 Layout (Am.Ord.9170)

Plans for the layout of off street parking shall be in accordance with the following minimum requirements:

| Parking pattern | Maneuvering lane width | Parking space width | Parking space length | Total Width of one tier of spaces plus maneuvering lane | Total Width of two tiers of spaces plus maneuvering lane |
|-----------------|------------------------|---------------------|----------------------|---|--|
| 75°-90° | 20 ft. (6.10m) | 10 ft. (3.05m) | 20 ft. (6.10m) | 40 ft. (12.19m) | 60 ft. (18.29m) |
| 54°-74° | 15 ft. (4.57m) | 10 ft. | 20 ft. | 36.5 ft. (11.16m) | 58 ft. (17.68m) |
| 30°-53° | 12 ft. (3.66m) | 10 ft. | 20 ft. | 32 ft. (9.75m) | 52 ft. (15.85m) |

All maneuvering lane widths shall permit one-way traffic movement, with the exception of the 90° pattern where two-way movement may be permitted.

The Zoning Administrator may approve a parking plan using an alternative space size of 9.5'x19' (2.9m x 5.8m); 9.5'x20' (2.9m x 6.1m); 10'x19' (3.05m x 5.8m) or 3m x 6m (9' 10" x 19' 8"). Any reduction in the length of the space shall be added to the width of the drive aisle/maneuvering lane. The Board of Zoning Appeals shall approve any other space sizes.

20.32.05 Surfacing

All open off street parking spaces and access drives shall be surfaced with smooth and durable surface material other than cinders so that they will remain free from dust or litter particles, and be adequately drained so that they will not retain water. All surfaces shall be designed in accordance with applicable standards of the City Engineer or Building Commissioner, when applicable.

20.32.06 Drainage

All off street parking lots shall be properly drained. All surface drainage shall be collected and disposed of on the parcel being improved. All materials and method of installation of any surface shall be in accordance with the Hammond Subdivision Regulations and the City Engineering Department.

20.32.07 Screening, landscaping and barriers.

Screening, landscaping, and barriers shall be installed and maintained in accordance with Title XXII- Fences and Landscaping and with applicable provisions required in the zoning district.

20.32.08 Lighting. (Am.Ord.9170)

All parking lots may be lighted. Any lighting used to illuminate off street parking areas in a parking area containing four or more parking spaces shall be directed away from residential properties in such a way as not to create a nuisance.

In no case shall such lighting cause more than three (3) footcandles of light to fall on adjacent properties as measured horizontally at the lot line and shall not exceed 1 footcandle at the property line abutting any residential zoning district or residential uses in a PUD.

20.32.09 Accessible Parking (Am.Ord.9170)

Parking lots shall be designed to accommodate safe transit of persons with disabilities by provided curb cuts and clearly marked handicapped accessible parking spaces. The curb cuts and parking spaces shall be meet or exceed the minimum requirements in the Americans With Disabilities Act Accessibility Guidelines (ADAAG). Design shall minimize requiring persons with disabilities to travel to an accessible sidewalk via the drive or maneuvering lanes.

A vehicle in a parking space may not overhang a sidewalk if the sidewalk is a required path of travel for ADA purposes. A minimum path of travel is 40 inches (1 m) wide.

All required accessible spaces, aisles, and pathways shall be kept free of displays, trash receptacles, or other temporary or permanent impediments to usage.

20.32.10 Pedestrian Way

Where a row of parking abuts the façade of the building that contains the primary entrance with or without an intervening sidewalk parallel and along the building, an accessible pedestrian way, perpendicular to the façade of the building, shall be provided at the entrance. The pedestrian way shall be a minimum width of 5 feet (1.52 m) and shall extend the length of any adjacent parking space. This accessible pedestrian way is exclusive of any required accessible aisle of any adjacent accessible parking space.

Section 20.40 EMPLOYEES AND PERSONS WITH DISABILITIES

20.40.01 Employee Parking

Employee parking is required for all off-street parking lots of greater than four spaces in addition to any requirements otherwise herein described. Parking spaces for employees shall be based on the maximum number of employees on duty or residing, or both, on the premises at any time.

20.40.02 Parking for Persons with Disabilities

Minimum number of spaces and size of spaces for parking for persons with a disability must be provided in accordance with the provisions of the Americans with Disability Act Accessibility Guidelines (ADAAG), as may be amended.

The required number of parking spaces for persons with a disability shall be provided regardless of any reduction in parking requirements otherwise approved by the Board of Zoning Appeals.

Section 20.41 RESIDENTIAL USES

The minimum number of off street parking spaces accessory to designated uses shall be provided as follows:

20.41.01. Dwelling Uses (Am.Ord.9170)

- A. Multiple family dwellings: One and one-half parking spaces for each dwelling unit.
- B. Single family dwellings: Two parking spaces for each dwelling, but no more than four parking spaces for each single family dwelling.
- C. Two family dwellings: One and one-half parking spaces per dwelling unit, but not more than four for each dwelling unit.
- D. Home occupation: Two parking spaces.
- E. Independent Living Senior Multiple Family Dwellings: One space per unit, plus 10% for visitors, plus parking for employees
- F. Assisted Living Facilities: One space per three units, plus 10% for visitors, plus parking for employees

20.41.02 Lodging Uses

- A. Boarding or rooming houses: Two parking spaces plus one parking space for each two lodging rooms.
- B. Hotels and apartment hotels: One parking space for each three separate lodging rooms and one parking space for each dwelling unit.
- C. Motels or bed and breakfast inns: One parking space for each dwelling unit and one parking space for each lodging room.

Section 20.42 INSTITUTIONAL, MEDICAL, OR PLACES OF ASSEMBLY USES

20.42.01 Institutional and Assembly Uses

- A. Colleges, junior colleges, and universities: One parking space for each six students, based upon the maximum number of students that can be accommodated in accordance with design capacity.
- B. Convalescent homes, nursing homes, rest homes, institutions for children: One parking space for each three beds plus one parking space for each two employees and each doctor assigned to the staff.
- C. Day Care Centers - public or private: One parking space for each employee, plus one space per 10 pupils.
- D. Gymnasiums, stadiums, and grandstands: One parking space for each six seats or for each 108 inches (2.74m) of seating space.

- E. Libraries and museums: One parking space for each 750 square feet (69.75 sq.m.) in gross floor area.
- F. Meeting halls, convention halls, exhibition halls, or Event Space General Facility: The number of spaces equal to 1/3rd (33%) of the maximum number of people that can be accommodated in accordance with such designed capacity as determined 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; not in addition to (scrivener's correction).(Am. Ord. 9625)
- G. Places of Worship: One parking space for each six seats or for each 108 inches (2.74m) seating space used for principal church service.
- H. Private clubs and lodges: One parking space for each lodging room and one parking space for each four seats in accordance with design seating capacity of the main meeting room.
- I. Schools - commercial or trade, music, dance or business: One parking space for each employee, plus one space for each five students, based on the maximum number of students that can be accommodated in accordance with such design capacity.
- J. Schools - elementary, kindergarten, or junior high - public or private: One parking space for each employee, plus 5% of the employee parking to accommodate visitors.
- K. Schools, high - public or private: One parking space for each six students based on the maximum number of students that can be accommodated in accordance with such design capacity of the building plus one space for each employee.
- L. School, and other institutional auditoriums: One parking space for each person employed on the premises, and one additional parking space for each six seats, or for each 108 inches (2.74m) of seating space in the main auditorium or assembly hall.

20.42.02 Medical Uses (Human or Animal).

- A. Hospitals, clinics (Animal): One parking space per examining/treatment room.
- B. Hospitals, sanitarium (Human): One parking space for each two beds, plus one parking space for each two employees.
- C. Medical and dental offices/clinics (Human): Three parking spaces for each examining and treatment room plus one parking space for each doctor and employee in the building.

Section 20.43 RECREATIONAL USES - COMMERCIAL OR NONCOMMERCIAL

- 20.43.01 Arena, stadium: One space per six seats or for each 108 inches (2.74m) seating space.
- 20.43.02 Bowling alley: Five parking spaces for each lane.
- 20.43.03 Community centers: Three spaces per 1000 square feet (93 sq. m.) of gross floor space.
- 20.43.04 Golf course: Four spaces per hole plus one space per two employees
- 20.43.05 Gymnasiums, health salons, swimming pools, skating rinks, and dance halls - commercial: One parking space for each four persons based upon the maximum number of persons that can be accommodated at the same time in accordance with such design capacity, and one parking space for each employee.
- 20.43.06 Parks or recreation areas- private, semipublic, or public: One parking space for each 10,000 square feet (930 sq. m.) of outdoor lot area.

Section 20.44 COMMERCIAL/RETAIL USES (Am.Ord.9170)

- 20.44.01 All business and commercial and service establishments, except those specified hereafter: One parking space for each 200 square feet (18.6 sq. m.) in gross floor space.
- 20.44.02 Adult entertainment business: There shall be at least one (1) parking space for each seventy-five (75) square feet (6.97 sq. m.) of gross floor area or one (1) parking space for every two(2) seats of seating capacity, whichever standard results in the higher requirement. In addition, there shall be provided one (1) parking space for every employee of an adult entertainment business, based on the maximum number of employees on duty or residing, or both, on the premises at any time.
- 20.44.03 Automobile Car Wash: One parking space for each employee, three spaces for each bay, and ten stacking spaces.
- 20.44.04 Automobile service stations: One parking space for each employee, plus two for each service stall.
- 20.44.05 Banks, financial institution, or similar (excluding pawn shop or alternative financial business): One parking space for each 500 square feet (46.5 sq.m.) in gross floor area. (Am. Ord. 9237)
- 20.44.06 Big Box retailers (excluding home improvement stores); Four and a half (4.5) spaces per 1000 sq. ft (92.9 sq. m.); Additional spaces for employees are not required.

- 20.44.07 Business, professional and public administration or service office buildings: One parking space for each person employed based upon the designed maximum employee capacity of the building.
- 20.44.08 C-2 Shopping Center district:
Business, commercial, and service establishments: one space per 250 square feet (23.2 sq. m.) in gross floor area (GFA).
Restaurants: one space per 175 square feet (16.25 sq. m.) GFA
Drive-thru Restaurants where the drive-thru sales are 61% or greater of the total annual sales: one space per 200 square feet (18.6 sq.m.) GFA
Office space per 20.44.07
Subsection 20.30.04 Collective Parking provisions is not applicable.
- 20.44.09 Drive-through facility (non-restaurant including ATM 's): Three stacking spaces for the first drive-thru window plus one stacking space for each additional drive-thru window. Additional parking is required based on the requirements for the individual use that the drive-through is serving.
- 20.44.10 Funeral homes: Eight parking spaces for each chapel or parlor, plus one parking space for each funeral vehicle maintained on the premises and one for each employee.
- 20.44.11 Furniture and appliance stores, stores for repair of household equipment or furniture, interior decorating or upholstery shops: One parking space for each 500 square feet (46.5 sq. m.) in floor space.
- 20.44.12 Home Improvement Stores: Three spaces per 1000 SF (92.9 sq. m.), including all roofed areas (heated or unheated); excluding merchandise pick-area canopies, exterior fenced-in storage yards and accessory structures within the fenced-in storage yards. Additional spaces for employees are not required. Continuous exterior display is prohibited from required spaces
- 20.44.13 Pawn Shop, Alternative financial business: Three spaces for every 1000 gross square feet (92.9 sq. m.). (Am. Ord. 9237)
- 20.44.14 Restaurant, Café: One space for every three (3) seats
- 20.44.15 Restaurant, Carry out/take-out: One space per employee plus three spaces for customers.
- 20.44.16 Restaurant, Drive-In: One space for every location for parking, ordering, and consuming on premises.
- 20.44.17 Restaurant, Drive-thru: Eight (8) stacking spaces per drive-thru facility with the space at the pick-up window counted as the first, plus a minimum of four (4) spaces between the pick-up window (with the space at the pick-up window counted as the first) and the ordering menu board (with the space at the menu board counted as the fourth); plus additional parking as required for

applicable restaurant type. A separate second menu board lane requires a minimum of two (2) spaces (with the space at the menu board counted as the first).

20.44.18 Restaurants, Taverns: One parking space for each 150 SF (13.9 sq. m.) GFA

20.44.19 Reserved

20.44.20 Theaters: One parking space for each four seats.

Section 20.45 INDUSTRIAL/ MANUFACTURING USES

20.45.01 Cartage, express, parcel delivery, and freight terminal establishments: one parking space for each employee employed on the premises, and one and one-half parking spaces for each vehicle maintained on the premises.

20.45.02 Manufacturing establishments and establishments engaged in production, processing, assembly, disassembly, cleaning, servicing, testing, or repairing of materials, goods or products: One parking space for each employee based on the employee capacity of the establishment.

20.45.03 Warehouse, storage, wholesale and mail order establishments: One parking space for each employee and one parking space for each vehicle maintained on the premises.

20.45.04 Data Center: One parking space for each employee plus 10% for visitors/customers.

Section 20.46 MISCELLANEOUS AND OTHER USES

20.46.01 Planned unit developments: The number of parking spaces in accordance with the required spaces for each individual use or as otherwise determined by the Plan Commission.

20.46.02 Public utility and public service use: One parking space for each employee plus 10% of the employee spaces for visitors.

20.46.03 Parking spaces for other uses not specified above shall be provided in accordance with requirements determined by the Plan Commission.

Section 20.50 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

20.50.01 Definitions

For purposes of this section, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

20.50.02 Location requirements

No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or in an enclosed building or in the rear yard. However, during loading or unloading, such equipment may be parked elsewhere on the residential premises not to exceed 24 hours in duration. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

Section 20.60 OFF STREET LOADING

20.60.01 Location

All required loading spaces shall be located on the same lot as the use served. All motor vehicle loading spaces which abut a Residential District or intervening alley separating a Residential District from a Commercial or Industrial District shall be completely screened there from by building, walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet (2.43m) in height. No permitted or required loading space shall be located within 40 feet (12.19 m) of the nearest point of intersection of any two streets. No loading space shall be located in a required front or side yard, and any loading space located in a required rear yard shall be open to the sky.

20.60.02 Area

Unless otherwise specified, a required off street loading space shall be at least 12 feet (3.65m) in width by at least 35 feet (10.67m) in length, exclusive of aisle and maneuvering space, and enclosed loading spaces shall have a vertical clearance of at least 14 feet (4.26m).

20.60.03 Access

Each required off street loading space shall be designed with appropriate means of vehicle access to a street or alley in a manner which will least interfere with traffic movement.

20.60.04 Surfacing

All open off street loading spaces shall be improved with water drainage facilities and pavement surfacing in accordance with the requirements of the City Engineer and the Hammond Sanitary District.

20.60.05 Repair and Service

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

20.60.06 Utilization

Space allocated to any off street loading space shall not, while so allocated, be used to satisfy the space requirements for any off street parking facilities or portions thereof.

20.60.07 Minimum Facilities

Uses for which off street loading facilities are required herein, but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space on the same lot.

20.60.08 Off-Street Loading Space Requirements

On the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley.

Such space, unless otherwise adequately provided for, shall include a 12 foot (3.65m) by 35 foot (10.67m) loading space with 14 foot (4.26m) height clearance for every 20,000 square feet (1,851.9 sq. m.) or fraction thereof in excess of 3,000 square feet (277.8 sq. m.) of floor area used for above mentioned purposes. These requirements represent minimum limitations.

Section 20.70 PARKING AND STORAGE OF CERTAIN VEHICLES

20.70.01 Definitions

For the purpose of this section, trailers, containers, mobile homes are defined as structures or a portion thereof which are primarily designed to be readily movable and/or drawn by a motor vehicle, and which are used for hauling goods and materials, or for storage; or which are equipped to be used as a dwelling, office or retail store (sales).

20.70.02 Temporary or portable structures, Exceptions (Am. Ord. 8971)

Temporary or portable structures are defined as those that are not substantially constructed buildings according to the State Building Code as adopted by the City of Hammond. These types of temporary or portable structures are prohibited. Fireworks stands (either stationary or in portable structures) are prohibited.

Exceptions: a. Recreational equipment as parked and/or stored in Title/Section 20.50
b. Temporary structures used in festivals or carnivals as permitted by Hammond Municipal Code.

20.70.03 Junk motor vehicles

Junk motor vehicle is defined as an unsightly motor vehicle or parts from a motor vehicle that meets any one of the following qualifications:

1. It does not carry current valid state registration and a current license plate prominently displayed on the vehicle.

2. It cannot be safely operated under its own power.
3. It is not in a garage or other enclosed building for storage or repair.
4. It is missing one of the following items: front lights, rear lights, stop lights, windshields, fenders, or wheels.

20.70.04 Trailers

In all zoning districts, those trailers which are not approved manufacturing housing units as defined by Title XIX, 950 sq. ft. minimum (87.57sq m), 23 ft. width (7.01m) or located in a permitted Mobile Home Park as regulated by this ordinance, shall not be allowed to be permanently affixed to the ground or situated in a manner that constitutes a structure as a principle building or as an accessory building.

20.70.05 Temporary Use of Trailers

The location and temporary use (180 days or less) of a trailer for use as an office, security post or construction shelter, which is incidental to a Public Works or construction project on private property may be permitted with the approval and subsequent issuance of an improvement location permit by the Zoning Administrator.

20.70.06 Parking in residential districts.

- A. No person shall park a truck of 7,000 or more pounds (2611kg) or a truck tractor, road tractor, farm tractor, semi-trailer, tank truck, pole trailer, commercial delivery truck, dump truck, etc. on residentially zoned property.
- B. The provisions of this section shall not apply to persons using vehicles or other equipment mentioned here, which are needed to be used for work or services being performed on the premises or in the immediate vicinity if no other suitable parking area or place is available within a reasonable distance.
- C. This section shall not be interpreted as authorizing the parking of any vehicle or equipment in places where parking is not allowed in order to complete the work or services for which the vehicle or equipment is used or needed as mentioned in the above Section B. (Scribner's correction of section #)
- D. Junk motor vehicles shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

20.70.07 Parking in commercial and industrial districts.

Other provisions notwithstanding, truck parking, loading, storage, and delivery shall be determined by the legal permitted uses in which zoning district the property is located. Semi-truck and trailer parking is permitted only in commercial zones during the period of loading, unloading, and delivery of goods. However, the parking and/or storage of semi-tractors, semi-trailers, commercial type vehicles in industrial and manufacturing districts is permissible, should its use or storage not constitute a truck terminal as defined by this ordinance.

TITLE XXI SIGNS

Section 21.01 PURPOSE

The purposes of this title are: 1) to promote the public safety, health, and welfare of the City; 2) to encourage the effective use of signs as a means of communication in the City; 3) to maintain and enhance the aesthetic and visual environment; 4) to maintain and enhance the City's ability to attract sources of economic development and growth; 5) to improve pedestrian and traffic safety; 6) to minimize the possible adverse effect of signs on nearby public and private property; and 7) to enable the fair and consistent enforcement of these sign regulations.

Section 21.02 GENERAL PROVISIONS

- A. No sign shall be erected, installed, altered, or maintained in any zoning district in the City, including public and private streets therein, except in conformity with this Title. All signs shall comply with the particular regulations of the district in which they are located.
- B. No sign attached to a building shall extend above the height of the building, project more than thirty (30) inches (0.762 m) from the outside wall of the building nor project in such a manner as to impede movement on a public sidewalk, street, alley, or other public way.
- A sign projecting more than 15 inches (.38m) from a building wall shall have its bottom level not less than 10 feet (3.05) above the grade below it.
- Any sign affixed to a building shall not project there from nearer than 2 feet (.61m) from the abutting curb.
- C. 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.
- D. The letters and graphics of a sign shall be legible and shall meet the requirements of the Uniform Traffic Control Devices or similar authoritative manuals.
- E. No sign shall obstruct any door, fire escape, or free passage over any public right of way or create a traffic hazard. Signs shall be placed with care so as not to unreasonably obscure existing conforming signs on adjacent properties.
- F. On a site on which more than one lawful use is conducted, each use shall be permitted an identification sign not larger in area than the identification sign for uses permitted under the requirements of the zoning district in which the site is located. However, the total sign area on site shall not exceed the total sign area for the site as permitted in the zoning district.
- G. A ground sign shall not project higher than 20 feet (6.10 m.) above the grade below it. Any part of a ground sign shall not extend over the property line at the right-of-

way. Any support structure shall not be nearer than 5 feet (1.5 m.) from any property line, subject to the corner vision obstruction requirements (Section 18.20) and landscaping requirements (Title XXII).

H. No signs shall be permitted in any vision clearance area between 2 feet (.6096 m.) and 10 feet (3.048 m.) (measured from grade) except the pole structure. The vertical element of the pole structure shall not be greater than 16" (.381 m) in width, diameter, or other dimension.

Section 21.03 COMPUTATIONS (Am.Ord. 9170)

The area of a sign face on a single panel unit containing the material or color forming an integral part of the background of the display or as used to differentiate the sign from the backdrop or structure against which it is placed shall be computed by the square footage (or square meters) of the surface area that contains the letters, logos, graphics, etc., and background display surface but excluding any visible structural support members.

The area of signage which by its design consists of individual letters, logos, emblems, graphics, etc. that are independently or in combination attached to a wall surface but not in a sign panel unit shall be computed by means of the smallest, square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the combined letters, logos, emblems, graphics, etc.

Section 21.10 PROHIBITED SIGNS (Am.Ord. 9495)

The following signs are prohibited:

- 1) Roof signs; or
- 2) Signs placed on parked vehicles or trailers or those not in regular use that are placed or parked on a premises for purposes of advertising; or
- 3) Signs that, by their wording, design, color or location, resemble or conflict with traffic control signs or devices; or
- 4) Signs that create a safety hazard; or
- 5) Signs that obstruct any door, window, fire escape, or other emergency exit; or
- 6) Signs erected in the public right-of-way or on any public utility pole, bench, bus shelter, or other public structure, except when posted by a public officer in the performance of a public duty; or
- 7) Signs on fences, trees, or streetlights; or
- 8) Portable electric signs; or
- 9) Beacons; or
- 10) Balloon or inflatable signs; or other types of inflatable devices; or
- 11) Bench Signs;
- 12) Signs that give the appearance of movement caused by wind, including pennants, banners, streamers, strings of lights, spinners or other similar devices and all other signs which undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means.

Section 21.11 TEMPORARY SIGNS(Am.Ord. 9495)

Except as provided herein, temporary signs are permitted for period of 60 calendar days per calendar year. A temporary sign may be allowed for an initial period not to exceed 30 consecutive calendar days at which time the temporary sign shall be removed. A second period not to exceed thirty consecutive days may be allowed after a period of thirty consecutive days has expired. No additional temporary permits shall be issued to the same business license holder on the same zoning lot in any calendar year.

A. Temporary signs:

- 1) are prohibited on zoning lots in residential districts or residential uses in other districts;
- 2) shall not be illuminated;
- 3) shall not be located within the public right-of-way or parkway;
- 4) shall be no more than one temporary sign per zoning lot, unless otherwise allowed in this Section;
- 5) shall be subject to the vision clearance provision of T/S 21.02 H.
- 6) shall be located subject to the minimum setback provision of T/S 21.02 G.
- 7) shall not exceed a cumulative area (i.e. the square footage) of 32 square feet for all temporary signs on a zoning lot, unless otherwise specified.
- 8) Shall not exceed the cumulative area of the maximum allowable signage calculation for the cumulative area of all temporary signs plus the cumulative area of all permanent signs.

B. Types of temporary signs:

- 1) **“A-frame” “T-frame”** - any portable upright, rigid, self-supporting frame sign in the form of a triangle or the letter “A.” (See Figure T-1.) A “T-frame” sign is any portable, upright, rigid, self-supporting frame sign in the form of an upside down “T” which acts as the feet or supporting portion of the sign. The sign shall not exceed 6 SF (.56 sq. m.) and 4 feet (1.22 m.) in height. The sign shall be constructed of hardwood, chalkboard or similar materials. Only one A-frame sign or T-frame is allowed per zoning lot.



Figure T-1

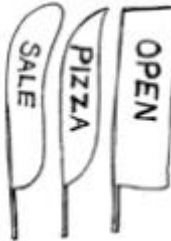


Figure T-2

- 2) **Banner, blade, or feather sign** - a vertical portable sign that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand. Said signs are made of durable fabric, flexible plastic, or similar materials. Said sign shall not exceed 5 square feet (0.46 sq. m.) in area and 6 feet (1.83 m.) in height. (See Figure T-2.)

- 3) Banner signs on public street lights are allowable by permission of the Board of Public Works and Safety for a period of time determined by the Board of Public Works and Safety.
- 4) Special event signs. Said signs shall not exceed 32 SF (2.97 sq. m.) in area and 6 feet (1.83 m.) in height. Said signs shall be made of wood, vinyl, metal, or similar materials. Only one sign is allowed per zoning lot.

Section 21.20 SIGNS IN RESIDENTIAL DISTRICTS

This section governs signs located in any residential zoning district or residential uses in any other zoning district.

- A. For a single family or two family dwelling, a nameplate indicating the street address number, apartment number, name of occupant, or similar identifying information, not to exceed one (1) square foot (0.093 sq. m.) in area for each dwelling.
- B. For a multiple family dwelling (3 to 9 units), a nameplate indicating the street address number, apartment number, name of building, complex, owner or similar identifying information, not to exceed three (3) square feet (0.279 sq. m.) total in area.
- C. For a multiple family dwelling (greater than 9 units), a nameplate indicating the street number, apartment number, name of building, complex, or owner or similar identifying information, not to exceed 32 square feet (2.976 sq. m.) total in area. Said nameplate may be located in a front yard not less than 4 feet (1.22m) from the front lot line, or one-half the depth of the front yard, whichever is greater; nor be higher than 12 feet (3.65 m.) above curb level.
- D. A sign identifying a lawful home occupation limited to a nameplate sign not to exceed one (1) square foot (0.093 sq. m.) in area. Self-illuminated or neon signs are prohibited. Any light directed on to said sign shall not exceed three footcandles at the nearest property line.

Section 21.21 SIGNS FOR INSTITUTIONAL USES (Am.Ord. 9071)

Illuminated, non-flashing signs for a place of worship, college, school, library, museum, municipal or governmental facility, or similar use when permitted as a conditional use are permitted subject to the following regulations:

- A. There shall be not more than 1 sign per lot, except that on a corner lot 2 signs -- 1 facing each street -- shall be permitted.
- B. No sign shall exceed 32 square feet (2.96 sq.m.) in area, nor be closer than 8 feet (2.44m) to any side and rear lot line, and 4 feet (1.22m) to the front lot line, or 1/2 the depth of the front yard, whichever is greater; nor project higher than 12 feet (3.65m) above curb level.
- C. Signs in S-1 districts
 1. An identification sign for each use on site up to thirty-two (32) square feet (2.976 sq.m.) in gross sign area.
 2. Directional and informational signage is permitted.

Section 21.22 SIGNS FOR REAL ESTATE PURPOSES

- A. Non-illuminated signs for real estate purposes are permitted, subject to the following:
 - 5 There shall be no more that 1 sign per lot, except that on a corner lot 2 signs – one facing each street – shall be permitted.
 - 6 No sign shall exceed 6 square feet (.56 sq.m.) in area; nor be closer than 8 feet (2.44 m.) to any side and rear lot line, and 4 feet (1.22m) to the front lot line, or 1/2 the depth of the front yard, whichever is greater; nor project higher than 12 feet (3.65 m.) above the natural grade or higher than 6 feet (1.83 m.) in any residential district.

- B. Commercial or industrial sites of 1 acre or greater are allowed one sign for real estate purposes not to exceed 32 square feet (2.96 sq.m.) A second sign for real estate purposes not to exceed 32 square feet (2.96 sq.m.) is allowed on corner lots.

Section 21.23 SIGNS IN COMMERCIAL DISTRICTS

This section governs signs in any commercial district and commercial uses located in non-commercial districts or as conditional uses in any residential district.

- A. Signs in a C-1 district and commercial uses as conditional uses in residential districts.
1. A single identification sign for the property up to thirty-two (32) square feet (2.976 sq.m.) in gross sign area.
 2. Additional gross square footage of sign is allowed based on the calculation:

The dimension of the street frontage of the lot in feet x 2.5.
This sum reduced by 32.

On corner lots, only the established front lot line shall be considered as frontage of the lot for purposes of this calculation.

3. No sign shall be greater than 32 square feet (2.976 sq.m.).
- B. Signs in a C-2 District (Am.Ord. 9071)
1. Signage located on the wall of the building (one or more signs on one or more walls) for each business unit shall not exceed one hundred (100) square feet (9.29 sq. m.) No individual sign shall exceed 54 square feet (5 sq. m.). A single business unit of greater than 50,000 square feet (4645.12 sq. m.) but less than 100,000 square feet (9290.3 sq. m.) is permitted an additional 75.35 square feet (7.0 sq. m.). A single business space of 100,000 square feet (9290.3 sq. m.) or greater is permitted an additional 54 square feet (5 sq. m.).
 2. A single primary free-standing sign for the shopping center and business/tenant directory up to 150 square feet (13.95 sq. m.), located in a front yard and setback at least one-third of the required yard depth from each abutting street. The bottom edge shall be at least 10 feet (3.05 m) above grade and the overall height shall not exceed 24 feet (7.31m). A secondary free-standing sign is permitted in a C-2 Shopping Center District of greater than 4 acres (1.62 ha) up to 100 square feet (9.29 sq. m.) located in a front yard along the secondary abutting street and setback at least one-third of the required yard depth from each abutting street. The secondary sign shall not be exceed 20 feet (6.01 m.) in height.
 3. Additional signage shall not exceed a gross surface area in square feet (sq. m.) 0.75 times the singular lineal frontage of the primary street frontage of the lot (or lots) in the C-2 district. This gross square feet allowance may be distributed throughout the tenants and commercial outlots within a C-2 Shopping Center District in accordance with the development plan. Approved platted commercial outlots are permitted a single free-standing sign per lot that does not exceed 10 feet in height (3.05 m.) and shall be subject to the additional signage allowance of this subsection and is subject to the setback requirements of subsection 2 above.

4. Programmable message display signs are subject to T/S 21.26. Said sign located on any free-standing sign is limited to 25% of the total signage area.
 5. Through the development plan approval process, the Plan Commission may modify or reallocate the square footage of the signage to the extent that the maximum signage allowable based on the above provisions is not exceeded and that the reallocation is in keeping with the approval architectural design, character, or style of the development. Signage square footage above the allowance is subject to a developmental variance by the Board of Zoning Appeals.
- C. Signs in a C-3 and C-4 districts
1. In a C-3 district, 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.
 2. In a C-4 district, the gross surface area in square feet (or metric equivalent) of all signage shall not exceed two and a half times the lineal frontage of the primary street frontage of the lot.
 3. For lots fronting on more than 1 street, only the established front lot line along the primary street shall be considered as frontage of the lot.
- D. Additional provisions for signs in any commercial district.
1. Window signs (including temporary for sale/for rent signs) 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 allowable to the extent that they do not cover more than 25% of the window.
 2. Signs, illuminated only by non flashing light with no moving parts, are permitted subject to the following regulations and applicable regulations set forth elsewhere in the Ordinances of the City of Hammond.
 3. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential building nor into a Residential District, or into a street. A sign in direct line of vision of any traffic signal shall not have red, green, or amber illumination.

Section 21.24 SIGNS IN INDUSTRIAL DISTRICTS

This section governs signs in any industrial district and industrial uses in a PUD.

- A. An identification sign for each business on site not exceeding one hundred twenty (120) square feet (11.16 sq. m.) in gross sign area.
- B. Additional signs shall be permitted up to a total gross surface area in square feet (or metric equivalent) not exceeding two times the lineal frontage of the frontage of the lot. For lots fronting on more than 1 street, only the established front lot line shall be considered as frontage of the lot.

Section 21.25 SIGNS IN A PUD DISTRICT (Am.Ord. 9071)

- A. Signs in a PUD district shall be in accordance with the signage provision for the defined allowable uses on which the PUD district is defined in the preliminary plan of PUD.
- B. Through the preliminary or final development plan approval process, the Plan Commission may modify or reallocate the square footage of the signage to the extent that the maximum signage allowable based on the above provisions is not exceeded and that the reallocation is in keeping with the approval architectural design, character, or style of the development. The Plan Commission may grant a waiver to the maximum signage allowance subject to the provisions in Title XXVII.

Section 21.26 PROGRAMMABLE MESSAGE DISPLAY SIGNS (Am.Ord. 9071)

- A. Programmable message display signs shall not be greater than 10 feet (3.05 m.) in length, nor shall they be greater than 1/3 of the total sign area to which it is a part, unless otherwise specified herein.
- B. A programmable message center sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions of Title XXI.
- C. All programmable message display signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illuminations. The brightness of the sign shall not be greater than the brightness of adjacent signs, fixtures, building lighting, etc.
- D. The programmable message display signs imagery or words shall be displayed for a minimum of 10 seconds, with changes occurring in no more than 1 second.
- E. The programmable message display sign imagery or words shall be static in nature and shall not blink, scroll, flash, or be animated. Video streaming or similar is prohibited.

Section 21.27 MANUAL CHANGEABLE COPY SIGNS(Am.Ord. 9071)

- A. Manual changeable copy signs shall not be greater than 10 feet (3.05 m.) in length, nor shall they be greater than 1/3 of the total sign area to which it is a part, unless otherwise specified herein.
- B. The manual copy piece (i.e. the letters, numbers, etc.) shall be attached in a manner that keeps the copy piece in place in its holder and shall not hang loose or lay upon the ground.

Section 21.28 SIGNS IN HISTORIC AREAS (Am.Ord. 9071)

- A. All signs located for a local historic district or a local historic landmark are subject to approval by the Hammond Historic Preservation Commission.
- B. Historic Designation Signs placed on properties (individual or in a historic district) that are listed on the National Register of Historic Places or Indiana Register of Historic Places, or locally designated historic district or landmark are subject to approval by the Hammond Historic Preservation Commission.
- C. Each property is limited to 1 historic designation sign. The historic designation sign can either be a free-standing sign or a plaque affixed to the building. The historic

designation sign or plaque is in addition to any signage authorized by this section and shall not be counted in the applicable calculations.

D. Free standing historic designation sign

- 1) The sign face shall not exceed 4 square feet (1.22 sq. m.) in area.
- 2) The sign including its support structure can not exceed 5 feet (1.52 m.)
- 3) The sign may be located in a sign zone that is either:
 - a) Measured from the primary front building line a distance not to exceed 25% from the distance between the front lot line and the front building line and bounded by each primary side building line; or
 - b) Measured from the front lot line a distance not to exceed 25% of the distance from the front lot line to the front building line.
- 4) The sign location is subject to T/S 18.20 Corner Vision Obstruction

E. Historic Designation Plaque

- 1) The plaque shall not exceed 3 square feet (0.91sq. m.)
- 2) The plaque shall not be located no higher than 5 feet (1.52 m.).
- 3) The plaque shall be affixed to the building in a manner that does not adversely affect the structure, materials, or architectural features of the building.

Section 21.30 OUTDOOR ADVERTISING (BILLBOARDS) (Am.Ord. 9071)

A. Locational requirements

Outdoor Advertising (Billboards) shall be permitted only:

- 1) in I-1 and I-2 Districts, and
- 2) along the limited access highways herein described:
 - a) I-80/94 (Borman Expressway) between the Indiana/Illinois State line and SR-912 (Cline Avenue);
 - b) I-90 (Indiana Toll Road) between the Indiana/Illinois State line and the Hammond/East Chicago city limits at White Oak Avenue;
 - c) I-90 (Indiana Toll Road) between Hammond/East Chicago city limits at Kennedy Avenue and SR-912 (Cline Avenue);
 - d) SR-912 (Cline Avenue) between the I-90 (Indiana Toll Road) and the Hammond/East Chicago city limits at White Oak Avenue; or
 - e) SR-912 (Cline Avenue) between the Grand Calumet River and the Little Calumet River; and
- 3) within 250 feet (78.7m) measured perpendicularly from the centerline of the right-of-way.

B. Distance Requirements

The minimum separation distance between any Outdoor Advertising (Billboards) sign and the nearest boundary of any residential district, any residential use in a PUD district, designated national, state, or local historic preservation district or historic landmark, or the nearest property line of a school, public park, or place of worship, shall be five hundred (500) feet (152.4m) along the way on either side of the street or direction from which the sign is intended to be viewed.

The minimum separation between one Outdoor Advertising (Billboard) sign and another Outdoor Advertising (Billboard) sign shall be at least two thousand six hundred forty (2640) feet (804.67m) located along the way on either side of the street

or direction from which the sign is intended to be viewed. The separation distance is measured from the center points of the support posts. If the sign has more than one support, then the separation distance is measured from the center of the lineal dimension of the sign. Signs located outside of the City limits shall be included in determining the minimum separation distance.

C. Size and facings of signs

Each Outdoor Advertising (Billboard) sign structure shall only have one sign face per facing (two advertising faces per structure). "V" type signs with a face that protrudes from the opposite face shall be permitted only where the linear distance between the outer edges of the two faces of the "V" sign is a maximum of 20 feet (6.1m). Each "V" type sign face shall be visible in only one direction of travel on the same side of the street.

The maximum display area of Outdoor Advertising (Billboards) sign per face shall not exceed the gross surface area of six hundred seventy-two (672) square feet (62.4 sq.m.).

Side-by-side, two tiered, decked or stacked signs shall be prohibited. Signs employing movement including, but not limited to, changeable copy signs, pennants, flags, banners, streamers, propellers, discs, and searchlights shall be prohibited. Flashing, blinking, or similar lighting shall be prohibited.

A temporary extension per sign face, for artistic and/or graphic purposes, may be permitted upon application for an improvement location permit to the Zoning Administrator for a period of one-hundred twenty (120) days provided that the area of the extension is not greater than one-hundred (100) square feet (9.3 sq.m.) and that no single dimension is greater than four (4) feet (1.2 m.) from the edge of the Outdoor advertising (Billboard) sign.

D. Height and area requirements

The maximum height of Outdoor Advertising (Billboards) signs shall be thirty-five (35) feet (10.7m). The height shall be measured from the edge of pavement of the limited access highway from which it is intended to be viewed to the top of the sign structure.

The required setbacks for Outdoor Advertising (Billboards) sign shall be as established for the district in which the sign is located. No portion of an Outdoor Advertising (Billboards) sign shall be placed closer than 10 feet (3.05m) to the right-of-way of any public road/highway.

E. Digital Billboard signs (Am.Ord. 9071)

- 1) An existing conforming outdoor advertising sign may be converted to a digital billboard sign or a new digital billboard sign may be installed only if it is in compliance with all applicable provisions and requirements of T/S 21.30 et seq.
- 2) An existing nonconforming advertising sign shall not be converted to a digital billboard sign unless the sign is brought into compliance with all applicable provisions and requirements of T/S 21.30 et seq.

- 3) A digital billboard sign shall be in compliance with T/S 21.26 C, D, and E.
- 4) A digital billboard sign shall have a default mechanism that shall freeze the sign in one position as a static message if a malfunction occurs.

F. Minimum submission requirements

An application for an improvement location permit for an Outdoor Advertising (billboard) sign shall include the minimum of a Plat of survey prepared by a registered land surveyor that includes the following:

- 1) information regarding the ownership of the parcel or lease agreement including legal description of the parcel, location, and address of proposed sign;
- 2) design and elevations of sign; and
- 3) proposed location of sign which clearly indicates by dimension the distance from nearest existing Outdoor Advertising (Billboard) sign, residential district, place of worship, and others as elsewhere specified and including buildings in immediate vicinity.

G. A developmental variance may not be granted by the City of Hammond's Board of Zoning Appeals to permit any of the following:

- 1) To allow more than one sign face per facing, or more than two sign faces total per Outdoor Advertising (Billboard) sign structure.
- 2) To allow the gross surface area to exceed the dimensions specified herein except as provided as a temporary extension.

H. Maintenance and Non-Conformity

- a) All signs and sign structures shall be kept in repair and in proper state of preservation.
- b) Any lawfully erected outdoor advertising (billboard) sign in existence on the effective date of these regulations may continue to be maintained in-kind and repaired in-kind in place as long as the size or number thereof is not increased in terms of faces, length, height, or area. If such sign is damaged, exceeding seventy-five percent (75%) of its replacement value, it shall not be rebuilt; provided, however, that nothing herein shall prevent maintenance, repainting or posting of legally established non-conforming signs.

Section 21.35 SIGNS DEFINED ELSEWHERE (Am.Ord. 9071)

Signage requirements that are described or provided for elsewhere in this Ordinance or other Ordinances shall supersede any requirements specified herein. These requirements may be found in Ordinances that shall include, but not limited to, those found in Title XIX Zoning and Conditional Provisions, Historic District and Landmark Ordinances, Overlay District Ordinances, and Special District Sign Ordinances.

Section 21.40 ABANDONED SIGNS

The owner of property on which a sign advertising a use, facility, product or event that is no longer sold, conducted or available on the premises shall remove the sign within ninety (90) days of the discontinuance. Signs remaining after ninety (90) days shall be considered abandoned signs and may be removed by the City, with the cost of such

removal charged to the property owner(s). In the event that the property owner(s) fails to pay for the expense of removing any abandoned sign, the City may place a lien on the property for the amount due.

Section 21.50 SIGN PERMITS – EXEMPT SIGNS

The following signs shall be exempt from the requirement of a permit:

1. Incidental or directional signs.
2. Properly displayed national, state or local flags.
3. Seasonal holiday decorations.
4. Real estate signs in conformance with this chapter.
5. Bulletin boards on the site of a national, state or local public facility, religious, charitable or educational institution.
6. Official traffic, fire and police related signs, temporary traffic control signs, utility location and identification signs and markers, and any signs required by the City or any other public authority to be erected, installed or maintained.
7. Notices required to be posted by law.
8. Cornerstones or names of building or year constructed that are inscribed in stone or bronze as a part of the building or structure provided they are no larger than ten (10) square feet (3.05 m) for each display surface.
9. Accessible parking signs.

Section 21.60 SIGN PERMITS - REQUIRED

No person shall place, erect, install or maintain any sign in the City without first obtaining a sign permit pursuant to this Chapter, unless such sign is exempt under the provisions of Section 21.50

Section 21.90 ENFORCEMENT

- A. Any sign lawfully erected prior to the effective date of this Chapter and maintained in conformance with the requirements of this Chapter shall be permitted to continue as a legal non-conforming sign. No modification shall be made to a legal non-conforming sign, unless such modification serves to make the sign more conforming to the requirements of this Chapter.
- B. Any unlawfully erected or maintained sign shall be subject to removal under the provisions of Indiana Code and the Hammond Municipal Code. The reasonable expense of removal, including reasonable attorney fees, may be placed as a lien on the property on which such sign was unlawfully erected or maintained.

TITLE XXII-FENCES AND LANDSCAPING

Section 22.01 FENCES PURPOSE AND INTENT

The purpose of a fence is to provide privacy, security, boundary definition, weather control (snow fencing), screening and buffering for the various land uses within the corporate limits of the City. The intent of the regulation is to provide a framework for the protection of public and private property through the regulation of the installation, construction and placement of fences on such property.

Section 22.02 ADMINISTRATION OF FENCE PROVISIONS

This section will be administered by the office of the Building Commissioner in consultation with the Zoning Administrator. Any fence permit revenues collected for the purpose of administering this section will be those of the office of the Building Commissioner. Any improvement location permit revenues collected will be those of the office of the Zoning Administrator.

Section 22.03 FENCE PERMITS AND PERMIT FEES

1. No fence shall be constructed or erected within the City of Hammond unless the owner of the property upon which said fence is to be constructed or erected, or contractor performing such work, shall have first obtained a permit from the office of the Building Commissioner of the City of Hammond.
2. Permit Fees: Any fence contractor or homeowner installing or building a fence must obtain a Fence Building Permit. A permit fee is due when the permit is issued. The permit fee shall be \$20.00 for the first 200 linear feet (60.96 m.), and \$.20 (twenty cents) per linear foot for each foot exceeding 200 linear feet (60.96 m.); or as otherwise prescribed in any other ordinance amending the fees subsequent to the enactment of this ordinance.

Section 22.10 FENCE DEFINITION AND CLASSIFICATIONS

A fence shall be defined as a structure partially or completely surrounding a part of or the whole of a zoning lot, but not a hedge or other natural growth and shall be of the following classifications:

1. Ornamental Iron
2. Woven Wire (chain link)
3. Wood Picket (75% or less obscure)
4. Solid (wood, decorative wood, PVC or similar, or chain link - 75% or more obscure)
5. Decorative Block
6. Brick or Block
7. Split Rail

Combinations of the above fence types may be approved by the Zoning Administrator. Any decisions may be appealed to the Board of Zoning Appeals.

Section 22.11 LOCATION OF FENCES AND SETTLEMENT OF DISPUTES

All fencing and bases shall be located between the building line and property line. If a dispute arises between the property owner erecting the fence and any adjacent property owner as to the location of the fence, the Building Commissioner shall request a survey by a registered surveyor from the property owner erecting the fence. If the Building Commissioner finds that the fence has been improperly placed, s/he shall require the property owner to move the fence.

Section 22.20 FENCES IN RESIDENTIAL AND COMMERCIAL AREAS

1. Fences erected in front of the building line shall be of Class 1,2,3,6 or 7 of the above classifications, and shall not exceed a height of four feet (4') (1.22m). Class 3 fences must be a minimum of forty-two inches (42") (1.07m). Front yard fences may not be more than 75% obscure. Farm like or poultry fencing are not permitted. All fencing in locally designated historic districts must be approved prior to erection by the Hammond Historic Preservation Commission.
2. Side yard fences back of the front building line shall be of any class but shall not exceed four feet (4') (1.22m) to the rear of the dwelling. Fences on the side yard from the rear of the building to the rear lot line, and fences on the rear lot line, may be permitted to a height of six feet (6') (1.83m). All fences shall be erected with the posts and framework on the side of the property owner erecting the fence.
3. Fencing for properties located at a corner (the intersection of two streets, a street and an alley, or two alleys) shall be in compliance with all provisions herein except that a corner vision clearance triangle shall be established. The corner vision clearance triangle shall be determined by a diagonal line connecting two points measured ten feet (3.05 m) along each property line from the corner or point of intersection. All other provisions of Section 18.20 Corner Vision Clearance apply, except for the size of the vision clearance triangle as specified above.
4. In the case of a fence being erected on top of a retaining wall or a deck, height shall be measured from the grade of the low side of the wall. Total height of wall and fence or deck and fence are to conform with Paragraphs 1, 2, and 3.
5. No trellis, curtain of any type of barrier or obstruction shall be installed on top of any fence to exceed a total height of six feet (6') (1.83m) from grade where six feet (6') (1.83m) fences are permitted, or to exceed four feet (4') (1.22m) from grade where four feet (4')(1.22m) fences are permitted, in any residential area.
6. Retaining walls shall not be erected in any front yard when, in the opinion of the Building Commissioner, such retaining wall would be unsightly or detrimental to adjoining properties.
7. Swimming Pool Fencing
 - a. Where there is in existence an in-ground swimming pool or an above-ground swimming pool at a height of two feet, six inches (2'6") (.76m) or greater, a

locking gate, or a fence enclosing said swimming pool, shall be erected to a height of six feet (6') (1.83m).

- b. Locking gates shall be kept closed.
 - c. Swimming pools manufactured with decks and self-contained fences are exempt from this Section, except for the provision that locking gates shall be kept closed.
8. The erection of a fence around an area for which a fast-food, drive-in or drive-through restaurant utilizes for customer parking which is adjacent to any residential district shall be mandatory. Patron access to an alley abutting a residential district shall be prohibited. The fence, when required, shall be so designed to prevent paper products and debris from entering the residential district.

Section 22.21 FENCES IN INDUSTRIAL AREAS

1. Fencing erected in industrial areas shall be of any classification and shall not exceed a height of eight feet (8') (2.44m).
2. For open storage areas or repair areas, solid 100% obscure fences eight feet (8') (2.44m) in height must be erected and must be built in a workmanlike manner. In I-2 Manufacturing Districts, new sheet metal fencing may be used except within a distance of 100 feet (30.48m) of a more restrictive zoning district, residential area or public right-of-way.

Section 22.22 DUMPSTER ENCLOSURES

1. Dumpsters, that are located on real property, shall be located and enclosed in the manner prescribed in this section.
2. Dumpsters and dumpster enclosures are not allowed to be located between the primary building line and the front property line and are to be effectively screened from being viewed from the front yard. Dumpster enclosures shall be a minimum of 1 foot (0.305 m) from any other property line. Dumpster enclosures shall not be located within any corner vision obstruction triangle (T/S 18.20).
3. All dumpsters shall be located on an impervious surface and in a gated enclosure of 6 feet (1.83 m) in height and the three non-gate sides shall be comprised of Fence Class 4, 5, 6 or similar fence types of 100% opacity, but excluding chain link (slatted or unsalted). Dumpster enclosures located in a C-2 or PUD district shall be of Fence Class 5 or 6 with the material architecturally compatible with the design and materials of the buildings and site in accordance with the development plan.
4. Access to dumpster enclosures for service purposes shall be provided within the parcel for which the dumpster is being provided. A dumpster shall not be located in a required parking space.

5. Dumpsters located in an R-1, R-1U, R-2, R-3 district or on parcels of .5 acre (.2 ha) or less located in a C-1 or C-3 district shall be located in a rear yard, but are otherwise exempt from the provisions herein.

Section 22.25 SHARP POINTED AND ELECTRICALLY-CHARGED FENCES

1. No electrically charged fence or fences with spikes or nails on the top or sides of the fences shall be allowed on any property within the City of Hammond.
2. No razor-edged fencing shall be allowed on any property in the City of Hammond.
3. No barbed wire or other sharp pointed fence shall be permitted on any residential property in the City of Hammond.

Section 22.30 FENCE MAINTENANCE AND REPAIR

1. All fences (including retaining walls) shall be constructed of new or good material and in accordance with the methods of construction which conform to the requirements of the Building Code. Additionally, they shall be maintained in a state of good repair. Any dilapidated, dangerous or unsightly fences or retaining walls shall be repaired, painted or removed when so ordered by the Code Enforcement Services Department.
2. Wood fences shall be of proper fencing materials. No railroad ties, blocking lumber or pallets are to be allowed.

Section 22.40 FENCE VARIATIONS AND APPEALS

1. The Building Commissioner may vary the requirements herein when the Building Commissioner has made a determination that the public health, safety, and welfare will be not be adversely affected and the neighboring property will not be damaged. However, the Building Commissioner may not vary a fence height above 6 feet (1.83 m) in a residential zone or above 8 feet (2.44 m) in a commercial or industrial zone.
2. Any decision by the Building Commissioner may be appealed to the Board of Zoning Appeals.

Section 22.50 LANDSCAPING PURPOSE

The purpose of the landscaping requirements is, in conjunction with the fencing requirements, to provide adequate screening and buffering of structures, parking areas, land uses, and other disparate uses, facilities, and/or areas. This would: 1) promote the compatibility of different land uses; 2) delineate separation of spaces, structures, and activities on site or between adjacent sites; 3) conserve or enhance property values; 4) break up large expanses of pavement and decrease storm water run-off or erosion; 5) reduce glare and heat build-up and moderate the effects from wind; 6) provide for safe pedestrian ways and traffic separation; and 7) improve the appearance of individual developments and the overall community.

Section 22.51 ADMINISTRATION OF LANDSCAPING PROVISIONS

This section will be administered by the Zoning Administrator or his/her designee as a part of the procedures to issue improvement location permits.

Section 22.60 GENERAL PROVISIONS

1. All new developments including building additions to existing developments shall provide landscaping as set forth in this Title and subject to Section 22.65.
2. The requirements of this Title do not apply to parking garages, parking decks or parking structures.
3. All required screening, fencing, and buffering shall be provided on the same lot or development as the building, structure, or use for which the screening, fencing, buffering is required.
4. The preservation of existing trees, shrubs, or other plantings is encouraged and should be done whenever such preservation is practical. Existing vegetation may be used to meet the requirements of this Title. To help ensure the survival of existing vegetation, adequate provisions must be made to protect the trees, shrubs, or other plantings during the construction period of a project.
5. Where the requirements imposed by any provision of the Zoning Ordinance involving landscaping, screening, buffer strips, yards, or other open space requirements are either more or less restrictive than the provisions of this title, the regulations which impose a higher standard or requirements shall govern.
6. Plantings shall consist of varieties: 1) that are appropriate to the climate, 2) which shall not be allowed to grow to obstruct or interfere with aerial power lines, streetlights, or signage; and 3) that are recommended in the City of Hammond Arboricultural Specifications Manual or recommended by the American Association of Nurserymen or other similar authoritative sources or organizations.
7. Except for rear yard private gardens in any residential district or community gardens, agricultural uses are prohibited from all zoning districts. (Am.Ord. 9071)

Section 22.61 LANDSCAPE PLAN REQUIREMENTS

- A. A Landscape plan is required to be submitted for all developments subject to the provisions of this Title as defined in Section 22.60 (1).
- B. A landscape plan shall be a plan of a suitable scale, or as a part of the final site plan, that illustrates the proposed new landscaping and any existing landscaping to remain and which identifies the landscaping by location, spacing, species, and relative size.
- C. Prior to the issuance of any improvement location permit, landscaped plans as provided for herein shall be approved.

Section 22.62 MINIMUM HEIGHTS AND SIZES

Any plantings elsewhere herein required shall meet the following minimum heights or sizes at the time of planting:

| | |
|------------------------|--------------------|
| Hedges, bushes, shrubs | 30 inches (.76 m). |
| Trees | 1.5 DBH (3.81 cm) |

Section 22.65 PERCENTAGE OF REQUIRED LANDSCAPING

Any commercial, institutional, or industrial use in the following zoning districts shall require the following percentage of the lot to be covered with landscaping:

| | |
|--|-----|
| Non-residential uses in any residential district | 5% |
| C-1, C-3 | 5% |
| R-3, R-4 | 8% |
| C-2, C-4, S-2, I-1, I-2 | 10% |

For any lot of one acre or less in size, the required percentage of landscaping is determined by the calculation:

$$[\% \text{ required above times } 100] - 10 = X$$

$$X / 100 = \% \text{ required of the total lot.}$$

If the difference is less than zero, than it shall be assumed the requirement is zero.

The percentage of required landscaping for a PUD district shall be based upon the requirement for the zoning district or zoning uses upon which the PUD district is defined and is in addition to the required 8% open space.

Section 22.66 CERTAIN LANDSCAPING REQUIRED

Landscaping requirements for off-street parking areas as defined in Section 22.70, et seq. and landscaping requirements for free-standing signs as defined in Section 22.80 shall be required for all developments in all zoning districts regardless of the size of the parcel. However, the required landscape areas for off-street parking areas and for free-standing signs shall be used to meet the required percentage of required landscaping.

Section 22.67 PLANTING AREAS

- A. Required Landscaping shall be any of the following types: lawns, berms, planting beds, planting strips, planting islands or similar in-ground landscape planting area.
- B. A minimum of 75% of the above planting areas may contain in any combination grass, groundcover, flowers, shrubs, trees or other live vegetative or organic materials.

- C. Planting areas shall be protected by a continuous border of at least 6 inches (.1524 m) in height and be made of such materials as stone, concrete, or similar materials that are solidly anchored to the ground. Wheel stops (permanently affixed to the ground) shall be placed 3 feet (.91m) from the continuous border at the location where the front of the vehicle abuts the planting strip.

Section 22.70 OFF STREET PARKING: GENERAL PERIMETER LANDSCAPING

- A. For any off-street parking area of greater than four parking spaces in any zoning district, a perimeter landscaping planting strip of a minimum of 3 feet (.91 m) or as otherwise provided for in Section 22.72 shall be required. This perimeter landscaping strip shall be located on all sides of the parking area. Perimeter landscaping strip shall be exempted for any required drives or other vehicular or pedestrian access ways or along the perimeter that abuts any structure. Perimeter landscaping strip located at the required drive or any access way is subject to the corner vision obstruction requirements of Section 18.20.

- 10 The only type of fence allowed in the street facing portion of the perimeter landscaping planting strip for off-street parking is ornamental or decorative wrought iron or other metal fences to a maximum of four feet. The ornamental metal fences may be accented with masonry.

Section 22.71 OFF STREET PARKING: GENERAL INTERIOR LANDSCAPING

For any off-street parking area of twenty parking spaces or greater in any zoning district, interior landscaping planting islands shall be required. One planting island of a minimum of 100 square feet (9.3 sq. m.) shall be required for every twenty parking spaces. A minimum of 50% of the total required parking islands (a minimum of one) shall be located at the end of a parking bay. Every parking island shall contain a minimum of one shade tree.

Section 22.72 OFF STREET PARKING ABUTTING RESIDENTIAL

- A. All open off street parking areas containing more than four parking spaces that are located in any commercial zoning district that abuts any residential district is subject to all of the following:
- 1) The off street parking area shall be effectively screened on each side, adjoining or fronting on any property located in a residential district by means of a fence or densely packed compact hedge.
 - 2) The fencing shall be in compliance with provisions provided elsewhere within.
 - 3) The fencing or densely packed compact hedge shall be no less than five feet (1.52m) in height. The fence shall be no greater than 6 feet (1.83m) and hedge shall be no greater than eight feet (2.44m) in height.
 - 4) There shall be installed a substantial barrier on or adjacent to the lot line along all open off street parking space; and such barrier shall be so located that no portion of any vehicle parked on the lot shall extend over the lot line.

- B. All open off street parking areas containing more than four parking spaces that are located within any residential district, including any such parking area serving any non-residential use allowed in any residential district as a conditional use, is subject to all of the following:
- 1) All provisions described in Section 22.72 A.
 - 2) When any parking area serving a non-residential use abuts a residential use, a transitional landscape area between the residential use and the parking area shall be provided as follows:
 - a) A minimum 5 foot wide (1.52m) planting strip shall be provided along the entire property line abutting the residential use.
 - b) At the front property line, a transitional landscape area shall be provided, inclusive of the 5 foot wide (1.52m) planting strip. This transitional landscape area shall have a dimension along the adjoining property line equal to the actual front building line of the adjacent residential use and a dimension along the street side of the property equal to 10% of the front boundary of the lot containing the parking area or a minimum area of 100 square feet (9.3 sq. m.) whichever is greater.
 - c) In addition to the provisions of Section 22.72 A, the transitional landscape area shall contain in any combination live vegetative or organic materials pursuant to Section 22.67.

Section 22.80 LANDSCAPING FOR FREE-STANDING SIGNS

- A. Each free-standing sign shall have at least 36 square feet (3.348 sq. m.) of landscape planting area encircling the base of the sign.
- B. The planting area shall have a continuous border in accordance with Section 22.67 (C). Between the continuous border and any portion of the sign nearest to the ground, there shall be a minimum of 1 foot (.3 m) of planting area as measured perpendicularly from the sign.
- C. The landscaping shall be of 75 % vegetative material at least two feet (.61m) in height and not greater than 3 feet (.91 m) and subject to the corner vision obstruction requirements of Section 18.20.
- D. The landscaping shall be consistent with the remainder of the landscaping elsewhere provided elsewhere and shall count toward the total required area.
- E. The following free-standing types of signs are exempt from this provision: 1) Temporary signs (Section 21.11), Outdoor Advertising (Billboard) signs (Section 21.30), and Signs exempt from permits (Section 21.50).

Section 22.90 VARIANCES

The Zoning Administrator may make either of the following variances, but not both.

- A. The Zoning Administrator may approve an alternative landscaping plan if the Zoning Administrator determines that the alternative plan meets the intentions of this Title and does not vary any individual landscaping requirement by greater than 20%. The Zoning Administrator may not vary more than any 3 provisions.
- B. In order to meet all of the landscaping requirements provided herein, the Zoning Administrator may reduce the parking requirements by no greater than 5% or a minimum of 1 space.

Any other variance shall be submitted to the Board of Zoning Appeals for a determination. Notification of adjacent property owners is not required. All other notification procedures must be complied with.

Section 22.95 MAINTENANCE

The property owner or his/her designee shall maintain the landscaping by keeping lawns mowed, all plants maintained as disease free, and planting beds groomed (except in naturally occurring vegetation areas); and replace any required plantings which are removed or die after the date of planting. Such replacement shall occur as quickly as reasonably possible, but not later than the end of next planting season.

TITLE XXIII - ADMINISTRATION - PLAN COMMISSION

(Am.Ord. 9170)

Section 23.01 ESTABLISHMENT

As a part of the Zoning Ordinance, the Hammond City Plan Commission is hereby established in accordance with the Advisory Planning laws in I.C. 36-7-4-100 et seq., as may be amended. If there are any conflicts with the provisions herein, State Statute will govern.

Section 23.10 ADMINISTRATION

The administration of this Ordinance shall be vested in the following offices of government:

- 1) Department of City Planning, including the Zoning Administrator;
- 2) City Plan Commission
- 3) Board of Zoning Appeals
- 4) Building Commissioner, and
- 5) City Council

Section 23.11 MEMBERSHIP

The Hammond City Plan Commission shall consist of nine (9) members, who shall be appointed in accordance with I.C. 36-7-4-207(a).

The five citizen members shall serve staggered four (4) year terms in accordance with I.C. 36-7-4-218(b). The citizen members shall meet the qualification standards described in I.C. 36-7-4-216. The Park Board appointee and the City Council appointee shall serve coextensive with the member's term of office on the respective board or council in accordance with I.C. 36-7-4-217. The Board of Works appointee shall serve a four (4) year term.

Each term expires on the first Monday of January. The initial City Council appointment shall be for four (4) years.

Section 23.12 VACANCIES (Am.Ord. 9170)

If a vacancy occurs among the members of the Plan Commission who are appointed, the appointing authority shall appoint a member for the unexpired term of the vacating member.

An appointed member who misses three (3) consecutive regular meetings may be treated as if the member had resigned, at the discretion of the appointing authority.

The appointing authority may also appoint an alternate member to participate with the Commission in a hearing or decision if the regular member appointed by the appointing authority has a disqualification under Section 23.15 and I.C. 36-7-4-223. The alternate

member shall have all the powers and duties of a regular member while participating in a hearing or decision.

Section 23.13 QUORUM AND OFFICIAL ACTION

A quorum consists of five (5) members of the Plan Commission.

Action of the Plan Commission is not official unless it is authorized by five (5) members at a regular or special meeting.

Section 23.14 OFFICERS

At the first regular meeting of each year, the Plan Commission shall elect a President and Vice-President from its members. The Vice-President may act as President during the absence or disability of the President.

Section 23.15 DISQUALIFICATIONS AND CONFLICT OF INTEREST (Am.Ord. 9170)

- A. A member of the Plan Commission or the City Council is disqualified and may not participate as a member of the Plan Commission or City Council in a hearing or recommendation of the Plan Commission concerning a legislative act in which the member has a direct or indirect financial interest. The Commission or City Council shall enter in its records the fact that its member has such a disqualification.
- B. A member of the Plan Commission is disqualified and may not participate in a hearing of the Plan Commission concerning a zoning decision if:
 - 1. the member is biased or prejudiced or otherwise unable to be impartial, or
 - 2. the member has a direct or indirect financial interest in the outcome of the zoning decision.The Plan Commission shall enter into its records: a) the fact that a regular member has a disqualification as defined above; and the name of the alternate member, if any, who participates in the hearing in the place of the regular member.
- C. A member of the Plan Commission or City Council may not directly or personally represent another person in a hearing before the Plan Commission or City Council concerning a zoning decision or a legislative act.
- D. A member of the Plan Commission may not receive any mileage or compensation for attendance at a meeting if the member is disqualified under this section from participating in the entire meeting.

Section 23.16 SECRETARY AND EMPLOYEES

The Plan Commission hereby appoints the Department of Planning as its staff. The Secretary to the Plan Commission shall be a member of the Department of Planning. Compensation of the secretary and such employees necessary for the discharge of the duties of the Commission shall be set in conformity with salaries and compensations fixed up to that time by the City Council.

Section 23.17 OFFICES

The City Council through the Plan Commission and the Department of Planning shall provide suitable offices for the holding of Plan Commission hearings and for the preserving of records, documents, and accounts.

Section 23.18 MEETINGS, MINUTES, AND RECORDS

By rule, the Plan Commission shall fix the time for holding regular meeting each month as necessary. The Plan Commission shall keep minutes of its proceedings. Meetings of the Plan Commission shall be open to the public. The minutes of the Plan Commission meetings and all records shall be filed in the Department of Planning office and are public records.

Section 23.19 REGULAR AND SPECIAL MEETINGS

The Plan Commission will hold monthly meetings on the 3rd Monday of the month, when business is pending. Meetings may be held on the first Tuesday after the 3rd Monday or other appropriate day when there is a Monday holiday. The Plan Commission shall establish a date by which petitions are to be filed in order to be placed on a meeting agenda.

Special meetings of the Plan Commission may be called by the President or by two (2) members of the Commission upon written request to the Secretary. The Secretary shall send to all members, at least three (3) days before the special meeting, a written notice fixing the time and place of the meeting.

Written notice of a special meeting is not required if:

- 1) The date, time and place of a special meeting are fixed in a regular meeting, and
- 2) All members of the Commission are present at that regular meeting.

The City Planner, in consultation with the President of the Plan Commission, may also call a special meeting in accordance with this Section.

Section 23.20 CITY PLAN COMMISSION POWERS AND DUTIES

The City Plan Commission shall have the following powers and duties in all matters related to zoning:

- A. Initiate, review, and hold a public hearing for an ordinance for amendment, supplement, change or repeal of this Ordinance (including an ordinance proposed by anyone other than the Plan Commission) and submit a recommendation to the City Council setting forth its findings and recommendations in the manner prescribed in this Title.

- B. Initiate, review, and hold public hearings for an ordinance to amend the zoning map (including an ordinance proposed by anyone other than the Plan Commission) and submit reports to the City Council setting forth its findings and recommendations in the manner prescribed in this Title.
- C. Initiate, direct, and review, from time to time, studies of the provisions of this Ordinance and to make reports of its recommendations to the City Council.
- D. Render decisions concerning and approve plats, replats, and amendments to the plat of subdivisions under the Subdivision Control Ordinance and I.C. 36-7-4-700 et seq.
- E. Review and approve, modify, or deny the final site plan for a rezoning amendment approved subject to final site plan approval.
- F. Initiate, review, and hold a public hearing regarding the establishment or amendment of a comprehensive plan for the City of Hammond in accordance with I.C.36-7-4-500 et seq.

Section 23.21 DELEGATION OF DUTIES (Am.Ord. 9170)

The Plan Commission delegates authority to its employees to perform ministerial acts in all cases except where final action of the Commission or Board of Zoning Appeals is required by law.

Section 23.25 AVAILABILITY OF THE ZONING ORDINANCE (Am.Ord. 9170)

- A. If this Zoning Ordinance is not included in the City of Hammond Code of Ordinances, this Ordinance shall be incorporated by reference into the Code of Ordinances.
- B. The Plan Commission shall file with the City Clerk two (2) copies as printed of this Zoning Ordinance and any supplements or amendments thereto. These copies shall be kept on file in that office for public inspection as required by I.C. 36-1-5-4.
- C. The Plan Commission shall make this Zoning Ordinance available to the public in print or electronic form and by rule of the Plan Commission establish the costs, if any, for distribution of this Ordinance.

Section 23.30 RECOMMENDATIONS

The Plan Commission shall make a recommendation to the City Council regarding petitions for changing the zone map, amending the text of the zoning ordinance, or adopting a replacement zoning ordinance, preliminary plans of PUD, or other similar actions by the Plan Commission. The recommendations shall be either: Favorable, Unfavorable, or no recommendation.

The Plan Commission shall make final decisions on subdivisions, resubdivisions, final plats of PUD, and final development plans of PUD.

Section 23.31 CHANGES TO ZONING ORDINANCE AND MAP

A change to the zone map is also referred to as a rezoning.

A zone map amendment may be initiated by:

- 1) the Plan Commission;
- 2) the City Council; or
- 3) the property owners of at least 50% of the subject land parcel.

If the City Council initiates the amendment, the Council shall require that the Plan Commission prepare a proposal.

The Plan Commission or petitioners shall comply with the provisions of I.C. 36-7-4-602(c).

Section 23.32 PROCEDURES FOR A CHANGE TO THE ZONE MAP

- A. If a proposal to change the zone map (i.e. rezone) is not initiated by the Plan Commission, it must be referred to the Commission for consideration and recommendation before any final action is taken by the City Council.
- B. On initiating a proposal or on receiving it from the City Council, the Plan Commission shall hold a public hearing on the proposal within sixty (60) days in accordance with I.C. 36-7-4-604.
- C. Within ten (10) business days after the Plan Commission determines its recommendation (if any), the Commission shall certify the proposal under I.C. 36-7-4-605 and Plan Commission procedure.
- D. The City Council shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal.
- E. Favorable Recommendation.
If the proposal receives a favorable recommendation from the Plan Commission:
 - (1) At the first regular meeting of the City Council after the proposal is certified (or at any subsequent meeting within the ninety (90) day period), the City Council may adopt or reject the proposal. The City Council shall give notice under I.C. 5-14-1.5-5 of its intention to consider the proposal at that meeting.
 - (2) If the City Council adopts (as certified) the proposal it takes effect as other ordinances of the City Council.
 - (3) If the City Council rejects the proposal, it is defeated.
 - (4) If the City Council fails to act on the proposal within ninety (90) days after certification, the ordinance takes effect as if it had been adopted (as certified) ninety (90) days after certification.
- F. Unfavorable or no Recommendation.
If the proposal receives either an unfavorable recommendation or no recommendation from the Plan Commission:

- (1) At the first regular meeting of the City Council after the proposal is certified (or at any subsequent meeting within the ninety (90) day period), the City Council may adopt or reject the proposal. The City Council shall give notice under I.C. 5-14-1.5-5 of its intention to consider the proposal at that meeting.
- (2) If the City Council adopts (as certified) the proposal, it takes effect as other ordinances of the City Council.
- (3) If the City Council rejects the proposal, it is defeated.
- (4) If the Common Council fails to act on the proposal within ninety (90) days after certification, it is defeated.

G. If the City Council rejects a proposal to change the zone map, the Plan Commission and the City Council shall not consider another proposal which is substantially the same for one (1) year after the date of rejection by the Council.

Section 23.33 ADOPTION OF A TEXT AMENDMENT TO THE ZONING ORDINANCE

An amendment to the text of the Zoning Ordinance may be initiated by the Plan Commission; or the Council may initiate and require the Plan Commission to prepare a text amendment to the Zoning Ordinance, in accordance with I.C. 36-7-4-602(b).

Section 23.34 ADOPTION OF A REPLACEMENT ZONING ORDINANCE

Any replacement zoning ordinance adopted by the Plan Commission after the repeal of the entire existing zoning ordinance, including amendments and zone maps, shall be done in accordance with I.C. 36-7-4-602(a) and any applicable provisions in I.C.36-7-4-601 regarding content.

Section 23.40 CONSIDERATION OF PROPOSALS

In preparing and considering proposals under Section 23.31, 23.33, or 23.34, the Plan Commission and the City Council shall pay reasonable regard to:

- 1) The Comprehensive Plan;
- 2) Current conditions and the character of current structures and uses in each district;
- 3) The most desirable use for which the land in each district is adapted;
- 4) The conservation of property values throughout the jurisdiction; and
- 5) Responsible development and growth.

Section 23.50 PUBLIC NOTICE AND HEARINGS

Before the Plan Commission certifies a proposal to the City Council under Section 23.31, 23.33, or 23.34, the Plan Commission must hold a public hearing and give notice in accordance with I.C. 36-7-4-604(b) through (e).

Section 23.60 CERTIFICATION TO CITY COUNCIL

The Plan Commission shall certify its recommendation regarding proposals under Section 23.31, 23.33, or 23.34 in accordance with I.C. 36-7-4-605. The Plan

Commission shall certify its recommendation within ten (10) business days after the Commission makes its recommendation [I.C. 36-7-4-608(b)]. On behalf of the Plan Commission, the Secretary to the Plan Commission shall provide said certification in the form of a letter and submit all related documents to the City Council.

Section 23.61 CONSIDERATION BY THE CITY COUNCIL

- A. The City Council shall consider a replacement zoning ordinance certified by the Plan Commission in accordance with I.C. 36-7-4-606.
- B. The City Council shall consider an amendment to the text of the zoning ordinance certified by the Plan Commission in accordance with I.C. 36-7-4-607.
- C. The City Council shall consider an amendment to the zone map certified by the Plan Commission in accordance with Section 3.02 of the Title (also I.C. 36-7-4-608).

Section 23.62 VOTE REQUIRED FOR COUNCIL ACTION

Council action on any proposal certified by the Plan Commission shall be by a vote of at least a majority of all the elected members in accordance with I.C. 36-7-4-609.

Section 23.70 PUBLICATION OF NOTICE

The Plan Commission shall publish a notice of the adoption of a replacement zoning ordinance and provide printed copies of the ordinance in accordance with I.C. 36-7-4-610.

Section 23.80 PRESUMPTION OF DUE DELIBERATION

Any ordinance adopted in accordance with this Title and applicable State Law is presumed to have been adopted after due deliberation in regard to the facts upon which the Comprehensive Plan was formulated.

Section 23.81 ZONING ORDINANCE, EFFECT OF PRIOR ORDINANCES

Each zoning ordinance and each amendment to it adopted under any prior title or statute are validated and continued in effect until amended or repealed by action of the City Council taken under authority of the advisory planning law. Each zoning ordinance has the same effect even though previously adopted as a comprehensive plan of land use or as a part of such a comprehensive plan.

Section 23.85 DELEGATION TO COMMITTEE OR HEARING EXAMINER (Am.Ord. 9170)

- A. The Plan Commission may delegate to a hearing examiner or committee of the Commission the authority to conduct any public hearing or make any decision (not a recommendation) required to be made by the Commission, or both. However, only a plat committee appointed under I.C 36-7-4-701(e) may be delegated to make decisions under the 700 series of the said statute (the subdivision control ordinance)

- B. A hearing under this section must be held upon the same notice and under the same rules as a hearing before the entire Plan Commission.
- C. The examiner or committee shall report findings of fact and recommendations for decision to the Plan Commission or make the decision on behalf of the Plan Commission.
- D. A decision made under this authority may not be a basis for judicial review, but it may be appealed to the Plan Commission. An interested person who wishes to appeal a decision made under this authority must file the appeal not later than five (5) days after the date the decision is made. The Plan Commission shall then hold the prescribed hearing and render its decision.

Section 23.90 RIGHT TO SUE AND BE SUED

The Plan Commission shall sue and be sued collectively by its legal name, "The Hammond City Plan Commission," with service of process on the President of the Plan Commission at Office of the Department of Planning, 649 Conkey Street, Hammond, IN 46324. No costs may be taxed against the Commission or any of its members in any action.

TITLE XXIV - ADMINISTRATION - BOARD OF ZONING APPEALS

Section 24.01 ESTABLISHMENT

As a part of the Zoning Ordinance, the Hammond Advisory Board of Zoning Appeals is hereby established in accordance with I.C. 36-7-4-900 et seq., as may be amended. If there are any conflicts with the provisions herein, State Statute will govern.

Section 24.02 MEMBERSHIP, NUMBER, AND APPOINTMENT

The Board of Zoning Appeals shall consist of five (5) members, who shall be appointed as follows:

- A. Three (3) citizen members appointed by the Mayor, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission;
- B. One (1) citizen member appointed by the Hammond City Council, who must not be a member of the Plan Commission; and
- C. One (1) citizen member appointed by the Plan Commission from the Plan Commission's membership other than the member appointed by the Mayor.

Section 24.03 QUALIFICATIONS OF MEMBERS

All members must be residents of the City of Hammond and none of the members of the Board of Zoning Appeals may hold other elective or appointive office except as prescribed above.

Section 24.04 MEMBERSHIP TERMS (Am.Ord. 9170)

When an initial term of office expires, each new appointment is for a term of four years.

Upon the establishment of a Board of Zoning Appeals, the members shall initially be appointed for the following terms of office:

- A. One (1) for a term of one (1) year;
- B. One (1) for a term of two (2) years;
- C. One (1) for a term of three (3) years; and
- D. Two (2) for a term of four (4) years.

Each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment. The initial City Council appointment shall be for four (4) years.

The membership of the Board of Zoning Appeals at the time of the adoption of this ordinance shall continue to serve the remainder of their existing terms.

A member of the Board of Zoning Appeals serves until his/her successor is appointed and qualified. A member is eligible for reappointment.

Section 24.05 VACANCIES (Am.Ord. 9170)

If a vacancy occurs among the members of the Board of Zoning Appeals, the appointing authority shall appoint a member for the unexpired term of the vacating member.

An appointed member who misses three (3) consecutive regular meetings may be treated as if the member had resigned, at the discretion of the appointing authority.

The appointing authority may also appoint an alternate member to participate with the Board in a hearing or decision if the regular member appointed by the appointing authority has a disqualification under Section 24.07 and I.C. 36-7-4-909. The alternate member shall have all the powers and duties of a regular member while participating in a hearing or decision.

Section 24.06 COMPENSATION, ALLOWANCES, AND APPROPRIATIONS

The members of the Board of Zoning Appeals may be compensated for their service. The City Council may appropriate funds to carry out the duties of the Board of Zoning Appeals. The Board may expend, under regular municipal procedure, all amounts appropriated to it for the purposes and activities authorized by the Advisory Planning Law.

Section 24.07 DISQUALIFICATIONS and CONFLICT OF INTEREST (Am.Ord. 9170)

- A. A member of the Board of Zoning Appeals is disqualified and may not participate as a member of the Board in a hearing or recommendation of the Plan Commission concerning a zoning matter if:
 - 1. the member is biased or prejudiced or otherwise unable to be impartial, or
 - 2. the member has a direct or indirect financial interest in the outcome of the zoning decision.

The Board shall enter into its records: a) the fact that a regular member has a disqualification as defined above; and the name of the alternate member, if any, who participates in the hearing in the place of the regular member.

- B. A member of the Board may not directly or personally represent another person in a hearing before the Board concerning a zoning decision.
- C. A member of the Board may not receive any mileage or compensation for attendance at a meeting if the member is disqualified under this section from participating in the entire meeting.

Section 24.08 QUORUM AND OFFICIAL ACTION

A quorum consists of three members of the Board of Zoning Appeals.

Action of the Board of Zoning Appeals is not official unless it is authorized by three members of the Board.

Section 24.09 CHAIR AND VICE-CHAIR

At the first meeting of each year, the Board of Zoning Appeals shall elect a Chairperson and Vice-Chairperson from its members. The Vice-Chairperson may act as Chairperson during the absence or disability of the Chairperson.

Section 24.10 SECRETARY AND EMPLOYEES

The Board of Zoning Appeals hereby appoints the Department of Planning as its staff. The Secretary to the Board of Zoning Appeals shall be a member of the Department of Planning. Compensation of the secretary and such employees necessary for the discharge of the duties of the Board shall be set in conformity with salaries and compensations fixed up to that time by the City Council.

Section 24.11 OFFICES

The City Council through the Plan Commission and the Department of Planning shall provide suitable offices for the holding of Board of Zoning Appeals' hearings and for the preserving of records, documents, and accounts.

Section 24.12 MEETINGS, MINUTES, AND RECORDS

Meetings of the Board of Zoning Appeals shall be open to the public. The Board shall keep minutes of its proceedings, shall keep records of its examinations and official actions, and shall record the vote on all actions taken. The Board shall prepare written findings of fact concerning its decisions and all minutes and records shall be filed in the office of the Board and are Public Record.

Section 24.20 DUTIES AND POWERS

- A. The Board of Zoning Appeals shall hear and determine appeals from and review:
 - 1. any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the zoning ordinance;
 - 2. any order, requirement, decision or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of the zoning ordinance; or
 - 3. any order, requirement, decision or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of a city ordinance requiring a procurement of an improvement, location, or occupancy permit.

- B. The Board of Zoning Appeals shall:
 - 1. authorize exceptions to the district regulation only in the classes of cases or in the particular situations as specified in the zoning ordinance.
 - 2. authorize a variance from the terms of the zoning ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal

enforcement of the zoning ordinance will result in unnecessary hardship, and so that the spirit of the zoning ordinance shall be observed and substantial justice done.

- C. The Board of Zoning Appeals may, on appeal, reverse, affirm, or modify the order, requirement, decision, or determination of the official or Board from whom the appeal is taken.
- D. The Board of Zoning Appeals shall approve or deny all:
 - 1. Contingent uses,
 - 2. Conditional uses,
 - 3. Developmental variances

from the terms of the zoning ordinance, and the Board may impose reasonable conditions as part of its approval.

Section 24.21 RULES

The Board of Zoning Appeals shall adopt such rules concerning the filing of appeals, the application for developmental variances, variances of use, conditional uses, and special exceptions; the giving of notice; setting dates for hearings and filing dates; and the conduct of hearings.

Section 24.30 STANDARDS AND DETERMINING VARIANCES IN DEVELOPMENTAL STANDARDS

The Board of Zoning Appeals shall approve or deny all variances from developmental standards such as height, bulk or area (of the zoning ordinance). A variance from a developmental standard may be approved only upon a written determination that:

- 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- 2. The use and the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- 3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

Section 24.40 CONDITIONAL USE PERMITS PURPOSE AND DEFINITION

The development and execution of the Zoning Ordinance is based upon the division of the City into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are certain uses which, because of their unique character, cannot be properly classified into any particular district or districts without consideration in each case of the impact of those uses upon neighboring lands, and upon the public need for the particular use of the particular location. Such conditional uses fall into two categories:

1. Uses operated by a public agency or publicly regulated utilities, uses traditionally affected with a public interest.
2. Uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities, including but not limited to transportation network, public utilities, educational facilities and environmental issues.

Section 24.41 STANDARDS AND DETERMINING CONDITIONAL USES

The Board of Zoning Appeals shall consider the following in reviewing a conditional use:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and the value of the area adjacent to the property related to the conditional use will not be affected in a substantially adverse manner.
3. The approval will not have an adverse effect on the density of the adjacent area and the area will not be burdened by an excessive number of similar uses in the area.
4. The approval will not have an adverse impact on the transportation network, public utilities or educational facilities.
5. The approval will not have an adverse impact on the environment or natural resources.
6. The approval will not have an adverse impact on historical, architectural, cultural or archaeological resources.
7. The approval does not substantially interfere with the comprehensive city zoning plan.
8. The approval will be in compliance with applicable provisions established elsewhere in the Zoning Ordinance.
9. The approval will provide for reasonable accommodation pursuant to Section 24.53.

The Board of Zoning Appeals may consider other reasonable factors unique to the request for the conditional use.

Section 24.42 EXPIRATION OF A CONDITIONAL USE

A conditional use will expire if one or more of the following occurs:

1. If the applicant fails to obtain a Building Permit or Occupancy Permit within six (6) months from the date of the granting of the conditional use, unless otherwise specified by the Board of Zoning Appeals.
2. If there is any change in the use for which the conditional use was granted.
3. If a second conditional use is granted for the same property, unless the Board of Zoning Appeals reauthorizes the initial conditional use.

Section 24.50 SPECIAL EXCEPTIONS, SPECIAL USES, AND VARIANCES OF USE

A. LEGISLATIVE REVIEW

In accordance with IC 36-7-4-918.6, and notwithstanding any other provision of this ordinance, the Board of Zoning Appeals shall submit any of the following petitions to the City Council for approval or disapproval:

1. Special exceptions.
2. Special uses.
3. Variances of use.

B. RECOMMENDATIONS REQUIRED

The Board of Zoning Appeals shall file a petition under this chapter with the clerk of the City Council with:

1. A favorable recommendation;
2. An unfavorable recommendation, or
3. No recommendation.

C. NOTICE

The City Council shall give notice under I.C. 5-14-1.5-5 of its intention to consider the petition at its first regular meeting after the Board of Zoning Appeals files its recommendation.

D. TIME FRAME

A petition is granted or denied when the City Council votes on the petition. The City Council shall vote on the petition within ninety (90) days [IC 36-7-4-918.6(e)(1)] after the Board of Zoning Appeals makes its recommendation. However, if the City Council does not vote to deny the petition within ninety (90) days, the petition is approved.

E. DETERMINATION REQUIRED

If the City Council approves a petition, it must make the determination in writing as required under IC 36-7-4-918.2, 918.4, or 918.5 as required by the zoning ordinance.

F. PREPARATION OF MINUTES

The Secretary to the Board of Zoning Appeals shall prepare draft minutes for the board for special exceptions, special uses, and variances of use and submit the draft minutes by the filing deadline established by the Council for the first regular Council meeting after the Board of Zoning Appeals has made its recommendation. The Secretary shall submit the number of copies required by Council rule. Said minutes shall be marked as "draft" to reflect that the Board has not approved the minutes.

Section 24.51 STANDARDS FOR GRANTING VARIANCE OF USE

The Board of Zoning Appeals shall recommend to the City Council to approve or deny variances of use in the terms of the zoning ordinance, and the Board may impose reasonable conditions as part of its approval. The Board may recommend favorably, unfavorably, or no recommendation. The Board may recommend favorably and the City Council may approve the variance of use only upon written determination that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and the value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
3. The need for the variance arises from some conditions peculiar to the property involved.
4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought, and
5. Approval of the variance of use does not substantially interfere with the comprehensive city zoning plan.

Section 24.52 STANDARDS FOR GRANTING SPECIAL EXCEPTIONS AND SPECIAL USES

The Board of Zoning Appeals shall recommend to the City Council to approve or deny special exceptions or special uses from the terms of the zoning ordinance, and the Board may impose reasonable conditions as part of its approval. The Board may recommend favorably, unfavorably, or no recommendation. The Board may recommend favorably and the City Council may approve the special exception or special use only upon written determination that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. The use and the value of the area adjacent to the property included in the special exception or special use will not be affected in a substantially adverse manner.
3. The need for the special exception or special use arises from some substantial or significantly unique conditions or circumstances peculiar to the property involved.
4. The strict application of the terms of the zoning ordinance will constitute an substantial hardship if applied to the property for which the special exception or use is sought, and
5. Approval of the special exception or use does not substantially interfere with the comprehensive city zoning plan.

Section 24.53 STANDARDS FOR DETERMINING DEVELOPMENTAL VARIANCES, CONDITIONAL USES, VARIANCES OF USES, SPECIAL EXCEPTIONS, AND SPECIAL USES REQUIRED FOR REASONABLE ACCOMMODATION UNDER THE STATE AND FEDERAL FAIR HOUSING ACTS.

In order to provide persons with a disability reasonable accommodation in rules, policies, practices, regulations, or procedures that may be necessary to insure equal access to housing, variations to this ordinance and the procedures used to implement and enforce it may be required. Under the fair housing laws, communities have an affirmative obligation to make reasonable accommodation and, recognizing this, it is the City's policy to implement this mandate fully.

A. Factors to be considered for requests for reasonable accommodation:

1. Is the person requesting the accommodation a person with a disability, as defined by the law, or requesting the accommodation on behalf of such a person?
2. Is the requested reasonable accommodation necessary to make specific housing available to a person protected by the law?
3. Does the requested accommodation impose an undue burden on the city or members of the public?

B. If reasonable accommodation is not appropriate, the Board of Zoning Appeals and the City Council (when required) shall make specific findings of why reasonable accommodation is not possible.

C. In determining a reasonable accommodation, the factors defined in Section 24.53 (A) above shall supersede Sections 24.30 (3); Section 24.51 (3); Section 24.51(4); Section 24.52(3); and Section 24.52(4).

Section 24.80 APPEALS, STAYS, ENFORCEMENT, and PENALTY (Am.Ord. 9170)

All appeals, stays, enforcement and penalties are governed by Title XXXI.

TITLE XXV - ADMINISTRATION - ZONING ADMINISTRATOR

Section 25.01 PURPOSE

The office of the Zoning Administrator is responsible for administering the provisions of the Zoning Ordinance including the review of Building Permits for compliance with the provisions in the Zoning Ordinance, and the issuance of certificates of occupancy, certificates of zoning compliance, and improvement location permits. The Zoning Administrator is responsible for coordinating the review process with the office of the Building Commissioner.

The Zoning Administrator also serves as a technical advisor and staff support to the Board of Zoning Appeals.

Section 25.10 POWERS AND DUTIES

The Zoning Administrator shall be a member of the Department of Planning and shall be under the direct supervision of the City Planner. The Zoning Administrator shall have the following powers and duties in matters related to zoning:

- A. Issue an Improvement Location Permit prior to the erection or alteration, and use of a building or structure or the use of land, stating that the proposed building, structure, and/or use comply with all applicable provisions of the Zoning Ordinance and authorizing the Building Commissioner to issue a Building Permit, or deny the Improvement Location Permit, stating in writing the reason or reasons for such denial.
- B. Issue a Certificate of Occupancy and Compliance prior to the initial occupancy, reoccupancy after a six months vacancy, change in use of a building or structure, or change in use of land, based upon the requirements of the Zoning Ordinance and the approved final site plan.
- C. Maintain current and permanent records of the Zoning Ordinance, including maps, improvement location permits, Certificates of Occupancy, variances, amendments, appeals, and non-conforming lots of record, structures and uses.
- D. Receive and forward to the Board of Zoning Appeals petitions for, and recommendations on, variances from the terms of the Zoning Ordinance, conditional uses, variances of use, and special exceptions.
- E. Conduct visual inspections of buildings, structures, and uses of land to determine compliance with the terms of this Ordinance.

Section 25.20 REQUIREMENT FOR IMPROVEMENT LOCATION PERMIT

After the effective date of this Ordinance, no permit shall be issued by an office, department, or an employee of the City of Hammond for the erection or alteration and use of, or improvements to land, unless an Improvement Location Permit shall have been issued by the Zoning Administrator.

Section 25.21 IMPROVEMENT LOCATION PERMIT TIME LIMIT

An Improvement Location Permit shall become null and void unless the building permit shall have been issued and work thereon is substantially underway within six months of the issuance of said improvement location permit or within the period of time beyond six months that may be granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance.

Section 25.22 APPROVAL OR DENIAL OF IMPROVEMENT LOCATION PERMIT

The Zoning Administrator shall review the application for an improvement location permit and either, 1) approve and issue the Improvement Location Permit, or 2) deny an Improvement Location Permit and state the reasons for its denial in writing to the applicant.

Section 25.30 FEES

There is an application fee of ten dollars (\$10.00) for the improvement location permit. The fee is payable at the City Controller's Office. The Improvement Location Permit will be issued to the applicant after a receipt of payment is presented to the Zoning Administrator.

Section 25.40 APPLICATION REQUIREMENTS

Satisfactory evidence of ownership of the entire lot shall accompany all applications for permits under the provisions of this Ordinance.

Application for an Improvement Location Permit shall be made on forms required by the Department of Planning. The Zoning Administrator reserves the right to waive the application form and may require, in lieu of the application, a description of the project in narrative form.

- A. An application for an Improvement Location Permit shall be accompanied by a sketch plan. The minimum sketch plan requirements shall be that the plan is readable, dimensioned, and in an appropriate scale.

When warranted, the Zoning Administrator may request a plat of survey and/or drawings prepared by an architect or engineer and/or other information as necessary related to; but not limited to, items in Section B below. (Am.Ord. 9170)

The Zoning Administrator may grant a waiver of the sketch plan requirements enumerated below where he is not prohibited from doing so by state law.

- B. The sketch plan shall show the following:

- 1) The legal description and the boundaries of the subject property, all existing easements, section lines, and property lines, existing streets, buildings, water courses, water ways, and lakes and other physical features in or adjoining the property;

- 2) Location, dimensions and character of proposed uses, including height and bulk of buildings and structures, open space, screening and landscaping (including variety, diameter at breast height DBH), outdoor lighting (including light output measured in footcandles), and signs; and
- 3) Location, dimensions and type of construction of proposed streets, alleys, driveways, curb cuts, entrances, and exits, loading areas and parking areas, including numbers of parking and loading spaces.

Section 25.41 ADDITIONAL REQUIREMENTS

When appropriate by applicable law, ordinance, and/or regulation, the Zoning Administrator may review the following ordinances for compliance or receive verification of compliance from the following agencies under their respective jurisdictions by letter, verbal communication, or on official documents of the agency as may be appropriate.

This includes:

- a) Zoning Ordinance;
- b) Subdivision Ordinance;
- c) Flood Plain Ordinance and maps;
- d) Board of Zoning Appeals regarding conditional use, developmental variance, use variance, and/or special exception;
- e) City Engineer or appropriate state agency regarding a curb cut permit, traffic flow, ingress or egress, etc.;
- f) City Engineer or the Sanitary District regarding drainage and impact on sewers.
- g) Hammond Department of Environmental Management regarding all applicable local, state, and federal environmental ordinances, laws, and regulations;
- h) Hammond Historic Preservation Commission regarding Certificates of Appropriateness;
- i) Lake County Soil and Water Conservation District regarding Rule 5 (or similar regulation), ground disturbance of sites greater than 5 acres.
- j) Indiana Department of Natural Resources, Indiana Department of Environmental Management, the U.S. Army Corps of Engineers, (Detroit District), the U.S. Environmental Agency regarding wetlands regulations;
- k) Indiana State licensing agencies; and
- l) Any other applicable local, state, or federal authorities.

Section 25.50 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

After the effective date of this Ordinance, no building or structure shall be initially occupied or reoccupied after a six months vacancy, or changed in use, nor shall any land be changed in use unless a Certificate of Occupancy and Compliance shall have been issued by the Zoning Administrator.

Section 25.60 PROCEDURE

The applicant shall notify the Zoning Administrator and the Building Commissioner in writing within seven (7) working days of the completion of the building or structure, addition, or change in use.

The Building Commissioner shall inspect the building or structure, addition, or change in use for compliance with the requirements of the building code and other codes of which he is the administrative officer and shall certify to the Zoning Administrator whether or not the building or structure, addition, or change in use is in compliance with such codes.

Upon certification by the Building Commissioner as to the compliance of the building or structure, addition, or change in use with applicable codes, the Zoning Administrator shall inspect the building or structure, addition, or change in use for compliance with the requirements of the Zoning Ordinance and the approved final site plan and shall approve the application or address the reason or reasons of denial in writing.

Section 25.80 CONFLICT OF INTEREST(Am.Ord.9460)

- A. Whenever the Director of City Planning, Assistant City Planner, Zoning Administrator, or other employee of the City Planning Department has a conflict of interest in the issuance of a permit:
 - 1. such person shall recuse himself or herself from the permitting process;
 - 2. such person shall report the conflict of interest to the Law Department.

- B. Promptly upon receipt of a conflict of interest report made under subsection A, the Law Department, shall appoint a qualified temporary replacement to oversee the permit, and all related files shall be delivered to the appointed temporary replacement.

- C. Filing Conflict of Interest Reports. The Director of City Planning shall place reports received pursuant to this ordinance in a separate file and maintain them for at least five (5) years.

TITLE XXVI - ADMINISTRATION - BUILDING COMMISSIONER

Section 26.01 PURPOSE

This Title describes the responsibilities of the office of the Building Commissioner (a.k.a. the Department of New Construction and Rehabilitation Services) and its interrelationship with the Department of Planning, the Plan Commission, the Board of Zoning Appeals, and the Zoning Administrator.

Section 26.10 POWERS AND DUTIES

The office of the Building Commissioner of the City of Hammond and any deputy assistants that have been, or shall be duly appointed, by the City of Hammond, shall have the following powers and duties:

- A. Issue building permits only after certification of zoning compliance or issuance of an Improvement Location Permit by the Zoning Administrator and make and maintain records thereof.
- B. Certify to the Zoning Administrator that the initial occupancy or reoccupancy after a six month vacancy, change in use of a building or structure, or change in use of land is in compliance with the requirements of the building code and other codes of which the Building Commissioner is the administrative officer.

Section 26.20 REQUIREMENT FOR BUILDING PERMIT

No building or structure shall be hereafter erected, reconstructed, altered, or razed; nor shall any work be started to erect, move, alter, reconstruct, or raze; until a Building Permit shall have been applied for in writing and issued by the Building Commissioner pursuant to the applicable provisions in Hammond City Code Chapter 150.

No Building Permit shall be issued to erect a building or structure or make any change of use of a building or land unless it is in conformity with the provisions of the Ordinance and all amendments hereto.

Section 26.21 PERMIT TIME LIMIT

Unless construction is started within six months after the date of issuance of a Building Permit, the Building Permit shall automatically become void and fees forfeited. The Building Commissioner may reinstate a Building Permit that has become void for failure to commence construction without payment of further fees at his discretion.

Section 26.22 APPROVAL OR DENIAL OF PERMIT

The Building Commissioner shall approve and issue the Building Permit or deny a Building Permit and state the reasons for its denial in writing to the applicant.

Section 26.30 FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the office of the Building Commissioner in advance of issuance. The fee for a Building Permit shall be established by the City Council.

Section 26.40 APPLICATION REQUIREMENTS

Satisfactory evidence of ownership of the entire lot shall accompany all applications for permits under the provisions of this Ordinance.

The Building Commissioner shall require that all applications for Building Permits be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:

1. The actual space, location, and dimension of the lot drawn to scale.
2. The shape, size, and location of all buildings or other structure upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
3. Location, spacing, number, and size of off-street parking as required by the provisions of the zoning ordinance and by the Americans With Disabilities Act Accessibility Guidelines (ADAAG).
4. Provision for water supply (including potable water and water for fire protection) and sanitary sewers, either public or private. Detailed drainage plan for the elimination of surface water.
5. Provision for fire protection access as required by the Hammond Fire Department.
6. Other information concerning the lot or adjoining lots which may be essential for determining whether the provisions of this Ordinance are being observed.

One copy of the plans shall be returned to the applicant by the office of the Building Commissioner, after the Commissioner shall have marked such copy either as approved or disapproved. The second copy will be retained in the office of the Building Commissioner.

Section 26.50 INSPECTION AT COMPLETION

Upon completion of the work authorized by a Building Permit, the holder thereof shall seek final inspection thereof by notifying the Building Commissioner.

TITLE XXVII – DEVELOPMENT PLANS

(Am.Ord. 9170, Scrivener's correction of section numbers)

Section 27.01 INTENDED PURPOSES

The section establishes the authority and the procedures on how the Plan Commission may approve development plans, in accordance with I.C. 36-7-4-1400 Series

Section 27.02 APPROVAL AUTHORITY OF DEVELOPMENT PLAN

- A. The Plan Commission has exclusive authority to approve or disapprove a development plan for real property located within the City of Hammond.
- B. A development plan is required for real property located within a C-2 Shopping Center District or a PUD Planned Unit Development District.
- C. The Plan Commission may delegate its approval or disapproval authority (as herein granted or retained) to the Director of City Planning by a majority vote of its membership, by administrative rule, or as otherwise specified herein this ordinance, either on a temporary basis or a permanent basis.
- D. The Plan Commission may determine by administrative rule or by a majority vote of its membership to require a development plan to be submitted for approval or disapproval by the Plan Commission, either on a temporary basis or a permanent basis, for real property located in any other zoning district that is not already required under T/S 27.02 B.
- E. Upon receipt of the approval by the Plan Commission or Director of City Planning, the Zoning Administrator has the authority to issue an improvement location permit in accordance with the provisions and requirements of Title XXV.

Section 27.03 PRELIMINARY AND FINAL APPROVAL

- A. Approval of a preliminary development plan and a final development plan is subject to the administrative rules of the Plan Commission.
- B. Approval of a preliminary and final development plan of PUD is also subject to the provisions of Title XVI.
- C. Staff is granted the authority to approve modifications to a final development plan of PUD and a final development plan in other districts where required in accordance with T/S 16.60 and for the renovation, addition or expansion of existing structures provided such renovation, addition, or expansion:
 - 1) is attached to the existing structure;
 - 2) continues the architectural design of the existing structure, including exterior color and materials, doors and windows, and other detailing;
 - 3) meets the requirements of the applicable zoning provisions;

- 4) does not exceed ten percent (10%) of the original gross floor area of the existing structure; and
- 5) has received a prior development plan approval from the Plan Commission.

Section 27.04 REVIEW OF DEVELOPMENT PLAN (Scrivener's correction)

- A. The Plan Commission shall review a development plan to determine if the development plan:
 - 1) is consistent with the comprehensive plan; and
 - 2) satisfies the development requirements as specified herein.
- B. The Plan Commission's review shall include, but not be limited to, the following items:
 - 1) Existing site features, including topography and natural areas;
 - 2) Existing land use and Zoning of the property and surrounding properties;
 - 3) Access to public streets;
 - 4) Driveway and curb cut locations in relation to adjacent and surrounding properties;
 - 5) General vehicular and pedestrian traffic and access within the site;
 - 6) Special, general and access easements for public or private use and future linkages to adjacent properties;
 - 7) On-site and off-site surface and subsurface stormwater drainage including drainage calculations;
 - 8) On-site and off-site utilities;
 - 9) Dedication of streets, internal access easements, and rights-of-way, or reservation of land for future development of streets, rights-of-way, or public access;
 - 10) Provision of sufficient and appropriately designed parking in compliance with applicable provisions of Title XX.
 - 11) Setbacks, site landscaping and screening, building placement, building orientation, exterior architectural features, and site amenities;
 - 12) Efficiency in use of land and the development of mix of uses;
 - 13) Signage and lighting;
 - 14) Commitments, protective restrictions and/or covenants
 - 15) Compatibility of proposed development with existing developments in the surrounding area.

Section 27.05 FINDINGS AND CONDITIONS FOR APPROVAL BY THE PLAN COMMISSION (Scrivener's correction)

- A. The Commission shall make written Findings of Fact concerning each decision to approve or disapprove a development plan after a public hearing. The Commission may approve a development plan upon finding that:
 - 1) The development plan complies with the applicable standards of the underlying district in which the lot is located or the preliminary plan of PUD in a PUD district.
 - 2) The development plan complies with the applicable provisions of the appropriate Subdivision Control Ordinance:

- 3) The proposed development is appropriate to the site and its surroundings; and
- 4) The proposed development is consistent with the intent and purpose of this Ordinance and the Comprehensive Plan.

B. The Plan Commission may do the following:

- 1) impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the herein prescribed development requirements for approval; and/or
- 2) provide that approval of a development plan is conditioned on the furnishing to the Plan Commission of a bond or written assurance that:
 - a) guarantees the timely completion of a proposed public improvement in the proposed development; and
 - b) is satisfactory to the Plan Commission.

Section 27.06 EXEMPT WAIVER (Scrivener's correction)

A) The Plan Commission may, after a public hearing, grant a waiver of certain development requirements or standards of this Title, as described herein. Any approval to allow such a waiver shall be subject to the following:

- 1) The development plan shall be in concert with the general purposes, land use, and architectural standards provided herein.
- 2) The approval shall enhance the overall development plan, the adjoining streetscapes and neighborhoods, signage, and the overall district.
- 3) The waiver shall not adversely affect emergency vehicles access or deprive adjoining properties of adequate light and air.
- 4) The approved waiver shall not produce a site configuration or street/circulation system that would be impractical or detract from the appearance of the development.
- 5) The waiver would be in exchange for extraordinary site design enhancements or amenities, including, but not limited to:
 - a) enhanced landscape treatments;
 - b) provisions for bicycles, pedestrian, and/or mass transit;
 - c) creation of public plazas, open space and other similar features;
 - d) removal, relocation, or improvement of non-conforming signage;
 - e) reduced surface parking in conjunction with above or below grade parking;
 - f) preservation of sensitive natural resources
 - g) preservation of historical and architectural features, buildings, landmarks.

B. In granting a waiver, the Plan Commission may impose such conditions that will, in its judgment, secure the purposes of the Title. The granting of a waiver or imposition of conditions does not affect the right of an applicant to petition the Board of Zoning Appeals from a variance from the development standards in accordance with Title XXIV.

TITLE XXVIII - COMMITMENTS

(Am.Ord. 9170)

Section 28.01 PURPOSE

The purpose of this section is to establish the authority and provisions for the approval of commitments made by the petitioner in order to obtain approval or imposed by the Plan Commission or Board of Zoning Appeals in order to grant approval all in accordance with I.C.36-7-4-1015.

Section 28.02 APPLICABILITY

As a condition to the following actions, the owner of a parcel of real property or a petitioner may be required or allowed to make a commitment to the Plan Commission or the Board of Zoning Appeals, as applicable, concerning the use or development of that parcel.

The actions, under this authority, are as follows:

- a) adoption of a rezoning proposal;
- b) primary approval of a proposed subdivision plat or development plan;
- c) approval of a vacation of all or part of a plat; or
- d) approval of an application for a:
 - (1) conditional use
 - (2) developmental variance or variance of use;
 - (3) special exception
 - (4) special use.

Section 28.03 PROVISIONS FOR COMMITMENTS

28.03.01 Commitments must be in writing

28.03.02 Unless the written commitment is modified or terminated in accordance with this section, a written commitment is binding on the owner of the parcel.

28.03.03 A commitment shall be recorded in the office of the Lake County Recorder. After a commitment is recorded, it is binding on a subsequent owner or any other person who acquires an interest in the parcel. However, a commitment is binding on the owner who makes the commitment even if the commitment is unrecorded. An unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

28.03.04 A commitment may contain terms providing for its own expiration. A commitment may also contain terms providing that the commitment automatically terminates:

- a) if the parcel is rezoned;

- b) if the land use to which the commitment relates is changed; or
- c) if, otherwise in accordance with the rules of the Plan Commission or Board of Zoning Appeals to which the commitment is made.

- 28.03.05 Except for a commitment that expires or automatically terminates under 28.03.04, a commitment may be modified or terminated only by a decision of the Plan Commission or Board of Zoning Appeals to which the commitment was made. The decision must be made at a public hearing after notice of the hearing has been provided under the rules of the Plan Commission or Board of Zoning Appeals, as applicable.
- 28.03.06 During the time a rezoning proposal is being considered by the Common Council, the owner may make a new commitment to the Plan Commission or modify the terms of a commitment that was made when the proposal was being considered by the Plan Commission.
- 28.03.07 Regarding a new or additional commitment made under T/S 28.03.06, no further action of the Plan Commission is required for it to be effective. However, the Plan Commission retains the right to review a new commitment and forward a recommendation to the Common Council.
- 28.03.08 If a commitment is modified by being more stringent under 28.03.06, no further action is required by the Plan Commission for the commitment to be effective. However, the Plan Commission retains the right to review a more stringent commitment and forward a recommendation to the Common Council.
- 28.03.09 If a commitment is modified to be less stringent under 28.03.06, then the less stringent modification must be ratified by the Plan Commission.
- 28.03.10 Requiring or allowing a commitment to be made does not obligate the Plan Commission, the Board of Zoning Appeals, or the Common Council, as applicable, to adopt, approve, or favorably recommend the proposal, petition, or application to which the commitment relates.

Section 28.04 RULES FOR COMMITMENTS

The Plan Commission or the Board of Zoning Appeals may adopt rules for governing the creation, form, recording, effectiveness, modification, and termination of commitments. The Plan Commission or the Board of Zoning Appeals may adopt rules designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments. The rules of the two bodies shall have a common or similar format, intent, and procedure. The respective rules shall be adopted by majority vote of the respective bodies.

Section 28.05 ENFORCEMENT OF A COMMITMENT

28.05.01 An action to enforce a commitment may be brought in the Lake County Circuit or Superior Court by:

- a) the Plan Commission or Board of Zoning Appeals to which the commitment was made;
- b) any person who was entitled to enforce a commitment under the rules of the Plan Commission or Board of Zoning Appeals in force at the time the commitment was made. If not otherwise stated in the commitment document, the Director of City Planning, the Zoning Administrator, or the Code Enforcement Commissioner is entitled to enforce a commitment.
- c) any other specially affected person who was designated in the commitment.

28.05.02 A person bringing an action to enforce a commitment may request mandatory or prohibitory injunctive relief through the granting of a temporary restraining order, preliminary injunction, or permanent injunction. If an action to enforce a commitment is successful, the respondent shall bear the costs of the action. A change of venue from the county may not be granted in such an action.

28.05.03 In an action to enforce a commitment, it is not a defense that:

- a) no consideration was given for the commitment;
- b) the commitment does not benefit any designated parcel of the property;
- c) the document setting forth the commitment lacks a seal;
- d) there is no privity of estate;
- e) there is not privity of contract; or
- f) there is no proof of damage.

Section 28.06 SPECIFIED CONDITIONS NOT CONSIDERED TO BE COMMITMENTS

28.06.01 The following types of conditions, are not considered commitments and are not subject to T/S 28.03:

- a) A condition imposed upon primary (preliminary) approval of a plat that must be met before secondary (final) approval of the plat may be granted;
- b) A condition imposed upon the approval of a developmental variance, conditional use, variance of use, special exception, or special use, or a development plan that must be met before an improvement location permit may be issued;
- c) A condition imposed upon an approval relative to any other development requirement that must be met before any other secondary approval may be granted or building permit may be issued;
- d) A condition that was imposed before July 1, 2011, on an approval relative to any development requirement. However, this applies only if a copy of the condition has been filed and permanently maintained as a public record in the office of the Plan Commission or Board of Zoning Appeals that imposed the condition.

28.06.02 Covenants, easements, equitable servitudes, and other land use restrictions created in accordance with law are not considered commitments and are not subject to T/S 28.03

TITLE XXIX – OVERLAY ZONING DISTRICTS

(Am.Ord. 9170)

Section 29.01 INTENDED PURPOSE

The purpose of an overlay district is to establish additional provisions for development that are in addition to the base zoning district. These additional provisions may be written to carry out identified goals for development directed by the Comprehensive Plan, special study plan, or a plan for a redevelopment district. The overlay district is intended to promote and protect the public health, safety, comfort, convenience, community aesthetics and general welfare in these specified areas while meeting the goals established in the Comprehensive Plan, special study plan, or plan for a redevelopment district.

Section 29.02 APPLICABILITY

- 29.02.01 An overlay district is created as a special area to be superimposed on the base district(s).
- 29.02.02 The development standards provided for an overlay district are intended to supplement those provided in the base zoning classification and in most cases may be more restrictive than those of the base zoning classification.
- 29.02.03 The intent is that a development will meet both the base zoning requirements and the overlay district requirements. When the requirements of an overlay district are in conflict with the base zoning district requirements, the requirements of an overlay district or the more restrictive requirements will apply.
- 29.02.04 The boundaries of the overlay district are to be established in accordance with the procedures to change a zone map in Section 23.31 et seq. and IC 36-7-4-602(c). The boundaries of an overlay district may be amended by the same procedure.
- 29.02.05 The text of the provisions of an overlay district is established at the same time as the boundaries are established in accordance with Section 23.31 et seq. and IC 36-7-4-602 (b) and (c).

Section 29.03 PLAN COMMISSION REVIEW

- 29.03.01 The Plan Commission shall review and approve a proposed development within an overlay district in accordance with the provisions for review and approval of a development plan.
- 29.03.02 If a development project is located both inside and outside of an overlay district, a development plan encompassing the entire development project shall be submitted for review and approval. The entire development project shall be subject to the provisions of the overlay district.
- 29.03.03 If there is a conflict between the base zoning provisions and the zoning provisions of the overlay district, the stricter provisions shall apply.

Section 29.04 et seq. Reserved

Section 29.10 GROW-OL Overlay Zoning District Establishment (Ord. 9364)

29.10.01 Purpose

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) allow for the provision of adequate reliable public and private telecommunications; 2) to provide for and serve the needs of the City through the use of small cell facilities for telecommunications; and 3) minimize the adverse and undesirable visual effects of said provisions for said facilities within the City of Hammond.

29.10.02 Establishment of GROW-OL overlay zoning district.

The Greater Rights-of-Way Overlay Zoning District (GROW-OL) shall apply to all public rights-of-way lying wholly or partially within the City limits of Hammond including, but not limited to: streets, avenues, alleys, etc. and as may be amended from time to time.

29.10.03 Limitations or Exclusions of provisions

- A. The provisions of this section shall not apply to: private streets, private access easements, internal drives in a commercial development, railroad rights-of-way, or interstate highways under the jurisdiction of INDOT.
- B. Small cell facilities for telecommunications are not permitted within GROW-OL right-of-way having "Local" functional classification as defined in the City's Transportation Plan.
- C. In accordance with I.C. 8-1-32.3-17 (a), the City of Hammond may not discriminate among communications service providers or public utilities with respect to:
 - 1) approving applications, issuing permits, or otherwise establishing terms and conditions for construction of wireless or wireline communications facilities.
 - 2) authorizing or approving tax incentives for wireless or wireline communications facilities;
 - 3) providing access to rights-of-way, infrastructure, utility poles, river and bridge crossings, and other physical assets owned or controlled by the City.
- D. Further in accordance with I.C. 8-1-32.3-17 (a), the City of Hammond may not require an applicant to submit information about, and may not evaluate an applicant's business decisions with respect to, the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.
- E. Plan Commission review of a development plan as provided for in T/S 29.03 is

not applicable to applications provided for in the GROW-OL.

29.10.04 Definitions

For purposes of this Section and consistent with I. C. 8-1-32.3 *et. seq.*, the words and phrases below are defined as follows:

- A. Antenna - Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.
- B. Base Station - A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.
- C. Collocation or Co-Location - The placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.
- D. Construction Plan – A written plan (minimum size 11x17, based on a standard engineering or architectural scale, dimensioned in feet and inches) that describes the proposed wireless support structure and all equipment and network components including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment. The plan shall also include information that demonstrates that the aesthetics of the wireless support structure is substantially similar to the street lights located nearest the proposed location; includes the total height and width of the wireless facility and wireless support structure, including cross section and elevation, footing, foundation and wind speed details; a structural analysis indicating the capacity for future and existing antennas, and calculations for the foundation's capacity. All drawings shall be sealed, signed, and dated by a registered professional engineer, licensed in the State of Indiana.
- E. Electrical Transmission Tower - A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.
- F. Equipment Compound - The area that: (1) surrounds or is near the base of a wireless support structure; and (2) encloses wireless facilities.
- G. Existing structure - Excludes a utility pole or an electrical transmission tower.
- H. Permit Authority - The staff of the City of Hammond, Hammond Board of Public Works and Safety, and the Hammond Board of Zoning Appeals.

- I. Small Cell Facility - A) a personal wireless service facility as defined by the Federal Telecommunications Act of 1996 as in effect on July 1, 2015; or B) a wireless service facility that satisfies the following requirements: (i) each antenna, including exposed elements, has a volume of three (3) cubic feet or less; (ii) all antennas, including exposed elements, have a total volume of six (6) cubic feet or less; and (iii) the primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less.

For purposes of B)(iii) above, the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure:

- a) Electric meters
- b) Concealment equipment
- c) Telecommunications demarcation boxes
- d) Ground-based enclosures
- e) Back-up power systems
- f) Grounding equipment
- g) Power transfer switches
- h) Cut-off switches

- J. Small Cell Network - A collection of interrelated small cell facilities designed to deliver wireless service.

- K. Substantial Modification of a Wireless Support Structure - The mounting of a wireless facility on a wireless support structure in a manner that:
- (1) increases the height of the wireless support structure by the greater of: (a) ten percent (10%) of the original height of the wireless support structure; or (b) twenty (20) feet;
 - (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of: (a) twenty (20) feet; or (b) the width of the wireless support structure at the location of the appurtenance; or
 - (3) increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet.

The term substantial modification does not include the following:

- (1) increasing the height of a wireless support structure to avoid interfering with an existing antenna;
 - (2) increasing the diameter or area of a wireless support structure to:
 - (a) shelter an antenna from inclement weather; or
 - (b) connect an antenna to the wireless support structure by cable.
- L. Utility Plan – A plan (minimum size 11x17, based on a standard engineering or architectural scale, dimensions shown in feet and inches) demonstrating the location and relationship to existing utilities within the vicinity of the proposed wireless support structure. The plan includes drawings of 1) the project area showing location and all dimensions, 2) the wireless support structure dimensions

(size, height, etc.); 3) vicinity map showing the location of the proposed wireless facility and the surrounding street; 4) proximity map showing distance and dimensions from public facilities (curb, sidewalk, street landscape area, street centerline, right-of-way line, etc.) and adjacent buildings; 5) ground disturbance plan showing depth and dimensions of disturbance and excavation parameters; 6) adjacent utility plan, showing location and distances of all adjacent above ground and below ground utility facilities; and 7) documentation of coordination with utilities including a conflict analysis and work plan which documents that there are no conflicts with existing utilities and a restoration plan if there are conflicts with the existing utilities.

M. Utility Pole - A structure that is:

- (1) owned or operated by:
- (a) a public utility;
 - (b) a communications service provider;
 - (c) a municipality;
 - (d) an electric membership corporation; or
 - (e) a rural electric cooperative;

and (2) designed and used to:

- (a) carry lines, cables, or wires for telephone, cable television, or electricity; or
- (b) provide lighting.

The term does not include a wireless support structure or an electrical transmission tower.

N. Wireless Facility - The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

O. Wireless Support Structure - A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower

29.10.05 Permits

An applicant that provides wireless communications service or otherwise makes available infrastructure for wireless communications services may apply for a permit to (a) locate a new wireless facility or wireless support structure, (b) perform a substantial modification or (c) collocate wireless facilities on existing structures in the GROW-OL to the Zoning Administrator.

An applicant shall demonstrate that the proposed wireless facility, wireless support structure or substantial modification thereof complies with the requirements of the GROW-OL.

Upon determination of a complete application and initial review by the Zoning Administrator, the application shall be forwarded to the Hammond Board of Public Works and Safety for review by the City Engineering Department. The application shall also include a utility plan. The City Engineering Department shall submit a report determining technical compliance and whether there are any conflicts with existing utilities, construction plans, or other applicable regulations including, but not limited to, Hammond Board of Public Works and Safety Resolution 4035.

The Board of Public Works and Safety shall make its recommendation and determination and forward it to the Zoning Administrator with the report from the City Engineering Department for a determination of the issuance of permits.

29.10.06 Collocation Preference.

- A. At a minimum, new wireless facilities shall be a monopole constructed to support the initial user plus the anticipated loading of one additional user.
- B. The site of the initial wireless facility at any location shall be of sufficient area to allow for the location of one (1) additional wireless facility.
- C. Any proposed wireless support structure shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial wireless facility and one additional wireless facility support structure shall be designed to allow for future rearrangement of cellular communication equipment and antennas upon said structure and to accept cellular communication equipment and antennas mounted at varying heights.
- D. A proposal for a new wireless support structure shall not be approved unless the applicant submits an affidavit that the telecommunication equipment planned for the proposed wireless support structure cannot be accommodated on an existing or approved utility pole or electrical transmission tower or other structure due to one (1) or more of the following reasons:
 - (1) The planned telecommunication equipment would exceed the structural capacity of the existing or approved utility pole or electrical transmission tower or structure as documented by a qualified and licensed professional engineer, and the existing or approved utility pole or electrical transmission tower or structure cannot be reinforced, modified, or replaced to accommodate the planned telecommunication equipment at a reasonable cost, or
 - (2) The planned telecommunication equipment would cause interference impacting the usability of other existing telecommunication equipment at the site if placed on existing structures. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost; or

- (3) The existing or approved utility pole or electrical transmission tower, or buildings/structure within the search radius cannot accommodate the planned telecommunication equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer; or
- (4) Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved utility pole or electrical transmission tower, building or structure; or
- (5) The applicant has been unable to enter a commonly reasonable lease term with the owners of existing utility pole or electrical transmission tower, buildings or structures.

29.10.07 Developmental Provisions and requirements

New wireless facilities and wireless support structures shall meet the following developmental provisions and requirements.

- A. Overall Maximum Antenna and wireless support structure height: 44' from grade or equal to or less than the height of existing streetlights or traffic signals structures, whichever is greater, located on the same street for which the wireless facility is proposed within a 600 foot (182.88 m.) radius.
- B. Minimum Separation: No other wireless support structure shall be located within One thousand (1,000) foot (304.8 m.) radius of any other support structure primarily used for telecommunications.
- C. Support structures shall be metal or fiberglass poles. The color shall be black or any other color and finish determined by the Hammond Board of Public Works and Safety that is similar to the color and finish of the streetlights within the same block. Any antenna equipment mounted to the support structures (antenna or other permitted equipment) shall also be matching in color to the support structure.
- D. All facility equipment at a single facility, with the exception of the antenna itself, shall be ground mounted in a cabinet having an area not to exceed seventeen (17) cubic feet (0.48 cubic m.) and no greater than forty-eight (48) inches (1.22 m.) overall height. A pole mounted cabinet with dimensions not exceeding twenty (20) inches by twenty (20) inches by six (6) inches (20" x 20" x 6") (50.8 cm. x 50.8 cm. x 15.24 cm.) including or excluding a corresponding ground mounted cabinet not to exceed two (2) feet by two (2) feet by one (1) foot (2' x 2' x 1') (0.61 m. x 0.61 m. x 0.3 m.) may be approved as an alternative by the Board of Public Works and Safety. The Board of Public Works and Safety may also approved minor adjustments of these dimensions but not greater than a 25% difference as long as these adjustment do not cause any conflict with public safety, access, or visual

clearance.

- E. All support structures shall have a plaque identifying the structure, the owner and the owner's contact information, said plaque shall not exceed 0.25 square feet (0.02 sq. m.). All support structures shall have all public safety/warning signs as required by law, OSHA, State Building Code, and/or National Electrical Code. No other signs are permitted.
- F. All wiring and fiber shall be concealed within the support structure and all conduit, wiring and fiber shall be buried between structures and/or structures and ground mounted cabinets. All service lines (e.g. electric lines) to the support structure shall also be buried.
- G. Where practical, landscaping shall be provided to mitigate the visual impact of the ground mounted equipment.
- H. No wireless facility or wireless support structure may be located or constructed in a manner that would unreasonably interfere with the use of city property or the public right-of-way by the city, by the general public, or by other persons authorized to use or be present in or upon the public right-of-way. Unreasonable interference includes disruption to vehicular or pedestrian traffic or parking on city property or within the public right-of-way, interference with public utilities, interference with visibility along the public right-of-way, and such other activities that would present a hazard to public health, safety, or welfare when alternative locations or methods of construction would result in less disruption.

Wireless facilities shall be setback: 1) 15' (4.572 m.) from the intersection of the nearest right-of-way lines (street and/or alley); 2) 15' (4.572 m.) from the intersection of a drive-way curb cut and a right-of-way line; and 3) 2' (0.61 m.) from the back of curb to the side of the wireless support structure facing the back of the curb.

- I. Wireless facilities shall comply with the Americans with Disabilities Act (ADA), not impede handicapped accessibility, and not be located in a required ADA path of travel.
- J. Continued Operation: An applicant receiving a permit for a new (1) construction of a new wireless support structure; (2) substantial modification of a wireless support structure; or (3) collocation of wireless facilities on an existing structure inherently agrees that if the wireless support structure or wireless facilities are not used for a period of six (6) consecutive months, they will be removed by the facilities owner at its expense. Should such owner fail to remove the wireless support structure or wireless facilities after thirty (30) business days from the date a Notice of Violation is issued by the City, the City may remove such structure or facilities and bill the owner for the costs of removal and cleanup of the site. The owner of any facility shall annually file a copy of any inspections completed on such wireless

support structure or wireless facilities with the permit authority for continued operation and use of the wireless support structure or wireless facilities.

- K. Confidential Information. All confidential information submitted by an applicant shall be maintained to the extent authorized by Ind. Code 5-14-3 *et. seq.*

29.10.08 New Wireless Support Structures

- A. **Contents of Application.** An application for a permit shall include the following:

- 1) The name, business address, and point of contact for the applicant.
- 2) The location address, and Latitude and Longitude of the proposed or affected wireless support structure or wireless facility, and identify all small cell towers within one thousand (1,000) feet (304.8 m.) of the proposed new support structure.
- 3) A construction plan, as defined herein, that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
- 4) Evidence supporting the choice of location, including, without limitation:
 - a) maps or plats showing the proposed location(s) of applicant's proposed wireless support structure; and
 - b) a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
 - 1) would not result in the same wireless service functionality, coverage, and capacity;
 - 2) is technically infeasible, or
 - 3) is an economic burden to the applicant.

- B. Single Application.

An applicant may submit one (1) application for multiple wireless service facilities that are located within the GROW-OL. The permit authority may issue a single permit for all wireless support structures and service facilities included in the application rather than individual permits for each wireless support structure and service facility.

- C. Variances.

If the proposed wireless support structure is not a permitted use under an applicable zoning ordinance, the applicant shall additionally submit evidence showing that the application complies with the criteria for a developmental variance or variance of use from the terms of the zoning ordinance.

- D. An application that contains the required information of T/S 29.10.07 A, B, and C is

considered complete.

E. Procedure.

1) Determination of Completion/Defects.

Within ten (10) business days of receipt of an application, the permit authority shall review the application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If the applicant is not notified in writing of all defects in the application, the application is considered complete.

An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within thirty (30) calendar` days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

2) Decision by Permit Authority. Not more than ninety (90) calendar days after the permit authority makes an initial determination of completeness, the permit authority shall: (1) review the application to determine if it complies with applicable requirements of this section; (2) review the application to determine if it complies with standards required as established by the permit authority, and (3) notify the applicant in writing whether the application is approved or denied. However, if the applicant requested additional time to cure defects in the application, the ninety (90) calendar days shall be extended for a corresponding, reasonable amount of time. If the application for the proposed wireless support structure requires a developmental variance or variance of use, the permit authority may have not more than thirty (30) additional days.

29.10.09 Substantial Modification

A. Contents of Application. An application for a permit shall include the following:

- 1) The name, business address, and point of contact for the applicant.
- 2) The location address and Latitude and Longitude of the proposed or affected wireless support structure or wireless facility, and identify all small cell towers within one thousand (1,000) feet (304.8 m.) of the proposed new support structure.
- 3) A construction plan, as defined herein, that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.

B. Single Application.

An applicant may submit one (1) application for multiple wireless service facilities that are located within the GROW-OL. The permit authority may issue a single permit for all wireless support structures and service facilities included in the application rather than individual permits for each wireless support structure and service facility.

C. Variances.

If the proposed wireless support structure is not a permitted use under an applicable zoning ordinance, the applicant shall additionally submit evidence showing that the application complies with the criteria for a developmental variance or variance of use from the terms of the zoning ordinance.

D. Procedure.

1) Determination of Completion/Defects.

Within ten (10) business days of receipt of an application, the permit authority shall review the application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If the applicant is not notified in writing of all defects in the application, the application is considered complete.

An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within thirty (30) calendar days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

2. Decision by Permit Authority. Not more than ninety (90) calendar days after the permit authority makes an initial determination of completeness, the permit authority shall: (1) review the application to determine if it complies with applicable requirements of this section; (2) review the application to determine if it complies with standards required as established by the permit authority, and (3) notify the applicant in writing whether the application is approved or denied. However, if the applicant requested additional time to cure defects in the application, the ninety (90) calendar days shall be extended for a corresponding, reasonable amount of time. If the application for the proposed wireless support structure requires a developmental variance or variance of use, the permit authority may have not more than thirty (30) additional days.

29.10.10 Collocation

- A. Contents of Application. An application for a permit shall include the following:

- 1) The name, business address, and point of contact for the applicant.
- 2) The location address and Latitude and Longitude of the proposed or affected wireless support structure or wireless facility, and identify all small cell towers within one thousand (1,000) feet (304.8 m.) of the proposed new support structure.
- 3) Evidence of conformance with applicable building and improvement location permit requirements, including, but not limited to, the height and/or size of new cabinet, height of wireless support structure, and vision clearance, etc. for public safety reasons.

B. Single Application.

An applicant may submit one (1) application to collocate multiple wireless service facilities that are located within the GROW-OL. The permit authority shall issue a single permit or all wireless service facilities included in the application rather than individual permits for each wireless service facility.

C. Procedure.

1) Determination of Completion/Defects.

Within ten (10) business days of receipt of an application, the permit authority shall review an application to determine if the application is complete. If the permit authority determines that an application is not complete, the permit authority shall notify the applicant in writing of all defects in the application. If the permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.

An applicant that receives a written notice of incompleteness may cure the defects and resubmit the application within fifteen (15) calendar days of receiving the notice. If an applicant is unable to cure the defects within the fifteen (15) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.

2) Decision by Permit Authority.

Not more than forty-five (45) calendar days after the permit authority makes an initial determination of completeness, the permit authority shall: (1) review the application to determine if it complies with the building code requirements or applicable requirements of this section; (2) review the application to determine if it complies with standards required as established by the permit authority; and (3) notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time to cure defects in the application, the 45 day period shall be extended for a corresponding amount of time.

29.10.11 Written Determinations

In a written determination issued under sections T/S 29.10.08, 29.10.09, and 29.10.10, the permit authority shall state clearly the basis for the decision to approve or deny an application. If the permit authority denies an application, the written notice must include substantial evidence in support of the denial. A notice is considered written if it is included in the minutes of a public meeting of the permit authority. If a permit authority fails to act on an application within the applicable deadline as proscribed in T/S 29.10.08, 29.10.09, or 29.10.10, the application is considered approved.

29.10.12 Construction Requirements

All antennas, telecommunication towers, accessory structures and any other wiring constructed within the Plan Commission jurisdiction shall comply with the following requirements:

- A. All applicable provisions of this Zoning Ordinance and the Building Code of the State of Indiana, as amended, and the Federal Communications Commission (FCC) when applicable.
- B. All wireless facilities and support structures shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code, as amended, and the Electronics Industry Association.
- C. All wireless facilities and support structures shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended.
- D. All wireless facilities and support structures shall be constructed to conform to the requirements of the Occupational Safety and Health Administration (OSHA).
- E. All wireless facilities and support structures shall be designed and constructed to all applicable standards of the American National Standards Institute (ANSI) manual, as amended.

Section 29.20 OxLan-OL Oxbow Landing Overlay District (Ords.9405, 9461)

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 (Am.Ord 9461)

The Oxbow Landing Overlay Zoning District shall apply to property with a legal description of Lots 1, 2 and 6, Oxbow Landing 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.

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 (Am.Ord 9461)

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
- 12) 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 (Am.Ord 9461)

- 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, 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 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: 25 feet (Centerline of Primary Access Drive) Lot 1 Oxbow Landing Fourth Addition
 Westerly Secondary Side Yard Setback: 23 feet (Centerline of Access Drive) Lot 1 Oxbow Landing Fourth Addition.
- C) Maximum Building Coverage within the Buildable Area: 45%
- D) Height

| | |
|--|-------------------------------------|
| Lots 1, 2 Oxbow Landing Third Addition | 60' |
| Lots 6 Oxbow Landing Third Addition | 40' or three (3) stories in height. |
| Lot 1 Oxbow Landing Fourth Addition | 75' or five(5) 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.

TITLE XXX - PLANNED UNIT DEVELOPMENT DISTRICTS IDENTIFICATION

(Am.Ord. 9189)

Section 30.01 PURPOSE

The purpose of this section is to provide for an identification of the planned unit developments. The language providing for the administration of the planned unit development shall be either located herein or shall be written in a separate document. The separate written document is a supplement to this Zoning Ordinance that is included by reference herein.

Section 30.02 PLANNED UNIT DEVELOPMENT DISTRICTS ESTABLISHED BEFORE OCTOBER 31, 2012

Five planned unit development districts were established before October 31, 2012. These are: Columbia Center PUD, Columbia Avenue Business Park PUD, Douglas Pointe PUD, Monon Yards PUD, and Vine Court Meadows PUD. The district provisions were mostly approved by the City Council in the form of a resolution. In accordance with I.C 36-7-4-1500 series, the establishment of a PUD shall be in the form of an ordinance. The five planned unit development districts shall continue to operate under their respective Council Resolutions. Amendments to the Preliminary Plan of PUD or the Council Resolution shall be in the form of (or shall be converted to the form of) an Ordinance and incorporate all of the previous Resolution provisions.

Section 30.03 COLUMBIA CENTER PUD

Columbia Center PUD was originally established in 2004 as a mixed density residential area to revitalize the Columbia Center public housing complex. The PUD is bounded by 173rd Street on the north, Chestnut Avenue on the east, 175th Street on the South, and Columbia Avenue on the west. The preliminary plan of PUD was originally established under Council Resolution R132 (2004) and was subsequently amended by Council Resolutions R26 (2007) and R09 (2010). A PUD District Ordinance that governs the development has been adopted which replaces and incorporates the resolutions. Said Ordinance is included herein as a supplement to the Zoning Ordinance.

Section 30.04 COLUMBIA BUSINESS PARK PUD (Am.Ord.9383, Scrivener's correction of section number)

The Columbia Business Park was established in 2017 to provide for a mixed commercial and industrial development, compatible with the various abutting zoning districts and uses. The PUD is bounded by Field Street on the north, Columbia Avenue on the west, Kenwood Street on the south, and Willard Avenue on the east. The Columbia Business Park PUD District Ordinance replaces in their entirety Council Resolutions 7898R, dated July 9, 1996; Council Resolution 8211 R3, dated September 28, 1999; and Council Resolution 8403 R2, dated January 15, 2002.

Section 30.05 DOUGLAS POINTE PUD

Douglas Pointe was originally established in 1992 as a mixed density residential area with commercial property along Douglas Street. The PUD area encompasses the former Erie Lackawanna Rail yards and is roughly bounded by Douglas Street on the north, thence the west property lines of 5530-5550 Sohl Avenue, thence the south property line of 5550 Sohl Avenue, then Sohl Avenue, then Hyles Blvd., thence the west property line of 5670-5842 Sohl Avenue, thence Sohl Avenue to Highland Street, thence the Erie Lackawanna Trail forming the west boundary back to Douglas Street. The governing documents include Council Resolution 7453R and 7633R and Plan Commission Resolution 2005-07 (recorded as 2006-006677). The governing plats include Replat of Douglas Pointe as recorded in Book 74, Page 19; the Corrective Plat of the Replat of Douglas Pointe as recorded in Book 76, Page 49; the Replat of Lot 2 at Douglas Pointe as recorded in Book 82 Page 86; Douglas Pointe Phase Two Lot G1 and G2; the Villas at Douglas Point (subdivision of Parcel D) as recorded Book 81 Page 36 (vacated by document 2006 006217); Replat of Douglas Pointe Parcel A; Sohl Avenue Villas as recorded in Book 98 Page 95.

Section 30.06 MONON YARDS PUD

The Monon Yards PUD was established under the 1981 Zoning Ordinance as a map change. The boundary of the PUD is Vine Street on the north and Monon Bike Trail on the west. The southern boundary and eastern boundary is described as starting at the intersection of the Monon Trail parcel and the north property line of the Borman Expressway; thence along the said north property line; thence along the west property lines of the properties of 422, 423, 424 and 425 176th Court; thence along the westerly property line of Lot A of the Superior Homes 1st Addition; thence along the L-shaped alley behind 7504-7516 Harrison Avenue to the intersection with Harrison Avenue; thence along Harrison Avenue; thence along the southern property line of 7416 Harrison Avenue; thence along the western property line of 7402-7416 Harrison Avenue; thence along the southern and western property lines of Lot 15 of Camp's Addition; thence along the alley on the west side of 428 173rd Street; thence along 173rd Street; thence along the alley behind 7216-7248 Harrison Avenue; thence along the west property line of 7146-7212 Harrison Avenue; thence along the south property line of 7144 Harrison Avenue; thence along the west property lines of 6934 to 7144 Harrison Avenue; thence along the north property line of 6934 Harrison Avenue; thence along the west property line of 6906-6922 Harrison Avenue; thence west along 169th Street; thence along the east property line of 431 169th Street; thence along the alley north of 431 169th Street; thence along the west property line of 424 Cherry Street, 423 Cherry Street, 422 and 421 Spruce Street, and 422 Locust Street; thence along the centerline of the vacated Locust Street to the west property line of Lots 5-9 and Outlot A of Vine Court Meadows PUD, thence to the intersection with Vine Street and the point of beginning.

This area was identified as PUD on the Zoning Maps since the 1981 Zoning Ordinance. There are no governing documents of record. Therefore, no development can occur

until a PUD district ordinance has been approved by the Plan Commission and the City Council.

Section 30.07 VINE COURT MEADOWS PUD

The Vine Court Meadows LLC PUD was established in 2000 as a single family residential area. The PUD provisions were adopted by Council Resolution 8325 R6. The plat of PUD was approved in 2001 and recorded in Plat Book 91 Page 9. The boundaries of the PUD are Vine Street on the north, the west property line of 430 Vine Street, 429 and 430 Vine Court, and 429 Locust Street on the east, the center line of Locust Street as extended on the south, and the east property line of the Monon Yards as owned by NICTD on the west.

Section 30.08 MARINA DEVELOPMENT PUD (Am. Ord. 9310)

The Marina Development PUD was established in 2015 as a commercial development, subject to the adopted PUD District Ordinance in PUD Supplement 3. The PUD is centered around the intersection of Indianapolis Blvd. and Fifth Avenue. The general boundaries of the PUD are starting at the intersection of Indianapolis Blvd and 5th Avenue (vacated); then southeasterly to the west line of the Casino Center Drive overpass; then southerly along the curve of Casino Center Drive overpass; then southwesterly and west along the northwestern and northern right-of-way of 112th Street; then north along the centerline of 5th Avenue to a point approximately 790 feet north of 112th Street, then westerly to the west right-of-way of 5th Avenue (vacated); then north along the east property line of Lot 1 of the Resubdivision of Lot 1 New Roby First Addition and Outlot B of New Roby First Addition to the City of Hammond; then west along the north boundary of Outlot B of said New Roby Addition; then west to the east boundary of Outlot A of said New Roby Addition; then north along the east boundary of said Outlot A to the east boundary of Lot 1 of Luke's 850 Indianapolis Addition to the City of Hammond; then continuing along the east boundary of said Lot 1 to centerline of Indianapolis Blvd; then southeastern along the said centerline to the point of beginning.

Section 30.09 HAMMOND SPORTSPLEX PUD (Am. Ord. 9378)

The Hammond Sportsplex PUD was established in 2017 to provide for the development of an enclosed sports facility that includes various sporting opportunities for youth and adults with the associated complementary support services and to maintain the previously existing multi-story commercial building and is governed by provisions in PUD Supplement 4. The boundaries of the PUD is Indianapolis Blvd., 167th Street, the west property line of Lot 1 Woodmar Center Addition, and the north property line of Lot 1 Woodmar Center Addition

**TITLE XXXI - APPEALS, JUDICIAL REVIEW, NOTICE OF VIOLATIONS,
PENALTIES, REMEDIES**

(Am.Ord. 9170)

Section 31.01 PURPOSE

The purpose of this section is to provide for the provisions for judicial review of decisions of the Plan Commission and Board of Zoning Appeals in accordance with I.C. 36-7-4-1600 series. Also this section provides for appeals, administrative review, investigation, and enforcement of the Zoning Ordinance.

Section 31.02 DESIGNATION OF ENFORCEMENT OFFICIAL

The Plan Commission, the Board of Zoning Appeals, the Director of City Planning, the Zoning Administrator, the city attorney, and/or the Hammond Department of Code Enforcement Commissioner are designated as enforcement officials for purposes of enforcing the provisions, decisions, approvals, and/or actions carried out in accordance with the provisions of the Zoning Ordinance

Section 31.03 NOTICE OF VIOLATION

When written notice of a violation of any of the provisions of this Ordinance has been served upon the owner, agent, occupant, contractor, or the like, such violation shall be discontinued immediately.

Section 31.04 PENALTY FOR VIOLATION

Action on the violation of any provisions of this Ordinance shall be subject to I.C. 36-7-4-1018 and I.C. 36-1-3-8. The fine for each violation shall be not less than \$100.00 and not more than the maximum amount permitted under I.C. 36-1-3-8. Each day that a violation continues to exist shall constitute a separate offense.

Section 31.05 RIGHT OF INJUNCTION

The Plan Commission, Board of Zoning Appeals, or any designated enforcement officer may institute a suit for injunction in the Circuit Court of Superior Court of Lake County to restrain an individual from violating the provisions of this Ordinance and may also institute a suit for a mandatory injunction directing the removal of any structure.

Section 31.06 INVESTIGATION OF VIOLATION

When the Common Council provides penalties for failure to comply with any ordinance adopted under this chapter, the city attorney shall, on receipt of information of the violation of any ordinance, make an investigation of the alleged violation. If acts elicited by the investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, the city attorney may file a complaint against the person and prosecute the alleged violation under I.C. 36-1-6

Section 31.07 VIOLATIONS AS COMMON NUISANCES

A building erected, raised, or converted, or land or premises used, in violation of any ordinance or regulation herein may be declared as a common nuisance. The owner of the building, land, or premises is liable for maintaining a common nuisance.

Section 31.08 ENFORCEMENT OF VIOLATIONS AND REMEDIES

As a second class city, the City of Hammond may invoke any remedy under IC 36-7-4-1014 and IC 36-7-4-1015.

Section 31.09 BURDEN OF PROOF

In accordance with IC 36-7-4-1019, in an enforcement action, the party alleging the existence of a nonconforming use or variance granted by the Board of Zoning Appeals has the burden of proof on that issue. The nonexistence of a nonconforming use or variance need not be proved.

Section 31.10 APPEALS TO THE BOARD OF ZONING APPEALS

Administrative appeals under T/S 24.20 A. may be appealed to the Board of Zoning Appeals. Said appeals to the Board of Zoning Appeals shall be governed by IC 36-7-4-919 and IC 36-7-4-920. Appeals shall be made on the forms as prescribed by administrative rule.

Section 31.11 APPEALS FROM THE BOARD OF ZONING APPEALS

31.11.01 In accordance with IC 36-7-4-1016, final decisions of the Board of Zoning Appeals for the following are subject to judicial review in accordance with IC 36-7-4-1600 et seq.:

- a) administrative appeals under T/S 24.20 A
- b) contingent uses, conditional uses, and developmental variances
- c) commitments under T/S XVIII and IC 36-7-4-1015.

31.11.02 When an appeal from the decision of an official or the Board of Zoning Appeals has been file with the Board of Zoning Appeals, proceedings and work on the premises affected shall be stayed unless the official or Board certifies to Board of Zoning Appeals that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by restraining order. After notice to the officer or board and to the owner of the premises affected and after due cause is shown, the circuit or superior court of Lake County may grant the restraining order.

Section 31.12 APPEALS FROM THE PLAN COMMISSION

In accordance with IC 36-7-4-1016 final decisions of the Plan Commission for the following are subject to judicial review in accordance with IC 36-7-4-1600 et seq.

- a) final decisions regarding approval governed by the subdivision control ordinance.
- b) commitments under T/S XXVIII and IC 36-7-4-1015.
- c) final decisions regarding development plans under T/S XXVII
- d) final decisions regarding Planned Unit Developments under T/S XVI.

Section 31.13 APPEALS FROM THE HISTORIC PRESERVATION COMMISSION

In accordance with IC 36-7-4-1016, final decisions of the Hammond Historic Preservation Commission regarding Certificates of Appropriateness are considered zoning decisions and are subject to judicial review in accordance with IC 36-7-4-1600 et seq.

Section 31.14 APPEALS FROM THE COMMON COUNCIL

In accordance with IC 36-7-4-1003, each decision of the Common Council under T/S 24.50 and I.C. 36-7-4-918.6 (e.g. special exceptions, special uses, or variances of use) is subject to judicial review in the same manner as that provided for the appeal of a final decision of the Board of Zoning Appeals under I.C. 36-7-4-1016(a)

Section 31.20 JUDICIAL REVIEW

Adopted herein by reference, in accordance with IC 36-7-4-1601, the 1600 series is the exclusive means for judicial review of zoning decisions made by the Board of Zoning Appeals, Common Council, Plan Commission, or Historic Preservation Commission. A legislative act is not subject to judicial review under the 1600 series.

Section 31.21 EXHAUSTION OF ADMINISTRATIVE REMEDIES

In accordance with IC 36-7-4-1604, a petition for judicial review may be filed only after the administrative remedies for the Plan Commission or the Board of Zoning Appeals have been exhausted.

Section 31.30 OTHER REMEDIES AND ACTIONS

Any provisions not addressed in this title or elsewhere in this ordinance are subject to the provisions of IC 36-7-4 et seq.

PS1-100 Intended Purposes

The Columbia Center Planned Unit Development District is intended to revitalize the Columbia Center public housing development that was originally constructed in 1940. The revitalization is intended to maintain the neighborhood character and promote the development of a strong architectural sense and conformity to good design and neighborhood enhancement. The development will be architecturally compatible to the surrounding community and houses, in the context of size, front elevation, and roof shape and pitch (T/S 5.80). Unless otherwise noted, all buildings also will have the principal façade or entrance on a street. The front façade of all buildings will consist of masonry materials compatible with the existing community. Columbia Center originally contained 400 public housing units, plus an Administration Building and maintenance office. By the completion of the revitalization, the number of units will be reduced to approximately 399 units. It is intended that the final development will provide for a variety of housing types to meet the needs of the community and to develop a portion of the property as a mixed-income affordable housing development.

PS1-101 Location and Legal Description

The Columbia Center PUD district is bounded by 173rd Street on the north, Chestnut Avenue on the east, 175th Street on the south and Columbia Avenue on the west. The district is divided into fourteen (14) parcels with an original total gross acreage of 40.08321 acres, more or less. Excluding the interior and perimeter streets the net acreage is 29.78 acres, more or less.

The legal description is Lot 1, Unit 1; Lot 2, Unit 2; Lots 3, 4, 5, 6A, 6B, 7, 8, 9, 10 Unit 3; Lot 11 Unit 4; Lot 12 Unit 5; Lots 13 and 14, Unit 6 all in the Columbia Center (A Planned Unit Development) Addition to the City of Hammond. A lot layout plan is attached as Exhibit 1.

PS1-102 Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for the Columbia Center PUD District Ordinance 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.

PS1-103 Preliminary Plan of PUD

The original preliminary plan of PUD was established in 2004 with the adoption of Council Resolution R132 (2004). The preliminary plan of PUD was first amended in 2007 with the adoption of Council Resolution R24 (2007), so named the First Amended Plan of PUD. The plan was amended a second time in 2010 with the adoption of Council Resolution R09 (2010), so named the Second Amended Plan of PUD. The

provisions herein constitute the third amendment, so named the Columbia Center Planned Unit Development District Ordinance.

PS1-104 Development provisions Unit 1, Lot 1.

This is a Senior Housing development with the following provisions. These provisions are unchanged from the Original Plan of PUD - Council Resolution R132 (2004), the First Amended Plan of PUD - Council Resolution R24 (2007), and the Second Amended Plan of PUD - Council Resolution R09 (2010):

- Parcel size: +/- 1.83 acres.
- Number of buildings: 1.
- Proposed Units: 80 one-bedroom apartments.
- No. of stories: 4, not to exceed 50' in height.
- Setbacks: Front yard building line of 25' along Columbia Avenue and 175th Street, Front yard building line along Linden Avenue of 15'. Front yard building line along Linden Place and Saxony Street of 20'. Non-street yard, a building line of 15'.
- Parking ratio is based on 0.75 spaces per unit for a total of 61 spaces.
- Handicapped parking is based on Americans with Disabilities Act and T/S 20.40.02 for a total of 4 handicapped parking spaces.
- Lot coverage is a maximum of 40%.
- Any other provision not provided for herein is subject to the provisions of Title VI – R-4 High Density Residential District.
- Street improvements: A new public street aligning with the existing Linden Avenue.

PS1-105 Development provisions Unit 2, Lot 2

This is an attached Townhouse development with the following provisions. These provisions are unchanged from the Original Plan of PUD - Council Resolution R132 (2004), the First Amended Plan of PUD - Council Resolution R24 (2007), and the Second Amended Plan of PUD - Council Resolution R09 (2010):

- Parcel size: +/- 4.40 acres.
- Number of buildings: up to 20.
- Proposed units: up to 68 attached single-family town homes, a management office, and a maintenance office.
- Unit sizes range between 800 –1600 square feet, 1-3 bedrooms with not more than the greater of 10% or 7 units being four bedroom units.
- No. of stories: 2, not to exceed 35' in height.
- Setbacks: Front yard building line along 175th Street of 14' between Linden and the internal drive. Front yard building line along 175th Street of 20' between the internal drive and Chestnut Avenue. Front yard building line along Chestnut of 20'. Front yard building line along Saxony Street of 14'. Front yard building line along the new Linden Avenue of 14'. Front yard building line along new 174th Place of 12'. 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).

- 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.
- Street improvements: The old Linden Avenue is vacated. New street segment called Saxony Street north of parcel between Chestnut and Freedom Avenue constructed with a 50' right-of-way.

PS1-106 Development provisions Unit 3, Lot 3

This is a single-family unit development with the following provisions. These provisions are unchanged from the Original Plan of PUD - Council Resolution R132 (2004), the First Amended Plan of PUD - Council Resolution R24 (2007), and the Second Amended Plan of PUD - Council Resolution R09 (2010):

- Parcel size: +/- 0.64 acres
- Number of buildings: 5
- Proposed units: 10 converted detached single family units or existing duplexes
- Unit sizes range between 500 –1600 square feet, 2-3 bedrooms with not more than the greater of 10% of units or 1 unit being a 4 bedroom unit.
- Number of Stories: Up to 2 stories, not to exceed 35' in height.
- Lot coverage is a maximum of 40%.
- Setbacks: Front yard building line along Saxony Street of 3.5'. Front yard building line along Linden Place of 3.5'. Front yard building line along Justice Court of 12'. Setbacks between buildings will be a minimum of 10'. Each street side of the property is considered to be a front yard. There are no rear or side yards on this parcel.
- Any other provision not provided for herein is subject to the provisions of Title V – R-2 One to Four-Family Residential District

PS1-107 Development provisions Unit 3, Lot 4

This is a single-family unit development with the following provisions. These provisions are unchanged from the Second Amended Plan of PUD – Council Resolution R09 (2010).

- Parcel size: +/- 1.99 acres.
- Number of buildings: up to 12.
- Proposed units: up to 24 units of converted detached single family units or existing duplexes.
- Unit sizes range between 500 –1600 square feet, 2-3 bedrooms with not more than the greater of 10% of units or 3 units being 4 bedroom units.
- Number of Stories: Up to 2 stories, not to exceed 35' in height.
- Lot coverage is a maximum of 40%.
- Setbacks: Front yard building line along Justice Court of 15'. Front yard building line along Saxony Street of 11'. Front yard building line along 174th Place of 15'. Front yard line along Linden Place of 10'. Setbacks between

buildings will be a minimum of 10'. Each street side of the property is considered to be a front yard. There are no rear or side yards on this parcel.

- Any other provision not provided for herein is subject to the provisions of Title V – R-2 One to Four-Family Residential District.
- Street improvements: 174th Place and Linden Place.

PS1-108 Development provisions Unit 3, Lot 5 and Unit 3 Lot 7

This is a single-family unit development with the following provisions. These provisions are unchanged from the Second Amended Plan of PUD – Council Resolution R09 (2010).

- Parcel size: (Lot 5) +/- 0.50 acres, (Lot 7) +/- 0.49 acres.
- Number of buildings: up to 6, total for Lot 5 and 7.
- Proposed units: up to 10 units, including 2 existing single-family detached units and 2 units in each of four duplexes; total for Lot 5 and 7.
- Unit sizes will range between 500 –1600 square feet, 1-3 bedrooms with not more than the greater of 10% or 1 unit being four bedroom units.
- No. of stories: up to 2 stories, not to exceed 35' in height.
- Setbacks: Front yard building line along Columbia Avenue of 20'. Front yard building line along Linden Place of 12'. Front yard building line along 174th Place of 20'. Front yard building line along Wilson Avenue of 12'. Rear yard building line of 15'. Setbacks between buildings will be a minimum of 10'. Each street side of the property is considered to be a front yard. Each non-street side of the property is considered to be a rear yard.
- Lot coverage is a maximum of 40%.
- Any other provision not provided for herein is subject to the provisions of Title V – R-2 One to Four-Family Residential District.
- Street improvements: Existing 174th Place, Linden Place, and Columbia Avenue.

PS1-109 Development provisions Unit 3, Lot 6A and Lot 6B (Am. Ord. 9297)

This is an open space development for a Community Park and Garden that meets the open space requirement of 8%.

- Parcel size: +/- 2.98 acres.
- Number of buildings: up to 4, 1 utility service building (water meter), up to 2 greenhouses, and maintenance building.
- Uses: Open space including park facilities and community garden or similar.
- Building range of use: maintenance storage
- Building Size: up to 2800 square feet for the maintenance building; up to 120 square feet for the utility service; up to 200 square feet for the one or two greenhouses.
- No. of stories: up to 1, not to exceed 30' in height.
- Setbacks: Front yard building line along 173rd Street of 25'. Front yard building line along Columbia Avenue of 25'. Front yard building line along Linden Avenue of 25'. Rear yard building line of 25'. Each street side of the property is considered to be a front yard. Each non-street side of the property is considered to be a rear yard.

- Parking ratio is based on 1.5 spaces per 1000 square feet of building.
- Handicapped parking is based on the Americans with Disabilities Act and T/S 20.40.02.
- Lot coverage is a maximum of 20%.
- Any other provision not provided for herein is subject to the provisions of Title V – S-1 Open Space and Recreational Facilities District.
- Units to be demolished: 20.

PS1-110 Development provisions Unit 3, Lot 8

This is a single-family unit development with the following provisions. These provisions are unchanged from the Second Amended Plan of PUD – Council Resolution R09 (2010).

- Parcel size: +/- 2.72 acres
- Number of buildings: 16
- Proposed units: up to 30 converted detached single-family units or duplex units
- Unit sizes range between 500 –1600 square feet, 2-3 bedrooms with not more than the greater of 10% of units or 3 units being 4 bedroom units.
- Number of Stories: up to 2 stories, not to exceed 35' in height.
- Lot coverage is a maximum of 40%.
- Setbacks: Front yard building line along 173rd Street of 25'. Front yard building line along 173rd Place of 13'. Front yard building line along 173rd Place of 13'. Front yard building line along Chestnut Street of 20'. Front yard building line along Wilson Avenue of 20'. Setbacks between buildings will be a minimum of 10'. Each street side of the property is considered to be a front yard. There are no rear or side yards on this parcel.
- Any other provision not provided for herein is subject to the provisions of Title V – R-2 One to Four-Family Residential District.
- Street improvements: 173rd Street.

PS1-111 Development provisions Unit 3, Lot 9

This is a single-family unit development with the following provisions. These provisions are unchanged from the Second Amended Plan of PUD – Council Resolution R09 (2010).

- Parcel size: +/- 0.66 acres.
- Number of buildings: 5.
- Proposed units: up to 10 units of converted detached single-family units or converted duplex units.
- Unit sizes range between 500 –1600 square feet, 2-3 bedrooms with not more than the greater of 10% of units or 1 units being a 4 bedroom unit.
- Lot coverage is a maximum of 40%.
- Number of Stories: Up to 2 stories, not to exceed 35' in height.
- Setbacks: Front yard building line along 173rd Place of 15'. Front yard building line along Freedom Avenue of 12'. Front yard building line along Liberty Court of 10'. Setbacks between buildings will be a minimum of 10'.

Each street side of the property is considered to be a front yard. There are no rear or side yards on this parcel.

- Any other provision not provided for herein is subject to the provisions of Title V – R-2 One to Four-Family Residential District.
- Street improvements: Liberty Court.

PS1-112 Development provisions Unit 3, Lot 10

This is a single-family unit development with the following provisions. These provisions are unchanged from the Second Amended Plan of PUD – Council Resolution R09 (2010).

- Parcel size: +/- 2.15 acres.
- Number of buildings: up to 14.
- Proposed units: up to 26 units of converted detached single family units or existing single family duplexes
- Unit sizes range between 500 –1600 square feet, 2-3 bedrooms with not more than the greater of 10% of units or 3 units being 4 bedroom units.
- Number of Stories: Up to 2 stories, not to exceed 35' in height.
- Setbacks: Front yard building line along Liberty Court of 10'. Front yard building line along 173rd Place of 15'. Front yard building line along Wilson Place of 18'. Front yard line along Freedom Avenue of 10'. Setbacks between buildings will be a minimum of 10'. Each street side of the property is considered to be a front yard. There are no rear or side yards on this parcel.
- Lot coverage is a maximum of 40% for new construction.
- Any other provision not provided for herein is subject to the provisions of Title V – R-2 One to Four-Family Residential District.
- Street improvements: Wilson Place.

PS1-113 Development provisions Unit 4, Lot 11

This is a single-family unit development with the following provisions. These provisions are unchanged from the Original Plan of PUD – Council Resolution R132 (2004), the First Amended Plan of PUD – Council Resolution R24 (2007) and the Second Amended Plan of PUD – Council Resolution R09 (2010).

- Parcel size: +/- 2.81 acres.
- Number of buildings: up to 18.
- Proposed units: up to 36 units in a duplex format.
- Unit sizes range between 500 –1600 square feet, 1-3 bedrooms with not more than the greater of 10% of units or 4 units being 4 bedroom units.
- No. of stories: up to 2, not to exceed 35' in height.
- Setbacks: Front yard building line along Chestnut Street of 20'. Front yard building line along Freedom Avenue of 20'. Front yard building line along the new 174th Place of 20'. Front yard building line along 173rd Place of 20'. Setbacks between buildings will be a minimum of 10'. Each street side of the property is considered to be a front yard. There are no rear or side yards on this parcel.
- Lot coverage is a maximum of 40%.

- Parking ratio is based on T/S 20.41.01 (A).
- Driveways: Driveways for each duplex building shall be paired with minimal separation to minimize the number of curb cuts to the extent possible.
- Any other provision not provided for herein is subject to the provisions of Title V – R-2 One to Four-Family Residential District.
- Street improvements: Freedom Avenue, 174th Place, and Chestnut Avenue.

PS1-114 Development provisions Unit 5, Lot 12

This is a single-family unit development with the following provisions. These provisions are unchanged from the Second Amended Plan of PUD – Council Resolution R09 (2010).

- Parcel size: +/- 1.32 acres.
- Number of buildings: up to 6.
- Proposed units: up to 24 attached single-family town homes.
- Unit sizes will range between 800 –1600 square feet, 1-3 bedrooms with not more than the greater of 10% or 2 units being 4 bedroom units.
- No. of stories: up to 2 stories, not to exceed 35' in height.
- Setbacks: Front yard building line along Columbia Avenue of 20'. Front yard building line along Linden Place of 13'. Front yard building line along 174th Place of 20'. Rear yard building line of 13'. Setbacks between buildings will be a minimum of 12'. Each street side of the property is considered to be a front yard. Each non-street side of the property is considered to be a rear yard.
- Parking ratio is based on T/S 20.41.01 (A).
- 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.
- Street improvements: Existing 174th Place, Linden Place, and Columbia Avenue.

PS1-115 Development provisions Unit 6, Lot 13 (Am. Ord.9323)

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 17, 1 non residential and 16 residential.
- Proposed units: Non-residential: Community Center (multi-purpose area, fitness, library, classroom and leasing area offices. Residential: New construction of up to 60 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 174th 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 173rd 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 173rd 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

PS1-116 Development provisions Unit 6, Lot 14 (Am. Ord. 9297)

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

- Parcel size: +/- 3.48 acres.
- Number of buildings: up to 12.
- Proposed units: up to 40 units of single / multi-family housing. Unit sizes range between 750 –1300 square feet, 1 and 2 bedrooms.
- Setbacks: Front yard building line along 174th Place of 15'. Front yard building line along Wilson Place of 15'. Front yard building line Flagstone Drive of 5'. Front yard building line along Saxony Street of 15'. Front yard building line along Freedom Avenue of 15'. 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.
- No. of stories: up to 2 stories, not to exceed 42' in height.
- 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 private drive.
- 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: 40
- Street improvements: Removal of Circle Court.
- 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

PS1-117 Landscaping

- A landscaping plan must be submitted with each final plat of P.U.D. to be reviewed and approved by the Plan Commission.
- Because this P.U.D. may be developed as separate parcels by different developers, it will be required to maintain each parcel as vacant land for a time period. The petitioner will be required to maintain the site and plant seeds and maintain lawn until the parcel is fully developed.

PS1-118 Rights-of-way (Scrivener's correction of section number)

- Unless otherwise specified, the streets of 173rd Place, Saxony Street, Freedom Avenue, Linden Place, 173rd Place, 174th Place, Wilson Place, 174th Place, Flagstone Drive, Liberty Court, and Justice Court are public streets. A minimum 40' public Right-Of-Way will be dedicated through the plat of PUD process.
- Off-street parking will be developed. In locations where feasible and within the 40' Right-of-Way, on-street parking will be allowed on one side of the street.

PUD Supplement 2 Douglas Pointe Planned Unit Development District

(Am.Ord.9260, 9543)

PS2-100 Intended Purposes

The Douglas Pointe Planned Unit Development District was established in 1991 to guide the development of what was previously known as the New Town Commons area. The intent of the Douglas Pointe PUD was to provide a variety of housing types to meet the needs of the community including some commercial services as well as the minimum 8% open space requirement pursuant to Ordinance 4683 Title XIII S-2 Planned Unit Development District Section 3 Preliminary Plan, Subsection E and Ordinance 8514 Title XVI PUD-Planned Unit Development District Procedures Section 16.02 Definitions and Section 16.50 Preliminary Plan, Subsection E.

PS2-101 Location and Legal Description

The Douglas Pointe PUD district is bounded by Douglas Street on the north, Sohl Avenue and the rear (west) property lines on the parcels fronting on Sohl Avenue on the east and the Erie Lackawanna Trail on the south and west. The district is divided into ten (10) parcels with an original total net acreage of 43.4947 acres, more or less.

The legal description of the entire Douglas Pointe Planned Unit Development is Lot 1, Lot 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, in the City of Hammond, as per plat thereof, recorded in Plat Book 76, page 19, and as amended by the Corrective Plat of the Replat of Douglas Pointe, recorded in Plat Book 76, page 49, in the Office of the Recorder of Lake County, Indiana.

The legal description also includes the Lots 1-36, Outlots A, B, and C of The Sohl Avenue Villas Planned Unit Development Addition to the City of Hammond, being a resubdivision of Parcel D of the Corrective Plat of the Replat of Douglas Pointe PUD, as recorded as document number 2006 006676 in Plat Book 98, Page 95, in the Office of the Recorder of Lake County, Indiana.

PS2-103 Preliminary Plan of PUD

The original Preliminary Plan of PUD was established by the Plan Commission under CP-91-09 and Council Resolution 7453R (1992). The Preliminary Plan of PUD was amended by the Plan Commission under CP-92-07 and Council Resolution 7633R (1993). Ordinance 4683 was in effect at the time of the adoption of the original Preliminary Plan of PUD. In accordance with Ordinance 8514 Section 16.15, PUD's established prior to October 31, 2012 shall continue to be governed by the provisions of Council Resolutions at the time of adoption. However, after October 31, 2012, any amendment to the PUD provisions shall be done so by PUD Ordinance.

PS2-104 Review of Final Development Plan of PUD

The review of a Final Development Plan of PUD is subject to Title XVI PUD Planned Unit Development District Procedures and Title XXVII Development Plans.

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 waterable 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) Security lighting;
- c) Lighting of sidewalks and pathways, and
- d) 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

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.

PS2-200 Parcel E Location and Legal Description

Parcel E in the Replat of Douglas Pointe, a Planned Unit Development, in the City of Hammond, as per plat thereof, recorded in Plat Book 76, page 19, and as amended by the Corrective Plat of the Replat of Douglas Pointe, recorded in Plat Book 76, page 49, in the Office of the Recorder of Lake County, Indiana is located at the northwest corner of Hyles Boulevard and Sohl Avenue.

PS2-201 Parcel E Amendment to the Preliminary Plan of PUD

In the Preliminary Plan of PUD (CP-91-09), Parcel D was defined as a residential use and Parcel E was defined as a commercial use. In the adoption of the said Replat of Douglas Pointe (CP-92-07), the original Parcels D and E were combined and renamed as Parcel E. However the Preliminary Plan of PUD was not modified to correspond to the change in the lot configuration. Therefore, the original Preliminary Plan of PUD is hereby amended for Parcel E as defined in said Replat of Douglas Pointe and in said Corrective Plat of the Replat of Douglas Pointe to change the designated use of said Parcel E to be Residential in total and as further defined herein.

PS2-202 Parcel E Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for Parcel E 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.

PS2-203 Parcel E Permitted Uses

The primary permitted use is an assisted living facility pursuant to the definition in Title I of Ordinance 8514.

PS2-204 Parcel E Accessory uses

Accessory uses are those services that support and/or assist the residents and the operation of the facility and shall include, but not limited to:

- a) Barber and beauty shops;
- b) Central or common dining with associated kitchen facilities
- c) Office for management, operational, and security services;

- d) Laundry facilities;
- e) Wellness Support Services;
- f) Recreation, fitness, media rooms;
- g) Small meeting/gathering rooms;
- h) Similar uses and services supporting the residents and facilities

Accessory uses shall not exceed 20% of the total square footage of the building and shall be provided for and made available to the residents, authorized guests, and authorized employees of the facility and

PS2-205 Parcel E Development provisions.

- a) Parcel size: +/- 4.6951 acres.
- b) Maximum building lot coverage: 40%.
- c) Number of buildings: 1.
- d) Number of Residential Units: a maximum of 125 dwelling units—a mix of studio and one-bedroom units, with a maximum of 10 two-bedroom units.
- e) Number of stories: 4, not to exceed 60' in height at the highest peak.
- f) Building setback: Front yard 30': along Sohl Avenue, Hyles Boulevard and Pointe Drive.
Rear/non-street yard 30'.
- g) Parking ratio: One space per three units, plus 10% for visitors, plus parking for employees up to a maximum of 71 spaces
- h) Handicapped parking is based on Americans with Disabilities Act and T/S 20.40.02.
- i) Usable open space: A minimum of 250 square feet of usable open space per dwelling unit exclusive of the required yard setback areas and hard surface areas including but not limited to the building, parking, and sidewalks.
- j) Any other provision not provided for herein is subject to the provisions of Title VI – R-4 High Density Residential District or other applicable sections of the Hammond Zoning Ordinance

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

PS3-100 Intended Purposes

The Marina District Development Planned Unit Development District is intended to be designed as a unified development that allows for opportunities for commercial retail space and restaurant offerings. The intent of the development is to create a successful commerce center achieving a balance and mixture of uses such as specialty retail, banking, restaurants, and entertainment with easy access to a regional market due to the proximity of the Indiana Tollway (I-90). Building heights and signs may vary from one property to the next; however, a general consistency shall be retained to create a continue sense of character.

PS3-101 Location and Legal Description

The Marina District Development PUD district is centered at the intersection of 5th Avenue and Indianapolis Blvd.

The property is legally described as Lots 1-8, Outlot A and B, Marina District Development (A Planned Unit Development) Addition to the City of Hammond.

Lot 7 Marina District Development (A Planned Unit Development) Addition to the City of Hammond includes Lot 1 and Lot 2 of the Resubdivision of Lot 7 Marina District Development (A Planned Unit Development) Addition to the City of Hammond. (Am.Ord 9431)

PS3-102 Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for the Marina District Development PUD District Ordinance 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.

PS3-103 Permitted Uses (Am.Ord 9431)

The permitted uses are commercial and retail uses typically located in the any of the Commercial zoning districts as defined in Title VII, VIII, IX, and X, but subject to the limitations hereafter.

PS3-103.01 Permitted Uses for Lots 1-8 and Lots 1 and 2 of the Resubdivision of Lot 7.

1. Bank or Financial Institution (including drive-thru, subject to Title XIX), limited to one (1)
2. General Merchandisers, retail
3. Hardware (30,000 SF or less)
4. Hotel
5. Liquor Store (limited to one (1), shall be only located in a multi-tenant retail building)

6. Multi-tenant retail building, small (tenant space from 1,200 SF to 5,000SF)
7. Multi-tenant retail building, large (tenant space from 5,000 SF to 60,000SF)
8. Pharmacy/drug store
9. Restaurant, Sit-Down, Fast-Casual
10. Restaurant, Fast Food (including drive-thru, subject to Title XIX)
11. Restaurant Open Air or Outdoor Seating Accessory Use (subject to T/S 18.71)
12. Retail Automotive use (i.e. auto-parts, battery, tires) (limited to one (1), only on Lots 1, 2, 3, or 8).
13. Retailers that advertise, specialize, or concentrate on low-cost merchandise at a common price (e.g. dollar store); only one (1) "dollar store" may be permitted but shall be located exclusively on Lot 1.
14. Dialysis Center
15. Other similar uses of the same general character as the above permitted uses, as determined by the Plan Commission and Redevelopment Commission.

PS3-103.02 Permitted Uses for Outlot A and B

1. The Common Space (Outlots A and B) is intended to provide shared drainageway and storm water detention area, as well as shared access drives for the passage of motor vehicles and pedestrians to and from all abutting public streets and rights-of-way.
2. Outlot A is a utility, drainage, and ingress/egress easement serving the lots 4-8. The access drives of the ingress/egress easement are Marina Drive, running north and south, and Roby Drive, running east and west. Marina Drive and Roby Drive are classified as private streets. Maintenance of the two private streets is subject to a private agreement. The Outlot A also contains a detention basin with a storm water management easement and a sign easement.
3. Outlot B is a detention basin with a drainage and storm water management easement serving Lots 1-3.
4. No other uses are permitted.

PS3-104 Prohibited Uses (Am.Ord.9431)

These uses are prohibited on all lots and outlots.

1. Adult Entertainment Business
2. Fireworks (Consumer and/or Special)
3. Fueling Station
4. Industrial uses
5. Pawn shop or alternative financial business
6. Resale or consignment establishment
7. Residential uses
8. Retailers that advertise, specialize, or concentrate on low-cost merchandise at a common price (e.g. dollar store); prohibited on Lots 2, 3, 4, 5, 6, 8, Outlot A, Outlot B, and Lots 1 and 2 of the Resubdivision of Lot 7
9. Retailers whose primary sales are tobacco products

- 10. Vehicle rental, sales
- 11. Other similar uses of the same general character as the above prohibited uses, as determined by the Plan Commission and Redevelopment Commission.

PS3-105 Developmental provisions

PS3-105.01 Height Regulations
 No building or structure shall exceed 40 feet or three (3) stories in heights; except that on Lot 1, no building or structure shall exceed 43 feet.

PS3-105.02 Minimum Lot Area
 The minimum lot shall be 0.75 acres.

PS3-105.03 Building Setback/Yard Requirements (Am.Ord. 9431)

| | | |
|--------------|---------------------------------------|-------|
| Lot 1 | Front yard (5 th Avenue) | 10' |
| | Side, Rear yard | 25' |
| Lot 2 | Front yard (5 th Avenue) | 40' |
| | Side yard | 10' |
| | Rear yard | 20' |
| Lot 3 | Front yard (5 th Avenue) | 40' |
| | Side yard (Indpls. Blvd.) | 40' |
| | Side yard | 10' |
| | Rear yard | 25' |
| Lots 4, 5, 6 | Front yard (Indpls. Blvd.) | 40' |
| | Side yard (5 th Av. Lot 4) | 20' |
| | Side yard (internal) | 10' |
| | Rear yard (Roby Drive) | 30' |
| Lot 8 | Front yard (Roby Drive) | 15' |
| | Side yard (Marina Dr.) | 15' |
| | Rear yard | 10' |
| Outlots A, B | No yards | |
| Lots 1 and 2 | Resub of Lot 7 | |
| | Front yard (Indpls Blvd.) | 40' |
| | Side yard (Marina Dr. Lot 1) | 15' |
| | Side yard (Internal Lots 1 and 2) | 12.5' |
| | Side yard (Lot 2) | 10' |
| | Rear yard (Roby Drive) | 30' |

All setbacks are subject to the corner vision obstruction provisions of T/S 18.20.

PS3-105.04 Building coverage
 Not more than 45 percent of the area of any lot shall be occupied by buildings.

PS3-105.05 Parking Requirements

- A. Banks, financial institutions per T/S 20.44.05
- B. Drive –thru (non-restaurant) per T/S 20.44.09
- C. Restaurant uses: 6 spaces per 1000 gross square feet.
- D. Restaurant, Drive-thru per T/S 20.44.17
- E. Retail/commercial: 4 spaces per 1000 gross square feet.
- F. Uses not specified subject to Title XX
- G. T/S 20.40.01 regarding employee parking does not apply.
- H. The number of handicapped spaces is subject to the ADAAG.

PS3-105.06 Parking Area Design

- A. Parking spaces are a minimum of 9.5'x19'.
- B. Aisles are a minimum of 22'.
- C. Van accessible handicapped spaces are 11' wide for the vehicle with 5' for accessible/striped area.
- D. Regular handicapped spaces are 9.5' wide with 5' minimum for the accessible/striped area.
- E. Parking areas shall be setback a minimum of 10' from 5th Avenue and/or Indianapolis Blvd.
- F. The design of parking areas is subject to T/S 20.32, including, but not limited to, applicable landscape provisions, and the ADAAG.

PS3-105.07 Sidewalks/Bicycle access

Sidewalks shall be provided within the PUD and meet the minimum requirements of the City Engineer. A minimum 8' wide bicycle/pedestrian pathway shall be provided on 5th Avenue to connect the existing pathway/biketrail along 112th Street to Roby Drive, with a minimum 5' sidewalk between Roby Drive and Indianapolis Blvd. Bike racks or similar are encouraged to be provided near the store entrances.

PS3-106 Landscaping and Open Space

PS3-106.01 PUD Open Space requirement

The total acreage of the PUD is 18.89 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. Therefore a minimum of 1.5 acres shall be set aside as open space. Outlot B which contains a detention area is 2.38 acres. The detention area in Outlot A is .52 acres. There are 1.3 acres +/- of open space above the minimum requirement.

PS3-106.02 Minimum required landscaping

Each lot shall provide for landscaping areas that total 10% of the individual lot. This 10% is in addition to the 8% requirement in PS3-106.01.

Landscaping shall meet the requirements set forth in T/S 22.50 et seq. Landscaping areas shall include at a minimum areas around the perimeter of the parking field, tree islands, planting areas around free-standing signs.

PS3-106.03 Landscape plans submitted as part of a Development Plan

A landscape plan shall be submitted as a part of both the preliminary and final development plan of the site. It shall identify the location, the individual square footage of the landscape areas, and types and sizes of all plant materials. The plan drawing shall be a minimum size of 24"x36" and a digital version.

PS3-106.04 Review and modification of Landscape Plan

The Plan Commission will review the plan in accordance with the provisions of T/S 22.50 et seq. The goal is to provide for as much landscaping and green infrastructure as possible. The Plan Commission may consider modifications of location and sizes of landscape areas and plantings, including, but not limited to, concentrating the location of landscape areas towards the front or street side of the building or site. In the event that the 10% landscaping cannot be provided for on an individual lot, the Plan Commission may allow for the reduction of the 10% requirement. However, any reduction:

- 1) shall be the least amount necessary;
- 2) shall not result in landscaping areas be less than 5% of the site;
- 3) shall not reduce or eliminate the minimum requirements of T/S 22.70, 22.71, and 22.80; and
- 4) shall be compensated for by locating an amount of the area equal to the reduced landscaping area into the Outlot A and/or B. Additional plants, trees, shrubs, or similar shall be either added on the development lot or in the relocated area in the outlot(s). An equal amount of area may also be compensated for by green roofs pursuant to U.S. EPA or comparable state regulation or guidance.

PS3-106.05 Installation of landscaping

All required landscaping shall be installed within one year of the issuance of an Improvement Location Permit, unless otherwise authorized by the Plan Commission.

PS3-106.06 Maintenance of landscaping

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.

PS3-107 Screening

PS3-107.01 Dumpster enclosures, recyclable enclosures

All dumpsters, central trash receptacles, refuse areas, recyclable receptacles shall be screened and surrounded by an approved enclosure.

PS3-107.02 Location of enclosures

Enclosures shall be located:

- 1) on an impervious surface; and
- 2) a minimum of 1 foot from any property line.

Enclosures shall not be located:

- 1) on a required parking space;
- 2) between the primary building line and the front lot line; and
- 3) within any corner vision obstruction triangle (T/S 18.20).

PS3 107.03 Material of enclosures (Am.Ord.9431)

The materials of an enclosure shall be:

- 1) accessed by a solid fence or gate (wood, PVC, or similar); and
- 2) of an opaque material such as brick, CMU/masonry products, wood, PVC, sustainable materials or similar materials architecturally compatible with the design and materials of the building or overall development.

Enclosures on Lots 4-8 and Lots 1 and 2 of the Resubdivision of Lot 7 are limited to brick or CMU/masonry products architecturally compatible with the design and materials of the building or overall development.

The materials of an enclosure shall not be:

- 1) Chain-link, slatted or open.

PS3 107.04 Outside Storage or Displays

No outside, unenclosed storage or display of materials or equipment shall be permitted on any lot. All materials and equipment shall be contained within an area enclosed in proximity on all sides by a solid fence, wall, mound, or similar means of enclosure. Permitted enclosure material shall be architecturally compatible with the design and materials of the building or overall development such as brick, CMU/masonry products, wood, PVC, sustainable materials. Chain link fences are prohibited. The enclosure is not required to have a roof. The sides of the enclosure shall be the greater of six feet or two feet taller than the assemblage of material or equipment being enclosed. All sides of the enclosure structure, including doors or gates, shall be opaque.

PS3-108 Architectural Character

PS3-108.01 Four-Sided Architecture.

Example of four-sided architecture and articulation on a retail national chain store.



Mashpee, Massachusetts

Figure PS3-108.01

The architectural design within the PUD is to use consistent materials, color, and design to create a harmonious unified commercial/retail center development, balancing a sense of variety but compatibility.

All sides of a building shall employ a combination of at least three 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 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 Casino Center Drive overpass. 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 except on Lot 1.

PS3-108.02 Exterior materials

A minimum of 50% of each façade shall be masonry. Masonry shall be brick, architectural grade decorative concrete block/CMU, or stone. The lower 24" of the façade measured from grade or the sidewalk shall be masonry and separated from the upper façade with a watertable.

Other exterior materials may be wood or hardiplank lap siding, ceramic, or glass. EIFS may be used only as an accent (up to 25% of the wall surfaces). Other materials may be approved if determined that the materials meet the intent and purpose of these guidelines.

Colors of the exterior materials shall be earthtones and consistent with adjoining buildings.

PS3-108-03 Awnings
Awnings shall be metal or standing seam and be of one primary color consistent with the user's (tenant's) image. Framing is to be black or brown, not silver.

PS3-108.04 Roof lines and materials
All buildings must have at least one (1) elevation change in the roofline.

Visible roof materials shall be traditional in composition and complement the architectural features of the structure.

Any rooftop mechanical equipment visible from an adjoining street shall be screened with suitable walls, parapet walls, or fencing.

PS3-109 Lighting

PS3-109.01 Lighting Plan
As a part of the final development plan, a lighting plan, including photometrics, shall be submitted to and approved by the Plan Commission as part of the development plan process. The lighting plan shall show layout, spread, and intensity of all site lighting and include:

- 6) Parking lot and service/storage area lighting,
- 7) Architectural display lighting,
- 8) Security lighting,
- 9) Lighting of sidewalks and pathways, and
- 10) Landscape lighting.

PS3-109.02 Lighting conformance
All on-site lighting shall conformance with the requirements in the Zoning Ordinance or as otherwise specified herein. The stricter provision shall govern.

PS3-109.03 General Design standards

- A. 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
- B. Light sources shall be located in such a way that minimizes light spilling over onto contiguous properties to a level no greater than 3 footcandles at the property line.
- C. 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.

PS3-109.04 Standards for Buildings

- A. Building entrances will be lighted in such a way to maintain a minimum of one-half (.5) foot-candles at the entrance.
- B. All building light fixtures are to be either brown or black in color.
- C. Direct upward lighting and lighting aimed at structures are prohibited except as follows:
 - 1) 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.
 - 2) 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.
- D. Any fixture attached to the building shall not exceed the height of the building.

PS3-109.05 Standards for the site, parking lot, landscape areas.

- A. Freestanding fixtures shall not exceed 30 feet in height as measured from grade to the top point of the fixture.
- B. The light shall be focused down and otherwise shielded to not allow light spread or spillover towards the sky.
- C. Low voltage landscape light (or similar) for the purpose of lighting shrubbery, trees, walkways, etc.) shall be permitted provided that
 - 1) the lighting is not mounted on a pole or building,
 - 2) it is shielded to eliminate glare and/or light spillover.
 - 3) the fixture/lamp emits a maximum of 750 lumens.

PS3-110 Signs

PS3-110.01 Sign Plan

A sign plan shall be provided to 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. The Plan Commission shall review and approve the sign plan in accordance with the applicable provisions of Title XXI Sign and the provisions herein. For any regulations or provisions in conflict, the strictest shall govern.

PS3-110.02 General design criteria.

- A. All lines of sign lettering shall run horizontally. A sign may consist of a maximum of two (2) lines of lettering.
- B. All lettering shall be upper case or lower case or combinations thereof.
- C. For signs on a multi-tenant building, maximum length of signs shall be limited to 75% of the leased frontage and located with the centered 75% area of the frontage.

- D. For signs on a multi-tenant building, the principal centerline of all sign letters shall be aligned on an established base line.
- E. 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.
- F. 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).

PS3-110.03 Free-standing off-premise signs (Am.Ord.9431)

Three free-standing signs that are intended to serve more than one business and/or are not located on the same lot that the business is located are permitted.

1) FS-1

A free-standing pylon is allowed on Lot 7 (more particularly on Lot 1 of the Resubdivision of Lot 7) at the southeast corner of Marina Drive and Indianapolis Blvd., located within a 30' sign easement as identified on the plat and subsequent resubdivision plat. The sign is a maximum of 20' in height by 24.5' in width. It is two sided with an upper larger sign panel of 95 square feet on each side and a lower smaller sign panel of 72 square feet on each side available. The upper panel is available to the user of 1100 5th Avenue (Lot 1, Resubdivision of Lot 1 New Roby First Addition). The lower smaller sign panel is available to the principal user/tenant on Lot 8 or the largest user/tenant of Lot 1. The sign is considered to be a permitted off-premise sign. Alternative users may be allowed, but the sign is for the exclusive use of the users/tenants within the Planned Unit Development.

2) FS-2

A free-standing pylon sign is allowed on Lot 4 at the southwest corner of 5th Avenue and Indianapolis Blvd., located within a sign easement as identified on the plat. The sign is 27' in height and 14' 8" in width at the base. It is a two-sided sign with a total of 200 SF in sign panels on each side above the base and a total of 20 square feet on each side on the base. The sign is available to the users/tenants of Lot 1 and the user of 1100 5th Avenue (Lot 1, Resubdivision of Lot 1 New Roby First Addition) and is considered to be a permitted off-premise sign. Alternative users may be allowed, but the sign is for the exclusive use of the users/tenants within the Planned Unit Development.

3) FS-3

A free-standing monument sign is allowed on Outlot A within the sign easement as identified on the plat. The sign is a maximum of 7.5' in height by 20' in width. The sign panel is allowed to be two-sided at a maximum of 4'9" in height by 20' in width, resting on a base of a maximum of 2'7". The sign is available to the user of 1100 5th Avenue

(Lot 1, Resubdivision of Lot 1 New Roby First Addition) and is considered to be a permitted off-premise sign.

PS3-110.04 Free-standing monument signs.(Am.Ord.9431)

Lots 2, 3, 4, 5, 6, 8, and Lot 2 of the Resubdivision of Lot 7 are allowed one (1) monument sign with a maximum of 10' in height and 10'8" in width at the base. The sign panel for Lot 3 is permitted to be a maximum of 72 square feet on each side. The sign panel for Lots 2, 4, 5, 6, 8, and Lot 2 of the Resubdivision of Lot 7 is permitted to be maximum of 60 square feet on each side. The sign is available to the tenants/users of each respective lot as an on-premise sign.

PS3-110.05 Wall signs, Lot 1

| Tenant space | Max. SF Primary Sign | Max.Height of Sign Letters |
|-------------------------------------|-------------------------|-------------------------------|
| Primary Tenant (25,000 SF) | 511 SF | 6'0" |
| Primary 5 th Avenue side | 142 SF | 4'6" |
| Secondary Tenants (each) | 210 SF | 4'0" |
| Service Entrance Door (each) | 15 SF | |
| Accent Signs | 15 SF | |
| Signs in windows | 25% of window surface | |

Alternative maximum sign area.

| | |
|--------------------------|---|
| Primary Tenant | 3.65 SF per lineal foot of building frontage Maximum height of sign letters 6'0" |
| Secondary tenants (each) | 3 SF per lineal foot of building frontage Maximum height of sign letters 4'0" |

PS3-110.06 Wall signs, Lots 2 and 3

| | |
|------------------------------|---|
| Primary Advertising Sign | 3 SF per lineal foot of building frontage Maximum height 3.0 feet or if two rows of letters 2.0 feet each, not to exceed 4 feet combined |
| Service Entrance Door (each) | 15 SF |
| Signs in windows | 25% of window surface |

PS3-110.07 Wall signs, Lots 4, 5, 6, 8, and Lots 1 and 2 of the Resubdivision of Lot 7 (Am.Ord9431)

All signs excluding signs identified in PS3-110.03 and PS3-110.04 are limited to 2 times the primary frontage of the lot. The primary frontage of Lots 4, 5, 6, and Lots 1 and 2 of the Resubdivision of Lot 7 is the dimension of the lot facing Indianapolis Blvd. Due to the unusual shape of Lot 8, the sign allowance shall be based on 4.

PS3-110.08 Modifications of sign plans

Through the final development plan approval process, the Plan Commission may modify or reallocate the square footage of the signage as to the location and type of signs to the extent that the maximum signage allowable based on the above provision is not exceeded and that the reallocation is in keeping with the approved architectural, character, or style of the development.

PS3-110.09 Prohibited signs

In addition to the prohibited signs identified in T/S 21.10, the following signs, or sign types are prohibited:

- 1) box signs,
- 2) recessed signs,
- 3) flashing, moving, or action signs,
- 4) programmable message display signs (T/S 21.26) on any façade or in any window.

PS3-110.10 Temporary signs

- A. Temporary signs as identified and restricted in T/S 21.11 are permitted.
- B. Signs installed during the initial period of construction and project marketing period are allowed along Indianapolis Blvd. 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.

PS3-110.11 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.

PS3-110.12 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.

PS4-100 Intended Purposes

The Hammond Sportsplex Planned Unit Development District is established to provide for the development of an enclosed sports facility that includes various sporting opportunities for youth and adults with the associated complementary support services and to maintain the previously existing multi-story commercial building.

PS4-101 Location and Legal Description

The Hammond Sportsplex PUD district is bounded by Indianapolis Blvd. on the east, 167th Street on the south, the western property line of Lot 1 Woodmar Center Addition on the west, and the north property line of Lot 1 Woodmar Center Addition on the north. The district is divided into a single lot with a total acreage of 13.239 acres, more or less. The site is the former location of Woodmar Mall that was built in 1954, but substantially demolished in 2006. The Carson's Building at 6600 Indianapolis Blvd remains.

The legal description of the Hammond Sportsplex Planned Unit Development is Lot 1, Woodmar Center Addition to the City of Hammond, Lake County, Indiana, as per plat thereof, recorded in Plat Book 104, page 82, as in the Office of the Recorder of Lake County, Indiana.

PS4-102 Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for the Hammond Sportsplex PUD district and govern the development as a whole and for 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 C-2 Shopping Center District, or other applicable provisions within the Zoning Ordinance. For any provisions in conflict, the strictest provision shall govern.

PS4-103 Review of Development Plans of PUD

The review of a Preliminary and Final Development Plan of PUD is subject to Title XVI PUD Planned Unit Development District Procedures and Title XXVII Development Plans.

PS4-104 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) Community meeting/gathering rooms;
- 2) Fitness facilities, Wellness Support Services, medical clinic;
- 3) Indoor sports fields/facilities including, but not limited to, soccer, basketball, walking/running;

- 4) Office for management, operations, and security services;
- 5) Retail/commercial/office/department store uses;
- 6) Services supporting the sports facility, concessions, ancillary storage;
- 7) Other similar uses of the same general character as the above permitted uses, as determined by the Plan Commission.

PS4-105 Prohibited Uses

A building or structure shall not be erected, altered, or used and a lot shall not be used or occupied for any of the following:

- 1) Adult Entertainment Businesses
- 2) Fireworks (Consumer and/or Special)
- 3) Fueling Station
- 4) Industrial uses
- 5) Pawn shop or alternative financial business
- 6) Residential uses
- 7) Vehicle sales
- 8) Other similar uses of the same general character as the above prohibited uses, as determined by the Plan Commission

PS4-110 Developmental Provisions

PS4-110.01 Parcel Size

The size of the parcel is +/- 13.239 acres.

PS4-110.02 Building Coverage

No more than 45 percent of the area of the lots shall be occupied by buildings.

PS4-110.03 Building Setback/Yard Requirements

Primary Front yard 50' (Indianapolis Blvd.)
 Secondary Front Yard: 35' (167th Street)
 Side Yard: 50' (north lot line)
 Rear Yard: 50' (west lot line)

PS4-110.04 Permitted buildings

A) The number of buildings permitted is 2.

Building A: Sportsplex Building
 Building B: Detached Commercial Building

B) Building A:

Maximum Height: Not to exceed 45 feet in height.
 Building Size: Up to 120,000 Sq. Ft.
 Tenant space Addition: Up to an additional 16,500 Sq. Ft.

C) Building B:

Maximum Height: 3 stories, not to exceed 60 feet in height.
 Building Size: Up to 44,000 Sq. Ft First Floor Footprint

PS4-110.05 Parking Requirements

- A) Building A, including tenant addition: 1 space per 300 GSF.
Building B: 1 space per 250 GSF.
- B) A cross-parking agreement between Building A and B is in effect.
- C) Collective Provisions for the calculation of parking in 20.30.04 does apply.
- D) Employee parking under T/S 20.40.01 does not apply.
- E) Accessible parking is based on Americans with Disabilities Act Accessibility Guidelines and T/S 20.40.02.

PS4-110.06 Parking Area Design

- D) Minimum parking space size is 9'x19'.
- E) Minimum aisle width is 22'.
- F) Van accessible spaces are 11' wide for the vehicle and 5' for the accessible/striped area. Other accessible spaces are 9' wide for the vehicle and 5' for the accessible/striped area.
- G) Parking areas shall be setback a minimum of 3' from Indianapolis Blvd. and 167th Street.
- H) The design of the parking areas is subject to T/S 20.32 et seq. including, but not limited to, applicable landscape provisions, pedestrian way, and the ADAAG.

PS4-111 Landscaping and Open Space Requirement

PS4-111.01 PUD Open Space requirement.

The total acreage of the PUD is 13.324 acres. Under T/S 16.02, a minimum of 8% is to be set aside as open spaces which can be a combination of recreational areas, natural areas, common acres, drainage acres, or similar areas approved by the Plan Commission. The 8% restricted open space is waived because the primary use of the property within the PUD is for sports facilities which is compensatory to the open space requirement.

PS4-111.02 Minimum required landscaping

The minimum area of landscaping (or pervious surfaces) for the site is 10% (1.324 acres). Landscaping shall meet the requirements set forth in T/S 22.50 et seq. Landscaping areas shall include, at a minimum, the areas around the perimeter of the parking field, tree islands, and planting areas around free-standing signs.

PS4-111.03 Installation of Landscaping

All required landscaping shall be installed within one year of the issuance the Improvement Location Permit, unless otherwise authorized by the Plan Commission.

PS4-111.04 Maintenance of landscaping

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.

PS4-112 Screening

PS4-112.01 Dumpster enclosures, recyclable enclosures

All dumpsters, central trash receptacles, refuse areas, recycling receptacles shall be screened and surrounded by an approved enclosure.

PS4-112.02 Location of Enclosure

Enclosures shall be located:

- 1) on an impervious surface; and
- 2) a minimum of 1 foot from any property line.

Enclosures shall not be located:

- 1) on a required parking space;
- 2) within any corner vision obstruction triangle (T/S 18.20).

PS4-112.03 Material of enclosures

The materials of an enclosure shall be:

- 1) of an opaque material such as brick, painted precast concrete panels, CMU/masonry products, wood, PVC, sustainable materials or similar materials architecturally compatible with the design and materials of the building or overall development.
- 2) accessed by a gate of an opaque architecturally compatible material.

PS4-113 Architectural Character

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

The primary exterior materials for Building A are a combination of painted smooth finished structural precast concrete, single skin metal panels, and wood panels as accent materials.

The primary exterior material for Building B is brick.

PS4-114 Lighting

PS4-114.01 Lighting Plan

As a part of the final development plan, a lighting plan, including photometrics, shall be submitted to and approved by the Plan

Commission. The lighting plan shall show 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.

PS4-114.02 Lighting conformance

All on-site lighting shall conform with the requirements in the Zoning Ordinance or as otherwise specified herein. The stricter provision shall govern.

PS4-114.03 General Design standards

- A. 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
- B. 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.
- C. 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.

PS4-114.04 Standards for Buildings

- A. Building entrances will be lighted in such a way to maintain a minimum of one-half (.5) foot-candles at the entrance.
- B. Direct upward lighting and lighting aimed at structures are prohibited except as follows:
 - 1) 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.
 - 2) 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 plane 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.

PS4-114.05 Standards for the site, parking lot, landscape areas.

- A. Freestanding fixtures shall not exceed 33 feet in height as measured from grade to the top point of the fixture.
- B. The light shall be focused down and otherwise shielded to not allow light spread or spillover towards the sky.

- C. Low voltage landscape light (or similar) for the purpose of lighting shrubbery, trees, walkways, etc.) shall be permitted provided that
 - 1) the lighting is not mounted on a pole or building,
 - 2) it is shielded to eliminate glare and/or light spillover.
 - 3) the fixture/lamp emits a maximum of 750 lumens.

PS4-115 Signs

PS4-115.01 Sign Plan

A sign plan shall be provided to 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. The Plan Commission shall review and approve the sign plan in accordance with the applicable provisions of Title XXI Sign and the provisions herein. For any regulations or provisions in conflict, the strictest shall govern.

PS4-115.02 General design criteria.

- A. All lines of sign lettering shall run horizontally.
- B. All lettering shall be upper case or lower case or combinations thereof.
- C. 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).
- D. 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.
- E. Programmable message display signs are subject to T/S 21.26. The programmable message display area shall not be greater than 50% of the total sign area to which it is a part.

PS4-115.03 Wall signs

- A. Building A is allowed up to 800 square feet total that may be apportioned for one or more signs on the exterior walls for the use of the sportsplex and the tenant space.
- B. Building B is allowed up to 750 square feet for one or more signs on the walls

PS4-115.04 Free-standing monument signs

- A. Building A is allowed up to 150 square feet total that may be apportioned for one or more signs freestanding on the property.
- B. Building B is allowed up to 75 square feet total.
- C. Signs shall not be taller than 25 feet.

PS4-115.05 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 in addition to signs allowed in PS4-115.03 and PS4-115.04.

5. 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.
6. Property address numerals not to exceed 30 square feet.
7. 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.
8. Signs required under the American with Disabilities Act and the ADAAG.

PS4-115.06 Modifications of sign plans

Through the final development plan approval process, the Plan Commission may modify or reallocate the square footage of the signage as to the location and type of signs to the extent that the maximum signage allowable based on the above provision is not exceeded and that the reallocation is in keeping with the approved architectural, character, or style of the development.

PS4-115.07 Temporary signs

- A. Temporary signs as identified and restricted in T/S 21.11 are permitted.
- B. Signs installed during the initial period of construction and project marketing period are allowed along Indianapolis Blvd. 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

PS4-115.08 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.

PS4-115.09 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.

**PUD Supplement 5
District** (Am. Ord. 9383)

Columbia Business Park Planned Unit Development

PS5-100 Intended Purposes

The Columbia Business Park Planned Unit Development District is established to provide for a mix of commercial and industrial uses, compatible with the various abutting zoning districts and uses. The district is intended to be an area of transition between the varied uses and provide the appropriate buffers. The provisions herein replace in their entirety Council Resolution 7898R dated July 9, 1996; Council Resolution 8211R3 dated September 28, 1999; and Council Resolution 8403R2 dated January 15, 2002.

PS5-101 Location and Legal Description

The Columbia Business Park PUD district is bounded by Field Street on the north; Columbia Avenue on the west; Kenwood Street on the south, and Willard Avenue on the east.

The district is divided into a multiple lots with a total acreage of approximately 16 acres, more or less.

The legal description of the Columbia Business Park Planned Unit Development is Lot 1, Outlot A, Phase 1 Columbia Business Park Planned Unit Development District, as recorded in Plat Book 85 Page 12 in the Recorder's Office, Lake County, Indiana. And Lots 2 and 3, Outlot B, Phase 2 Columbia Business Park Planned Unit Development District, as recorded in Plat Book 94 Page 27 in the Recorder's Office, Lake County, Indiana

The property on the south side of Kenwood Street and Willard Avenue known originally as Lot 4 Phase 2 Columbia Business Park Planned Unit Development District and acreage parcels including a Conservation Easement Parcel Document number 2000 002568 were rezoned to C-2 Shopping Center District and incorporated into Lot 1, Menards Commons Addition to the City of Hammond. These parcels are no longer subject to the Columbia Business Park Planned Unit Development provisions as originally stated in the Council Resolutions.

PS5-102 Supplemental Zoning Provisions

The zoning provisions established herein constitute the Plan of PUD for the Columbia Business Park PUD district and govern the development as a whole and for 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 C-1 Local Commercial District for the properties of Lot 2 and 3, Phase 2 Columbia Business Park PUD Addition; I-1 for Lot 1 Columbia Business Park PUD Addition, or S-1 for Outlot A Columbia Business Park PUD Addition and Outlot B Phase 2 Columbia Business Park PUD Addition. For any provisions in conflict, the strictest provision shall govern.

PS5-103 Review of Development Plans of PUD

The review of a Preliminary and Final Development Plan of PUD is subject to Title XVI PUD Planned Unit Development District Procedures and Title XXVII Development Plans.

PS5-104 Permitted Uses Lot 1

A building or structure may be erected, altered, or used and a lot may be used or occupied for any of the following:

- 1) Accessory Office;
- 2) Carpentry, woodworking, or cabinet shop;
- 3) Central plant facilities for dry cleaners and laundries;
- 4) Commercial wireless telecommunication services, Radio and television transmitting and/or receiving stations, towers and related equipment, subject to Title XIX Zoning and Conditional Provisions;
- 5) Contractors;
- 6) Distribution;
- 7) Equipment Repair/Services;
- 8) Food Processing (subject to odors not impacting the adjacent residential areas;
- 9) Laboratories;
- 10) Light Fabrication, Assembly, and Packaging;
- 11) Machine shops, metal anodizing, buffing or similar;
- 12) Metal molding, plastic molding, or extrusion shops;
- 13) Warehousing, Storage Movers, Cartage, Express and Parcel Delivery;
- 14) Other similar uses of the same general character as the above permitted uses, as determined by the Plan Commission.

PS5-105 Permitted Uses Lots 2 and 3

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, professional, financial services, as defined in Title VII Section 7.10, # 2;
- 2) Drive-thru, subject to Title XIX Zoning and Conditional Provisions;
- 3) Funeral Home;
- 4) Medical Services, including clinic;
- 5) Personal Services, as defined in Title VI Section 7.10, # 4;
- 6) Restaurant, including banquet facility up to 200 patrons;
- 7) Retail;
- 8) Veterinary Clinic (including grooming and outpatient medical services, but excluding boarding or kennels.

PS5-106 Additional Permitted Uses Lot 3

- 1) Detention/retention basin

PS5-107 Prohibited Uses Lots 1, 2, and 3

A building or structure shall not be erected, altered, or used and a lot shall not be used or occupied for any of the following:

- 1) Adult Entertainment Businesses;
- 2) Fireworks (Consumer and/or Special);
- 3) Fueling Station;
- 4) Vehicle repair, service, sales;
- 5) Other similar uses of the same general character as the above prohibited uses, as determined by the Plan Commission

PS5-108 Permitted Uses Outlots A and B

- 1) Community garden
- 2) Detention/retention basin
- 3) Open space
- 4) Park, playground, bike/hiking/walking path or similar passive or active recreational facilities;
- 5) Any similar uses as determined by the Plan Commission

PS5-109 Additional Permitted Uses Outlot B

- 1) Access drive to Field Street, serving Lots 2 and 3, located within the east 50' of the outlot;
- 2) Accessory parking serving permitted uses on Lot 2, said parking shall have a minimum 15' setback from Field Street;
- 3) Accessory Restaurant Outdoor Seating, serving permitted uses on Lot 2, subject to T/S 18.71.

PS5-110 Developmental Provisions

PS5-110.01 Parcel Size

The minimum size of the parcel for development is as follows:

| | |
|-----------|---------|
| Lot 1 | 3 acres |
| Lots 2, 3 | 1 acre |

PS5-110.02 Building Coverage

No more than 45 percent of the area of the lots shall be occupied by buildings for Lots 1, 2, 3.

Outlots A and B are subject to T/S13.32.

PS5-110.03 Building Setback/Yard Requirements

Primary Front yard 25' (Columbia Avenue.)

Secondary Front Yard: 25' (Kenwood Street, Willard Avenue)

Side Yard: 25' (Lots 1, 2, 3)

Rear Yard: 25' (Lots 1, 2, 3)

Yard Abutting Residential District (Lot 1): 100' from the Residential District. Parking shall be no closer than 40' from the residential area.

PS5-110.04 Height

Lot 1: 40'

Lots 2, 3: 30'

PS5-110.05 Parking 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) Parking areas shall be setback a minimum of:

5' from Columbia Avenue, Willard Avenue;

15' from Field Street, Kenwood Street.

D) 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.

PS5-111 Landscaping, Fencing, and Open Space Requirement

PS5-111.01 PUD Open Space requirement.

The total acreage of the PUD is 14.8 acres, more or less. Under T/S 16.02, a minimum of 8% is to be set aside as open spaces which can be a combination of recreational areas, natural areas, common acres, drainage acres, or similar areas approved by the Plan Commission. The requirement is for 1.18 acres of open space. The original boundary of the PUD was larger and required 1.98 acres. Outlot A and Outlot B were designed as meeting the original open space requirement. In accordance with PS5-109, portions of Outlot B may be used for the designated non-open space purposes. No structures are allowed in Outlot B.

PS5-111.02 Minimum required landscaping

The minimum area of landscaping (or pervious surfaces) for each lot is 10% (1.324 acres), which is in addition to the open space requirement of PS5-111.01. Landscaping shall meet the requirements set forth in T/S 22.50 et seq. Landscaping areas shall include, at a minimum, the areas around the perimeter of the parking field, tree islands, and planting areas around free-standing signs.

PS5-111.03 Installation of Landscaping

All required landscaping shall be installed within one year of the issuance the Improvement Location Permit, unless otherwise authorized by the Plan Commission.

PS5-111.04 Maintenance of landscaping
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.

PS5-111.05 Fencing
Fencing shall be in accordance with Title XXII-Fences and Landscaping. Woven wire or chain link fences are not permitted in the front yard. Fences, when required around detention basins and that are located along Columbia Avenue shall be ornamental steel or similar materials approved by the Plan Commission

PS5-112 Screening/Dumpster Enclosures

PS5-112.01 Dumpster enclosures, recyclable enclosures
All dumpsters, central trash receptacles, refuse areas, recycling receptacles shall be screened and surrounded by an approved enclosure.

PS5-112.02 Location of Enclosure
Enclosures shall be located:
1) on an impervious surface; and
2) a minimum of 1 foot from any property line.

Enclosures shall not be located:
1) in a front yard;
2) on a required parking space; or
3) within any corner vision obstruction triangle (T/S 18.20).

PS5-112.03 Material of enclosures
The materials of an enclosure shall be:
1) of an opaque material such as brick, painted precast concrete panels, CMU/masonry products, wood, PVC, sustainable materials or similar materials architecturally compatible with the design and materials of the building or overall development.
2) accessed by a gate of an opaque architecturally compatible material.

PS5-113 Architectural Character

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

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

PS5-114 Lighting

PS5-114.01 Lighting Plan

As a part of the final development plan, a lighting plan, including photometrics, shall be submitted to and approved by the Plan Commission. The lighting plan shall show 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.

PS5-114.02 Lighting conformance

All on-site lighting shall conform with the requirements in the Zoning Ordinance or as otherwise specified herein. The stricter provision shall govern.

PS5-114.03 General Design standards

- A. 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
- B. 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.
- C. 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.

PS5-114.04 Standards for Buildings

- A. Building entrances will be lighted in such a way to maintain a minimum of one-half (.5) foot-candles at the entrance.
- B. Direct upward lighting and lighting aimed at structures are prohibited except as follows:
 - 1) 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.
 - 2) 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.

- PS5-114.05 Standards for the site, parking lot, landscape areas.
- A. Freestanding fixtures shall not exceed 33 feet in height as measured from grade to the top point of the fixture.
 - B. The light shall be focused down and otherwise shielded to not allow light spread or spillover towards the sky.
 - C. Low voltage landscape light (or similar) for the purpose of lighting shrubbery, trees, walkways, etc.) shall be permitted provided that
 - 1) the lighting is not mounted on a pole or building,
 - 2) it is shielded to eliminate glare and/or light spillover.
 - 3) the fixture/lamp emits a maximum of 750 lumens.

PS5-115 Signs

PS5-115.01 Sign Plan

A sign plan shall be provided to 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. The Plan Commission shall review and approve the sign plan in accordance with the applicable provisions of Title XXI Sign and the provisions herein. For any regulations or provisions in conflict, the strictest shall govern.

PS5-115.02 General design criteria.

- A. All lines of sign lettering shall run horizontally.
- B. All lettering shall be upper case or lower case or combinations thereof.
- C. 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).
- D. 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.
- E. Programmable message display signs are subject to T/S 21.26. The programmable message display area shall not be greater than 50% of the total sign area to which it is a part.

PS5-115.03 Wall and freestanding/monument signs.

One or more signs in any combination of wall sign or a single freestanding/monument sign per lot shall not exceed an area of 1 times the linear feet of the primary front line of the lot. The primary front line of the lots is along Columbia Avenue for Lots 2 and 3 and Kenwood Street for Lot 1.

PS5-115.04 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 in addition to signs allowed in PS5-115.03.

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 address numerals not to exceed 25 square feet.
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.

PS5-115.05 Modifications of sign plans

Through the final development plan approval process, the Plan Commission may modify or reallocate the square footage of the signage as to the location and type of signs to the extent that the maximum signage allowable based on the above provision is not exceeded and that the reallocation is in keeping with the approved architectural, character, or style of the development.

PS5-115.06 Temporary signs

- A. Temporary signs as identified and restricted in T/S 21.11 are permitted.
- B. Signs installed during the initial period of construction and project marketing period are allowed along Indianapolis Blvd. 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

PS5-115.07 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.

PS5-115.08 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.