

Sponsor: Councilman Mark Kalwinski  
Petitioner: Hammond Plan Commission

ORDINANCE No. 9411

AN ORDINANCE AMENDING ORDINANCE NO. 8514, BEING: AN ORDINANCE ESTABLISHING A ZONING PLAN FOR THE CITY OF HAMMOND IN ORDER TO PROVIDE FOR ORDERLY GROWTH AND DEVELOPMENT WITHIN THE CITY, ALL IN ACCORDANCE WITH THE COMPREHENSIVE/LAND USE PLAN; FOR PURPOSES OF AMENDING VARIOUS TITLES TO INCORPORATE PROVISIONS FOR THE REGULATION OF A DATA CENTER

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

Whereas, a data center is a new use that provides a location for the housing of computer systems, data storage equipment and telecommunications equipment and associated components to house, process, store, and transmit electronic data in a secure and climate and energy-controlled location offsite from a company, enterprise, civil or other entity.

Whereas, this technological advancement and need was not contemplated in Zoning Ordinance 8514 and it is the desire to add this new use to the Zoning Ordinance in order to encourage economic development of this type of new technology to support a company or other institution.

Whereas, also, the City Planning Department has reviewed the 2003 Zoning Ordinance and has determined that the certain titles and sections of zoning ordinance including Title I, Title XI, Title XVIII, and Title XX are in need of being amended to address the subject of data centers; and

Whereas, the amended language is intended to encourage appropriate development within the City of Hammond as well as protect the public safety, health and welfare of the residents, businesses, and community at large; and

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

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana, that Ordinance 8514 shall be amended as follows: **Section 1 Amend Title I General Provisions Section 1.50 Definitions by adding in alphabetical order the following:**

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.

**Amend Title XI I-1 Light Industrial District Section 11.10 Permitted Uses by adding the specified new use as follows:**

28. Data Center

**Amend Title XVIII Special Provisions Section 18.70 Accessory Uses by adding the specified new use as follows:**

N. In connection with industrial or manufacturing uses; green roofs, green energy technology, small (non-commercial) green houses.

**Amend Title XX Off Street Parking and Off-Street Loading by adding a new parking ratio to Section 20.45 Industrial/Manufacturing Uses as follows:**

20.45.04 Data Center: One parking space for each employee plus 10% for visitors/customers.

## Section 2

### Severability

- A. If any Court of competent jurisdiction shall adjudge any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or amendment thereto, to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, or amendment thereto, not specifically included in said judgment. It is expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared invalid or unconstitutional.
- B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance, or amendment thereto, to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
- C. If any Court of competent jurisdiction shall determine that any word, clause, phrase, sentence, paragraph, or subsection of the Ordinance, or amendment thereto, is unconstitutional as worded, the court shall first attempt to construe or interpret such unconstitutional provision so as to enable the same to be constitutional as so narrowed or construed. If the court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences, or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a subordinate clause, phrase, or word render the attached major section or provision unconstitutional, but instead such subordinate clause, phrase, or word shall be severed there from, unless such severance renders the remainder wholly meaningless or unconstitutional.

BE IT FURTHER RESOLVED by the Common Council of the City of Hammond that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof, and approval by the Mayor.

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Janet Venecz, President /s/

Attest:

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Robert J. Golec, City Clerk /s/

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City, for his approval on the 15<sup>th</sup> day of May, 2018.

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Robert J. Golec, City Clerk /s/

The foregoing Ordinance No. 9411, consisting of four (4) pages, including this page was approved by the Mayor on the 16<sup>th</sup> day of May, 2018.

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

PASSED by the Common Council on the 14<sup>th</sup> day of May, 2018 and approved by the Mayor on the 16<sup>th</sup> day of May, 2018.

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Robert J. Golec, City Clerk /s/