

20-281

Sponsors: Councilman Dan Spitale
Petitioner: Hammond Plan Commission

ORDINANCE No. 9484

AN ORDINANCE AMENDING ORDINANCES NO. 9461 and 9405, BEING: AN ORDINANCE AMENDING ORDINANCE 8514 FOR AN AMENDMENT TO TITLE XXIX OVERLAY ZONING DISTRICTS TO ESTABLISH NEW PROVISIONS FOR DEVELOPMENT WITHIN THE OXBOW LANDING OVERLAY ZONING DISTRICT (OxLan-OL)

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

Whereas, in the Zoning Ordinance there are maps establishing the locations where each of the zoning classifications are located on property within the City of Hammond; and

Whereas, in the Zoning Ordinance, Title XXIX the authority to establish overlay zoning districts is granted all in accordance with I.C. 36-7-4-1400 et seq.; and

Whereas, Ordinance 9405, the Oxbow Landing Overlay Zoning District (OxLan-OL) was adopted by the Common Council on April 10, 2018 establishing the developmental provisions for the Oxbow Landing Overlay Zoning District;

Whereas, Ordinance 9461, the Oxbow Landing Overlay Zoning District (OxLan-OL) was amended by the Common Council on January 27, 2020 modifying certain provisions for the Oxbow Landing Overlay Zoning district; and

Whereas, it is the intent to further amend certain provisions in the Oxbow Landing Overlay Zoning District to accommodate new development opportunities.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Lake County, Indiana that Ordinance No. 9461, 9405 and 8514 shall be hereby amended as follows:

Section 1
Amend Title XXIX Overlay Zoning Districts Section 29.20.02 Establishment of OxLan-OL overlay zoning district: Location and Legal Description by amending

the specified item by deleting the strike-thru language and adding the underlined language as follows:

29.20.02 Establishment of OxLan-OL overlay zoning district: Location and Legal Description

The Oxbow Landing Overlay Zoning District shall apply to property with a legal description of Lots ~~4, 2 and 6~~, Oxbow Landing Third Addition to the City of Hammond, and Lot 1 Oxbow Landing Fourth Addition to the City of Hammond, and Lots 1 and 2 Oxbow Landing Fifth Addition. 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.

Amend Title XXIX Overlay Zoning Districts Section 29.20.07 Developmental Provisions by amending the specified item by deleting the strike-thru language and adding the underlined language as follows:

29.20.07 Developmental Provisions

- A) Minimum Lot Size: .5 acres
- B) Buildable Area as set forth on the subdivision plat bounded by the identified building set back lines (BSL).
 - Primary Front Yard setback: 25 feet (Carlson Drive) Lots ~~4, 2, and 6~~ Oxbow Landing Third Addition, and Lot 1 Oxbow Landing Fourth Addition, and Lots 1 and 2 Oxbow Landing Fifth Addition.
 - Primary Rear Yard setback: 20 feet (State Highway Access Road) Lots ~~4 and 2~~ Oxbow Landing Third Addition, and Lot 1 Oxbow Landing Fourth Addition, and Lot 1 Oxbow Landing Fifth Addition.
 - Primary Side Yard Setback: corresponding to the No Build Easement on Plat (Document number 2015 013150) Lot 1 Oxbow Landing ~~Third~~ Fifth Addition.
 - Southerly Secondary Side Yard Setback: 20 feet Lot 1 Oxbow Landing Fifth 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.
 - Rear yard setback: 20 feet Lot 2 Oxbow Landing Fifth Addition
 - Southerly side yard setback: 20 feet Lot 2 Oxbow Landing Fifth Addition
 - Northerly side yard setback: 17 feet Lot 2 Oxbow Landing Fifth Addition

C) Maximum Building Coverage within the Buildable Area:	45%
D) Height	Lot 2 Oxbow Landing Third Addition 60'
	Lot 1 Oxbow Landing Fifth Addition 60'
	Lot 6 <u>2</u> Oxbow Landing <u>Third</u> <u>Fifth</u> Addition <u>45' 40'</u> or three (3) stories in height.
	Lot 1 Oxbow Landing Fourth Addition 75' or five (5) stories in height

Amend Title XXIX Overlay Zoning Districts Section 29.20.09 Required Parking by amending the specified item by deleting the strike-thru language and adding the underlined language as follows:

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~~
- G) B) 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)~~ C) Collective Provisions of T/S 20.30.04 does not apply.
- ~~E)~~ D) Employee parking of T/S 20.40.01 does not apply.
- ~~F)~~ E) Number of accessible spaces are subject to the ADAAG.

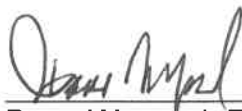
Section 2 Severability

Severability

- A. If any Court of competent jurisdiction shall adjudge any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance, or amendment thereto, to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, or amendment thereto, not specifically included in said judgment. It is expressly declared that this Ordinance and each section, subsection, paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared invalid or unconstitutional.
- B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance, or amendment thereto, to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.


C. If any Court of competent jurisdiction shall determine that any word, clause, phrase, sentence, paragraph, or subsection of the Ordinance, or amendment thereto, is unconstitutional as worded, the court shall first attempt to construe or interpret such unconstitutional provision so as to enable the same to be constitutional as so narrowed or construed. If the court cannot so limit or construe such word or provision narrowly so as to render the same constitutional, it shall strike or modify only the minimum number of words, phrases, clauses, sentences, or paragraphs as will be absolutely necessary to render the remainder constitutional. In no case shall a subordinate clause, phrase, or word render the attached major section or provision unconstitutional, but instead such subordinate clause, phrase, or word shall be severed there from, unless such severance renders the remainder wholly meaningless or unconstitutional.

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



Dave Woerpel, President

Attest:



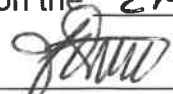
Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City, for his approval on the 27th day of October, 2020.



Robert J. Golec, City Clerk

The foregoing Ordinance No. 9484, consisting of five (5) pages, including this page was Approved by the Mayor on the 27th day of October 2020.



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

PASSED by the Common Council on the 26th day of October, 2020 and
Approved by the Mayor on the 27th day of October, 2020.



Robert J. Golec, City Clerk



Thomas M. McDermott, Jr.
Mayor

DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF HAMMOND

BRIAN L. POLAND, AICP
Director of City Planning

September 24, 2020

Hammond City Council
5925 Calumet Avenue
Room 207
Hammond, IN 46320

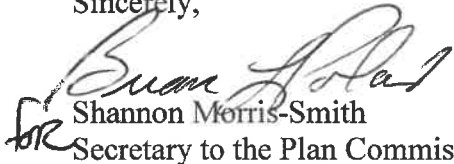
RE: CP-20-09 Petition of the Hammond Plan Commission for an Amendment to the Oxbow Landing Overlay District Ordinances 9405 and 9461 for property located at 2847 - 2929 Carlson Drive within the City of Hammond

Dear Council Members:

This is to certify that the Hammond Plan Commission of September 21, 2020 moved to send CP-20-09 Petition of the Hammond Plan Commission for approval of an amendment to Ordinances 9405 and 9461 regarding the Oxbow Landing Overlay District in a C-4 General Commercial District within the City of Hammond with a favorable recommendation.

Pursuant to IC 36-7-4-608 (f) (1), the Common Council is required to act on or before December 21, 2020.

Sincerely,


Shannon Morris-Smith
Secretary to the Plan Commission