

COUNCIL PENDING ORDINANCE NO. 2024-60  
ORDINANCE NO. \_\_\_\_\_  
AS AMENDED \_\_\_\_\_  
CERTIFICATION DATE \_\_\_\_\_  
CERTIFIED BY \_\_\_\_\_  
FAVORABLY \_\_\_\_\_  
UNFAVORABLY \_\_\_\_\_

**AN ORDINANCE REVIEWING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT  
1121 WHITCOMB STREET TO BE USED AS A HOME DAYCARE  
BY PETITIONER ARNISHA FULTON**

**WHEREAS**, zoning regulations for the City of Gary under Chapter 123 of the Zoning Code requires a Special Use Permit for the use of a home daycare in a residential district (R-2); and

**WHEREAS**, Petitioner ARNISHA FULTON has submitted an application and presented plans and specifications to the Board of Zoning Appeals on August 15, 2024 to operate a residential home daycare located at 1121 Whitcomb St. Gary, IN, within the aforementioned zoning districts in accordance with Sec. 123-157; and

**WHEREAS**, the Board of Zoning Appeals held a public hearing on August 15, 2024, and by a unanimous vote favorably recommended the Special Use Permit, adopting the recommendation of the Zoning Administrator that:

1. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare.
2. The special use will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted.
3. The establishment of the special use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
5. Adequate measures have been or will be taken to provide for access management, ingress and egress so designed as to minimize traffic congestion on the public roads.
6. The special use will be located in a district where such a use is authorized and all other requirements set forth in this chapter which are applicable to such special use will be met.
7. The petitioner did document and present to the board that proposed special use provides for the implementation of sustainable growth principles and initiatives as approved by the board; and

**WHEREAS**, the granting of this Special Use Permit requires that for a home occupation, that there is proof that the building is also used as a residence in-part to be eligible for a Special Use Permit which the Zoning Administrator recommends is reported every year when the general business license is renewed; and

**WHEREAS**, the granting of this Special Use Permit requires approval by the Gary Common Council; and

**WHEREAS**, having reviewed the plans for the proposed development as submitted and the recommendation of Board of Zoning Appeals, the Gary Common Council deems it is in the best interest of the health, safety and welfare of the city that the Special Use Permit be granted.

**NOW THEREFORE, BE IT ORDAINED** by the Common Council of the City of Gary, Indiana as follows:

**SECTION 1.** Chapter 123 entitled "Zoning Ordinance" of the Code of Ordinances of the City of Gary, Indiana, 1982, and particularly the Zoning Maps, which are made a part thereof, be, and the same as hereby amended as follow: By Establishing a Special Use Permit for the use of a residential home daycare facility for the property described as to-wit:

**Address:**  
**1121 Whitcomb St., Gary, IN**

**Parcel No.:**  
**45-08-07-251-007.000-004**

**Legal Description:**  
**GARY HEIGHTS N2. L. 35 BL. 11 ALL L. 36 BL. 11**

The following conditions are required for the granting of the Special Use Permit:

- a. Parking will be only on designated paved portions of the lot, such as driveways, and parking garage; and,
- b. That the number of guests at any one time, will not exceed the normal capacity of the house; and,
- c. Proof is submitted to the Zoning Administrator that the building is also used as a residence in-part every year when the general business license is renewed.

The Petition is forwarded with a favorable recommendation by the Gary Board of Zoning Appeals at its meeting held on August 15, 2024.

**SECTION 2.** That the Zoning Administrator is hereby authorized and directed, upon enactment and Approval of this Ordinance, to cause a change to be made on the Zoning Map Sheet by making certain notations in ink thereon and to record the date of this Amendatory Ordinance.

**SECTION 3.** This Ordinance shall be in full force and effect from and after the date of passage and publication according to law.

**FAVORABLY RECOMMENDED BY: THE BOARD OF ZONING APPEALS**

**Adopted this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2024, by a vote of all members present and voting.**

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
Suzette Raggs, City Clerk

Presented by me to the Mayor for his approval and signature this \_\_\_\_\_ day  
of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Suzette Raggs, City Clerk

**APPROVED AND SIGNED** by me this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Eddie Melton, Mayor - City of Gary, Indiana

PETITIONER: ARNISHA FULTON  
1121 WHITCOMB ST.  
GARY, IN 46404

PREPARED BY: MARCO A. MOLINA - THE CITY OF GARY LAW DEPARTMENT

SPONSORED BY: MAYOR EDDIE MELTON

COMMITTEE ASSIGNMENT \_\_\_\_\_ REPORTED-OUT DATE \_\_\_/\_\_\_/\_\_\_

1<sup>ST</sup> READING DATE \_\_\_/\_\_\_/\_\_\_/COMMITTEE HEARING/DAT \_\_\_/\_\_\_/\_\_\_

2<sup>ND</sup> READING DATE \_\_\_/\_\_\_/\_\_\_ PUBLIC HEARING/DATE \_\_\_/\_\_\_/\_\_\_

3<sup>RD</sup> READING/DATE \_\_\_/\_\_\_/\_\_\_ FINAL HEARING/DATE \_\_\_/\_\_\_/\_\_\_

PASSED/DATE

\_\_\_/\_\_\_/\_\_\_ DEFEATED/DATE \_\_\_/\_\_\_/\_\_\_

TABLED/DATE

\_\_\_/\_\_\_/\_\_\_ OVERDUE/DATE \_\_\_/\_\_\_/\_\_\_/ADOPTED/DATE \_\_\_/\_\_\_/\_\_\_