

ORDINANCE NO. 11, 2012

**AN ORDINANCE AMENDING ARTICLE 8 OF THE
UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF VALPARAISO**

WHEREAS, a petition was presented to amend Article 8 of the Unified Development Ordinance (UDO); and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed hearing according to IC 5-3-1 and;

WHEREAS, the general public was given an opportunity to comment on the proposed changes to the ordinance and;

WHEREAS, the Plan Commission voted to recommend the approval of proposed amendments by a 7-0 vote on February 14, 2012.

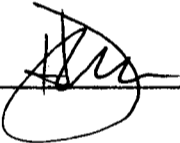
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

1. That the Unified Development Ordinance shall be amended as follows:

SEE ATTACHED EXHIBIT A

This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 6-0 vote of all members present and voting this 12th day of March, 2012.



Jon Costas, Mayor

ATTEST:



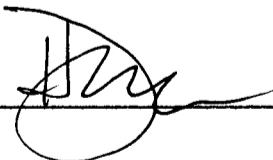
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 12th day of March, 2012, at 7:20 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 12th day of March, 2012, at 7:20 o'clock p.m.



Jon Costas, Mayor

PROPOSED UDO AMENDMENTS – FEBRUARY 2012

Amend Article 8, Sections 8.213 and 8.214 to require the granting of required easements necessary for the construction of multi use pathways and trails as shown on the adopted Pathways and Greenways Master Plan and Update incorporated by reference in the Official Intermodal Transportation Plan of the City Comprehensive Plan, rather than require the construction of actual pathway segments in most cases. All developments regardless of size shall construct or provide a monetary contribution equivalent to the facility required by the UDO for that type of development. All developments regardless of size shall provide for the dedication of the necessary right of way or easement for the construction of the facilities indicated on the official pathways plan.

Sec. 8.213 Sidewalks

- A. **Generally.** Sidewalks are required along all public and private streets. They shall be constructed of concrete.
- B. **Location of Sidewalks.**
 - 1. Sidewalks shall be provided in the area between the right-of-way line and the edge of pavement, as shown in the Standards Manual.
 - 2. The outer boundaries of sidewalks shall be located in the platted street right-of-way, generally six inches from the property line. This six inch width is included in the required parkway width specified in Table 8.204, Right-of-Way and Pavement Width. Sidewalks may meander into the parkway to protect the root systems of mature trees, provided that no sidewalk is located closer than four feet to the back of curb (or edge of pavement if no curb is present). This arrangement shall not reduce the right-of-way width requirement.
 - 3. Walks shall also be installed in pedestrian easements.
- C. **Modification of Sidewalk Requirements.** Sidewalk requirements may be altered or waived if a sidewalk plan that provides equal or greater pedestrian circulation is submitted to and approved by the Site Review Committee at the time of platting. These trade-offs may be permitted:
 - 1. The parcel proposed for development is located in an Estate Residential (ER) zoning district;
 - 2. Better pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or other off-street trails or multi-use pathways on the perimeter of the parcel proposed for development; and
 - 3. Lot frontages are greater than 150 feet adjacent to residentially zoned or residentially used properties.
- D. **Completion of Sidewalk Networks.** Adequate provisions shall be made to ensure the timely completion of the sidewalk/path network associated with development. For subdivisions, the surety shall not be released until the sidewalk/path network is completed.

- E. **Connections to Building Entries.** Connections shall be provided from all public sidewalks and pathways to buildings housing non residential and multiple family uses.

Sec. 8.214 Bicycle Routes, Lanes, Multi-Use Pathways, and Trails

- A. ~~**Bicycle Routes. General.**~~ Bicycle routes, lanes, multi-use pathways, and trails as designated on the Official Intermodal Transportation Plan maps shall be designated on all site plans for new mixed, or multiple use developments or development that is of significant scope (as determined by the Planning Director) and primary plats, and shall be posted upon completion of the proposed development.
- B. **Bicycle Lanes.** Bicycle lanes are required along local nonresidential, local multifamily, collector, and arterial streets as shown on the Official Intermodal Transportation Plan, except in locations where a bicycle path provides comparable access and mobility for bicycles.
1. **Minimum Width (excluding curbs and gutters):**
 - a. Street with no on-street parking: four feet; or
 - b. Street with on-street parking: five feet (located between travel lane and parking).
 2. All bicycle lanes shall be designed, posted, marked, and striped according to the requirements of the Standards Manual.
- C. **Multi-Use Pathways.** Multi-use pathways are required where designated on the Official Intermodal Thoroughfare Plan as described above.
1. All pathways shall be at least eight feet wide, and designed posted, and marked according to the requirements of the Standards Manual.
 2. Where a pathway crosses an intersection, the pathway shall be marked as a bicycle crossing. Right turns at intersections shall be on the shoulder of the intersecting street if the pathway or bicycle lane does not continue along the intersecting street.
- D. **Trails.**
1. Off-street bicycling and jogging trails shall be developed in accordance with any adopted parks and recreation plans, to link major attractions and destinations throughout the community, including neighborhoods, parks, schools, churches, libraries, Valparaiso University, major employment centers, and shopping areas.
 2. Development that abuts a linear corridor that is identified in an adopted parks and recreation plan shall provide an easement for the construction of a trail in accordance with the master plan.
 3. All trails, private or public, shall be marked as such, and maintenance responsibilities shall be established at the time of a primary plat.
- ~~E. **Incentive.**~~
1. ~~Parcels proposed for development of more than 20 dwelling units shall be granted a density bonus of five percent (applicable to both gross density and net density), or one additional unit, whichever provides more development rights, for the construction and dedication of the bicycle lanes, paths, and trails described in this Section.~~
 2. ~~Incentive units that are approved pursuant to this subsection may be used on site or transferred off site to any parcel that is:~~

~~a. Zoned GR, RT, UR, or CP; and~~

~~b. At least five acres in size.~~

E. Dedication of Right of Way/Easements

1. An amount of right-of-way sufficient for the provision of the required bicycle routes, lanes, multi-use pathways, and trails or sidewalks as listed in Section 8.213 or 8.214 above shall be dedicated to the city prior to the occupancy or use of any property or development subject to the rules of this ordinance.
2. In special circumstances, the owner or developer of property may request approval of a payment-in-lieu of installation of required facilities listed above equivalent to the cost of construction of such facility by the city. The request shall be made and granted by the Board of Works and Park Board, and payment made in the form designated by the city.
3. In special circumstances, with permission granted by the Board of Works, an access and maintenance easement may be granted to the city in lieu of the dedication of the necessary right of way for the provision of required facilities listed above. Such easement shall be recorded in the Office of the Recorder of Porter County, Indiana. The Board of Works shall forward such requests to the Park Board for recommendation and consider such recommendation prior to action being taken on any such request.