

ORDINANCE NO. 9-2009

AN ORDINANCE AMENDING ARTICLES 2, 3, 7, 9, 10, 11, 15, and 18 OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF VALPARAISO

WHEREAS, a petition was presented to amend the Unified Development Ordinance (UDO) Articles 2, 3, 7, 9, 10, 11, 15, and 18; 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 to Articles 2, 3, 7, 9, 10, 11, 15, and 18 by a 7-0 vote on February 10, 2009.

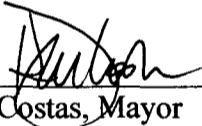
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

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

SEE ATTACHED EXHIBIT A

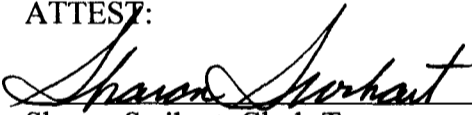
This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 9th day of March 2009.



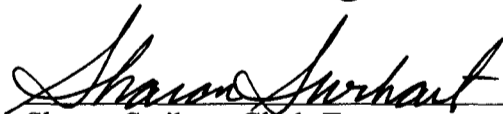
Jon Costas, Mayor

ATTEST:



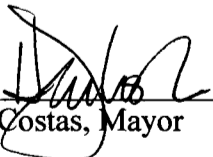
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 9th day of March, 2009, at 8:30 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 9th day of March, 2009, at 8:30 o'clock p.m.



Jon Costas, Mayor

Sec. 15.404 Standards for Development Plan Approval

E. Compatibility.

1. Buffers are appropriate to mitigate the impacts of campus uses on abutting development; however, buffer yards are only required along district boundaries within 200 feet of the construction area. The plan commission may waive the buffer requirement if the impact of the bufferyard would be negligible due to the width or area of the bufferyard.
2. The master plan is consistent with the City's Comprehensive Plan.

Sec. 15.704 Floodplain Deviation

Insert entire text of § 55.01 of existing Valparaiso City Code - STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES.

Sec. 18.205 Commercial Uses

Q. Respite Care Facility means a facility that:

Provides temporary care or supervision of individuals with developmental disabilities, mental illness or who are elderly which is provided because the individual's family or caregiver is temporarily unable or unavailable to provide needed care.

Add the following updated Plant Lists from Steve Martinson

- Invasive Species to be Avoided
- Corridor Plants
- Suitable Trees for Landscaping
- Suitable Trees for Streets with Parkways
- Suitable Trees for Use in Sidewalk Grates
- Recommended Plants for the Valparaiso Area
 - Trees for full sun or part shade in dry-mesic soil
 - Trees for full sun or part shade in wet soil
 - Small and/or flowering trees
 - Shrubs
 - Perennials
 - Landscape grasses for sun
 - Detention basin/wetland/swale plants

E. Requests for Rezoning to CA Campus District.

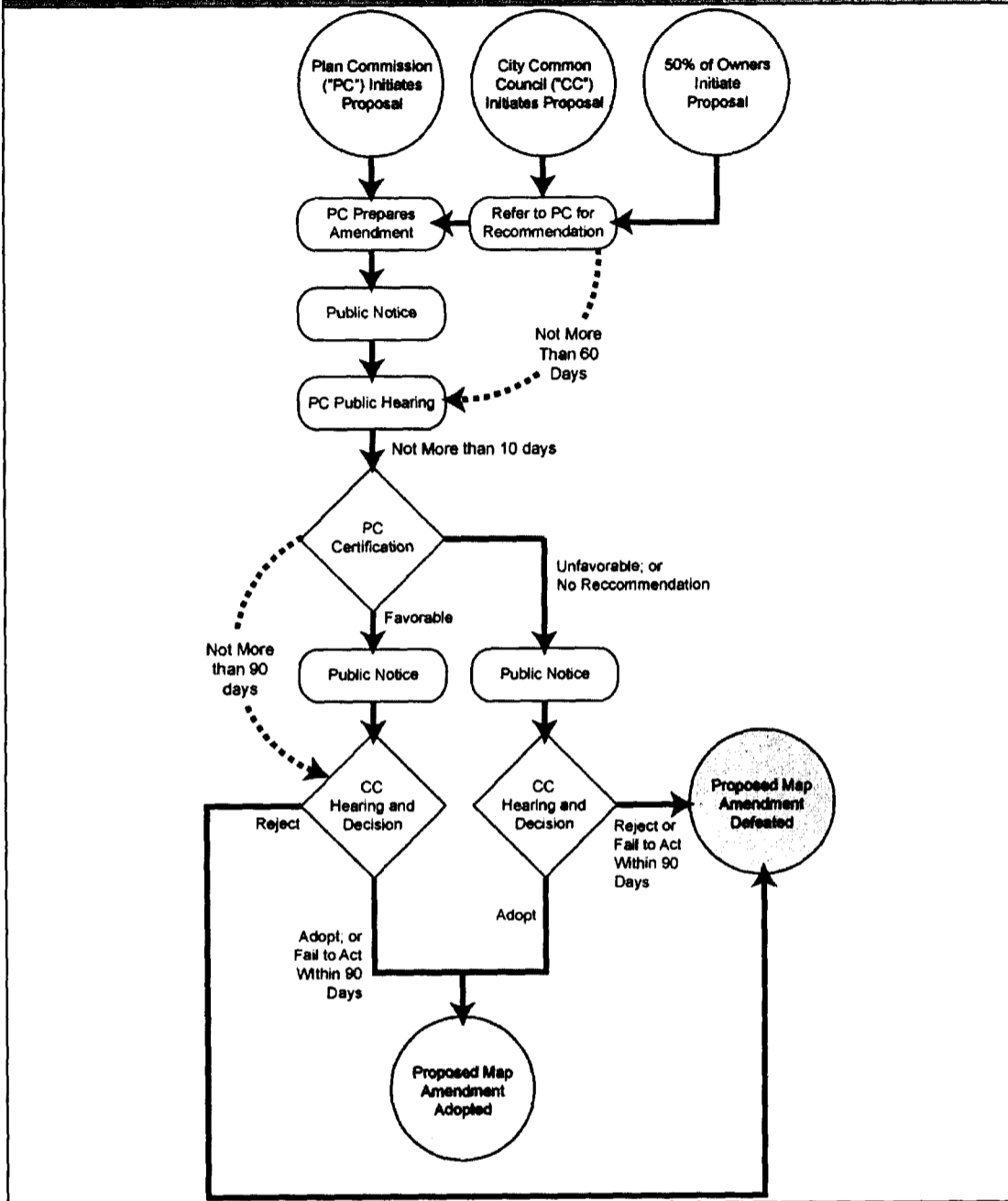
1. Requests for rezoning to CA Campus District notification of interested parties as required by Statute shall be conducted as follows:
 - A. Notification shall be based upon a radius of 300 feet from the building(s) located on the site(s) included in the request for additional or initial rezoning to CA District;
 - B. Existing areas zoned CA District shall not be included in determining the required 300-foot radius for notification; and
 - C. Requests for additional CA District designation shall include a minimum of 20,000 sf. in area to be rezoned.

Application Type	Time Limitation
Zoning Clearance Permit	12 months
Floodplain Permit	Same as site permit 180 days to actual start of construction, and after actual start of construction, same as site permit
Site Permit	6 months to commencement of construction, and/or 3 years to completion
Facade Improvement Permit	12 months
Sign Permit	90 days
Limited Use Permit	12 months
Special Use	24 months ¹
Variance (Use or Development Standards)	None, except if a condition of approval
Development Plan Approval	36 months
Primary Plat	18 months
Building Permit	90 days unless otherwise approved by Building Commissioner; or expires due to 30 days of dormancy or abandonment.

¹ Unless specified otherwise in the approval. The approval may also specify periodic review, at which time the approval could be terminated.

Start of Construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The "actual start of construction" means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. As used in this definition, "permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvements, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Figure 15.301.D.
City Common Council Approvals



Sec. 11.508 Roof Structure and Materials

- A. **Roof Lines.** Roof lines of nonresidential buildings, except industrial buildings, shall be designed as follows:
1. Roof lines shall be designed to:
 - a. Break up the apparent mass of the building;
 - b. Highlight individual components of the building;
 - c. Add visual interest to the building; and
 - d. Form a cascade, wherein the highest points of the roof cover the area of the primary use or most significant floor area of the building.
 2. All roofs shall include at least two of the following elements:
 - a. Eaves that extend not less than three feet, nor greater than eight feet, from the supporting walls.
 - b. Sloped roof planes that are dimensioned such that:
 - i. The distance from eave to peak does not exceed the average height of the supporting walls; and
 - ii. The average pitch is between 6:12 and 12:12.
 - c. Multiple roof slope planes.
 - d. Raised cornice parapets or towers above all primary building entrances or at highly visible building corners.
 - e. A clock or bell tower, cupola, ~~belvedere~~, a colonnade or dormers.

Sec. 15.301 Summary of Approval Procedures

D. City Common Council Approvals.

1. City Common Council approvals are granted by the City Common Council, as follows:
 - A. Privately Initiated Text Amendments;
 - B. Rezoning; and
 - C. Planned Unit Development Ordinances (including Primary Development Plan and Concept Plan).
2. The general procedure for City Common Council approvals, described elsewhere in this Article, is set out in **Figure 15.301.D., City Common Council Approvals.**

- D. **Location.** In parking lots, lights shall be placed in landscaped parking lot islands or on a raised concrete solid base to protect both lights and vehicles from possible damage.
- E. **Canopy Lighting.** Gasoline service station canopy lighting shall be recessed within a canopy and use an opaque shield around the sides of the lights.
- F. **Illumination.**
1. The maximum illumination of any vertical surface or angular roof surface shall not exceed four foot-candles.
 2. The minimum (average) illumination at ground level shall be one foot candle.
 3. The average horizontal illumination level on the ground shall not exceed two foot-candles.
 4. The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half foot-candle.
 5. Strobe, colored or flashing lights are prohibited.
 6. Lamps and lenses shall be recessed into or flush with the light head enclosure.
- G. **Lighting Arrangement.**
1. Exterior building illumination shall be from concealed sources.
 2. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring property, streets, or the night sky.
 3. Security lighting shall be from full cut-off fixtures, shielded and aimed so that illumination is directed to the designated areas with the lowest possible illumination level to effectively allow surveillance.
 4. Exterior lighting shall be designed, located, constructed, and maintained to minimize light trespass and spill over off the subject property. To achieve this objective, the following are mandatory site lighting requirements:
 - a. Area lighting fixtures shall direct light downward (i.e., full cut-off fixtures).
 - b. Exterior building light fixtures shall not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring property, streets, or the night sky.
 5. Landscape up-lighting and build up lighting are permitted, provided that they do not generate excessive light levels.
 6. High pressure sodium fixtures are prohibited in parking lots. High pressure sodium accent lighting on building facades is ~~permitted~~ also prohibited.
- H. **Exemption.** Holiday light displays are not subject to the standards of this Section.

5. Perennials, grasses and small shrubs shall be from two-gallon containers shall conform to the current issue of the American Standard for Nursery Stock published by the American Nursery & Landscape Association (ANLA), available via website www.anla.org.
6. All trees planted within parkways shall have single-stemmed trunks and be branched no lower than six feet above the ground (for visibility purposes). No tree selected for planting shall be less than 2.5 inches in caliper.

Sec. 11.404 Architectural Design Standards for New Construction

G. Facade Detailing.

1. Building facades shall be articulated through the use of fenestration (windows), structural expression (piers/columns), and similar details.
2. At least 40 percent of the building facade (excluding windows and doors) shall be finished with brick, stone, or simulated stone. Other facade materials shall be traditional, such as architectural precast concrete, tinted (other than gray) split-face concrete masonry units, or other high-quality finishes, such as architectural composite metal panels.
3. EIFS shall be permitted as an accent material only (and not as a primary façade material). EIFS shall be limited to 30 percent of the total area, excluding windows and doors, of all building façades (front, sides and rear), and shall, if used, be installed only above the floor level of the second floor or ten feet above adjacent grade, whichever is higher. EIFS shall not be installed in any pedestrian contact areas.
 - a. This section shall not apply to multiple building development parcels where the buildings frame the development parcel on at least three sides, and at least 40% brick, stone, simulated stone, and at least 30% other façade materials as outlined in G. 2 above (this 30% requirement may be reduced by supplementing additional brick, stone or simulated stone for other façade materials) are incorporated into the building design. However, the standards outlined in 11.507 C shall still apply to all facades of all buildings in such developments.

Sec. 11.409 Lighting

- A. **Generally.** Parking lot lighting shall be in accordance with the standards of this Section.
- B. **Height.** Light fixtures shall not exceed the following heights above grade:
 1. Lots that are two acres or less: 20 feet.
 2. Lots that are more than two acres: 28 feet.
 3. Light fixtures that are located within 25 feet of a residential district, regardless of lot size: 14 feet.
- C. **Design.** Light standards in parking lots shall be black or dark bronze.

**Table 10.402:
Bufferyard Classifications**

Class C (50%)	25 ft.	5 / 200 linear ft.	5 / 100 linear ft.	45 / 100 linear ft.	6 foot wall (masonry, brick, stone, or equivalent material) <u>and/or a 5 foot high berm</u>
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Sec. 10.407 Constrained Sites

- A. **General.** Reduced bufferyard widths are permitted on sites that are constrained, in that compliance with all bufferyard requirements would result in more than 15 percent of the site being used for bufferyards.
- B. **Reduction of Width Permitted.** Bufferyard widths may be reduced during development approval so that no more than 15 percent of the site is used for bufferyards. Bufferyards shall be reduced in the following order of priority:
 - 1. First, Class A bufferyards may be reduced from 10 feet in width to 4 feet in width, provided that a five foot high opaque wall is provided with a one foot high hedge (at planting) installed along its outer face, and small trees are planted (on either side of the wall) along the bufferyard, regularly spaced 25 feet on-center. Notwithstanding the permitted reduction, small trees shall be planted so that they have a four-foot radius of permeable soil at their base.
 - 2. Second, Class B bufferyards may be reduced from ~~12.5~~ 15 feet in width to 5 feet in width, provided that a 6 foot high opaque wall is provided with a one foot high hedge (at planting) installed along its outer face, and small trees are planted (on either side of the fence) along the bufferyard, regularly spaced 25 feet on-center. Notwithstanding the permitted reduction, small trees shall be planted so that they have a four-foot radius of permeable soil at their base.
 - 3. Third, Class C bufferyards may be reduced from 25 feet to 18 feet in width, provided that they include all of the plantings that are required of a Class C bufferyard.
- C. **Variance.** All other reductions in bufferyard width shall require a variance.

Sec. 10.702 Landscape Plan Approval

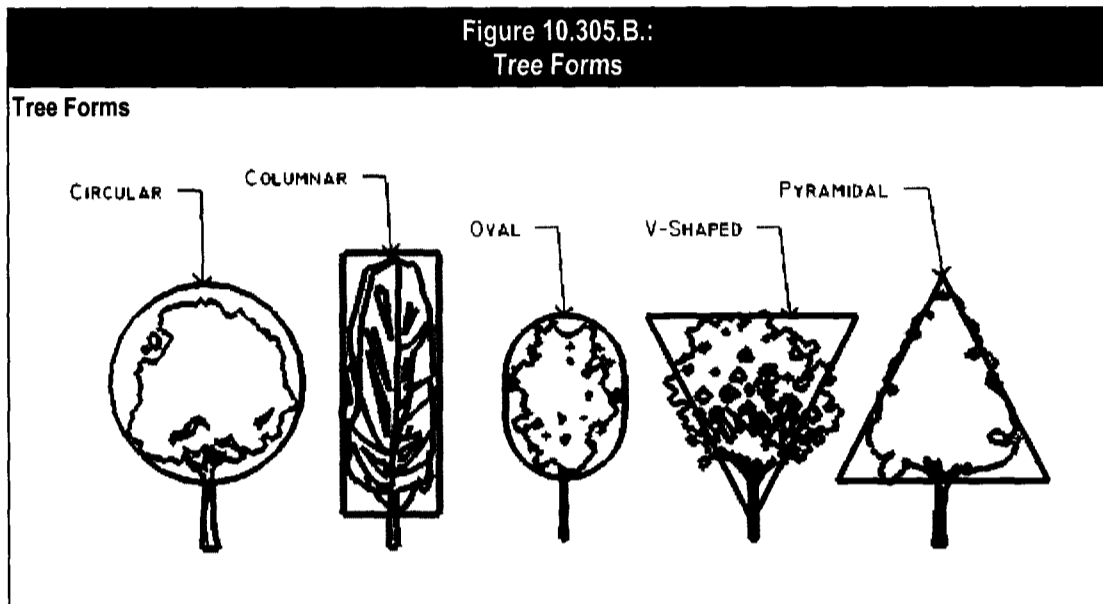
- B. **Size and Quality of Plant Materials.**
 - 1. Plant materials shall be of good quality.
 - 2. Large trees shall be 2.5 inch caliper at the time of planting.
 - 3. Small trees shall be 1.5 inch caliper at the time of planting.
 - 4. Evergreens shall be six feet tall at the time of planting.

3. The requirement for street trees may be waived for minor streets that provide access to fewer than 16 lots.

~~C. Types and Species of Street Trees. To maintain a consistent appearance along individual street segments:-~~

- ~~1. The general form and expected mature height of the trees that are planted in the parkways shall be the same on both sides of the street. The trees planted in a landscaped median may be different in type and shall be different in species from those planted in the parkways.~~
- ~~2. If large trees are installed, they shall be of the same general form. See Figure [@@SecID].B., Tree Forms.~~

Remove the following table accompanying C. above.



~~D.C. Spacing.~~

- ~~3. Generally, Street trees shall be spaced 60 feet on center.~~
- ~~4. Wide parkways and medians.

 - ~~a. If the parkway is greater than 20 feet in width, then large trees shall be installed in two rows, with trees staggered, each row spaced 60 feet on-center; or~~
 - ~~b. If the median is 18 feet or more in width, the~~~~

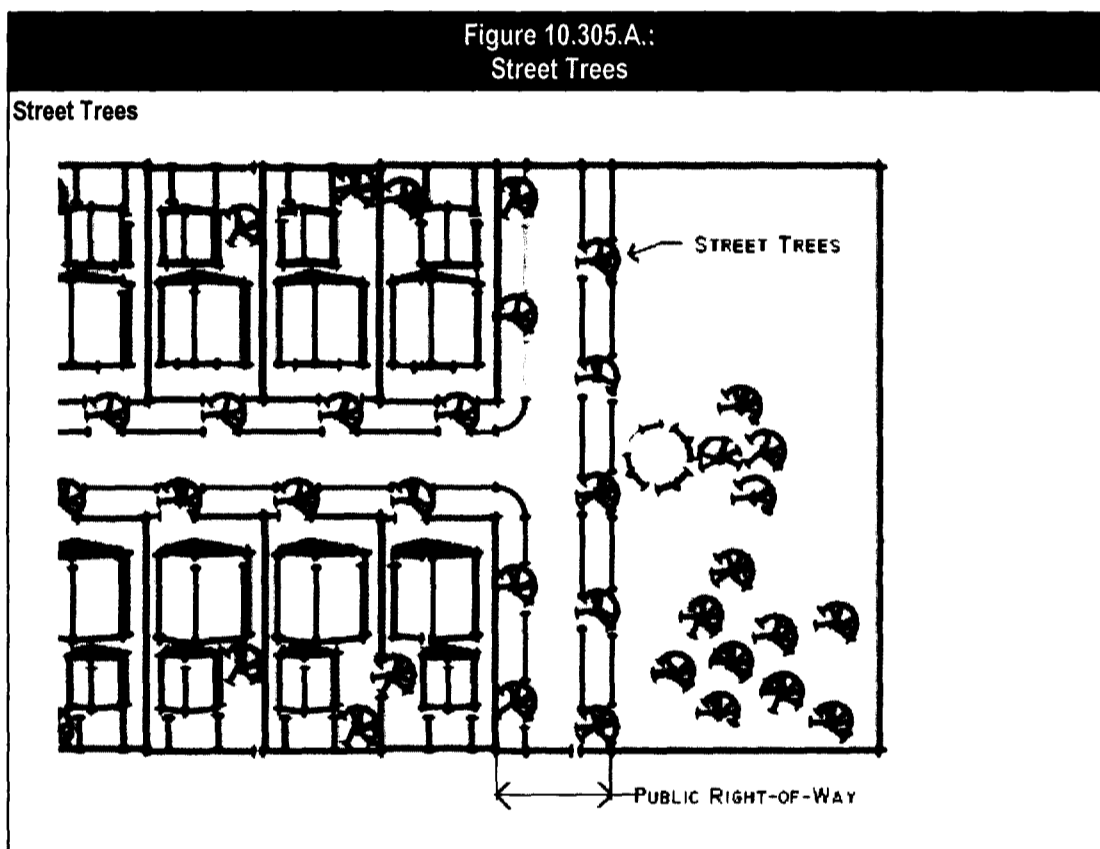
Sec. 10.402 Bufferyard Classifications

Bufferyards are classified from less opaque ("Class A") to more opaque ("Class E"). The width and composition of bufferyards shall be as set out in Table [@@SecID], Bufferyard Classifications.

- H. **Timing of Installation.** Required landscaping shall be installed prior to the acceptance of subdivision improvements, or if the development is not a subdivision, then prior to the issuance of the first certificate of occupancy. The City may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits.
- I. **Parking Lot Plantings Clear Zone.** In order to avoid potential hazards associated with tree limbs at common pedestrian heights and impacts with car doors, trees and plantings in parking lots shall be installed to maintain a clear zone free of material such as limbs, overgrowth, etc. between 3 and 8 feet in height.
- J. **Minimum Required Spacing and Landscaping between parking lots.** Unless otherwise connected, a Class A bufferyard shall be provided between parking areas.

Sec. 10.305 Street Trees

- A. **General.** Street trees are those trees which are planted at regular intervals in the street right-of-way. See Figure 10.305.A., Street Trees.



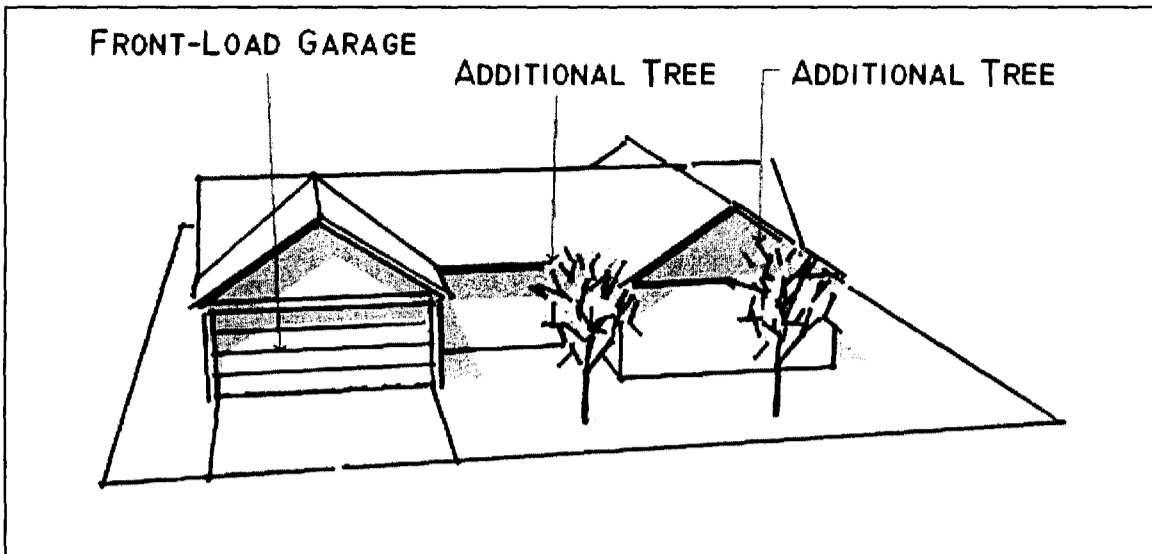
- B. **Required.**
 1. A street tree plan shall be submitted to the City with a primary or secondary plat. Street trees shall be planted within the parkways and medians (of sufficient width) of the public right-of-way or private street easements prior to acceptance
 2. of the subdivision improvements or recording of the subdivision plat.

Sec. 10.304 Parking Lot Landscaping

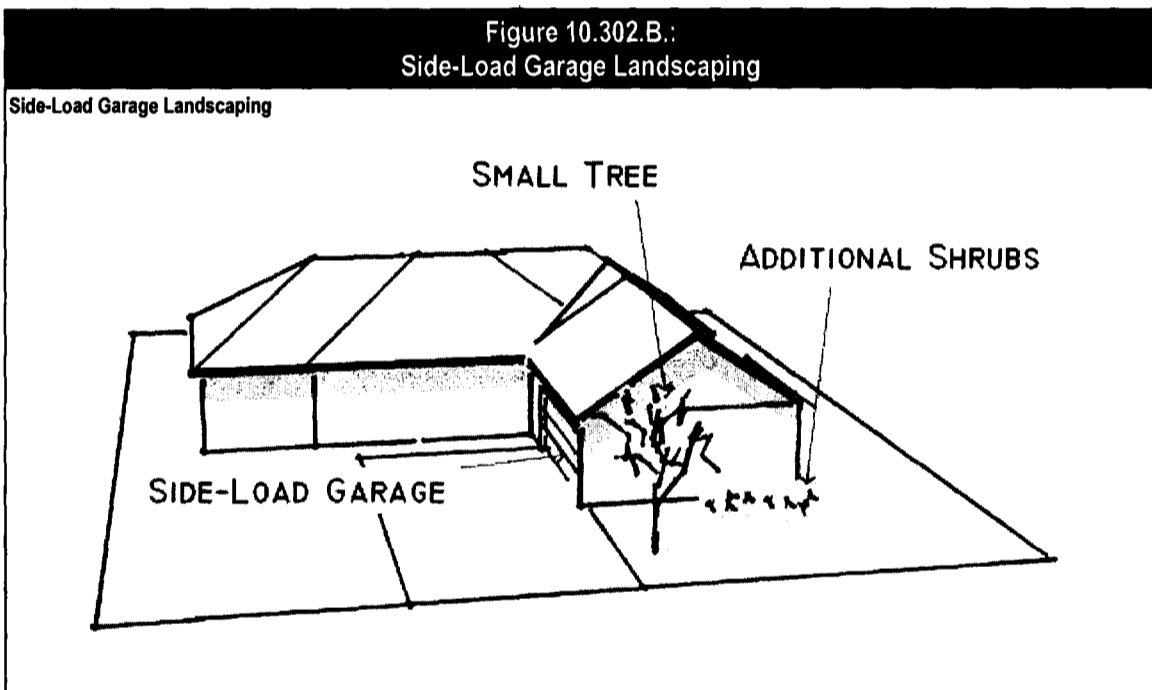
- B. **Required.** Parking lot landscaping shall be provided as described in **Table 10.304, Parking Lot Landscaping Standards.**

Dist.:	per 8 spaces	per 4 spaces
Rural (RU)	1 per 8 spaces	1 per 4 spaces
Estate Residential (ER)	1 per 4 spaces	1 per 2 spaces
Suburban Residential (SR)	1 per 4 spaces	1 per 2 spaces
General Residential (GR)	1 per 8 spaces	1 per 4 spaces
Urban Residential (UR)	1 per 8 spaces	1 per 4 spaces
Neighborhood Conservation (NC)	1 per 8 spaces	1 per 4 spaces
Residential Transition (RT)	1 per 6 spaces	1 per 3 spaces
Commercial, Neighborhood (CN)	1 per 5 spaces	2 per 5 spaces
Commercial, General (CG)	1 per 8 spaces	1 per 4 spaces
Central Business District (CBD)	1 per 6 spaces	1 per 3 spaces
Central Place (CP)	1 per 8 spaces	1 per 4 spaces
Campus (CA)	per approved campus plan	
Business Park (BP)	1 per 6 spaces	1 per 4 spaces
Light Industrial (INL)	1 per 8 spaces	1 per 4 spaces
Heavy Industrial (INH)	1 per 4 spaces	1 per 2 spaces

- D. **Use of Islands for Stormwater Treatment.** Wherever possible, landscape islands shall be designed to incorporate storm water runoff best management practices (BMPs), by incorporating vegetated swales, bio-infiltration, and other types of water quality measures.
- E. **Area of Planting Islands.** One planting island of at least 324 square feet in area shall be provided for each 16 spaces in the parking lot. No planting island shall be less than 18 feet in ~~any dimension~~ depth, and no endcap landscape islands for double-loaded parking spaces shall be less than 36 feet in depth and no less than 9 feet in width as measured from the outside of the curb to the outside of the opposite curb.
- F. **Small Parking Lots.** Parking lot landscape islands that meet the requirement of subsection D., above, may be designated at the corners or along the perimeter of parking lots that:
1. Are interior to a site and have fewer than 15 parking spaces; or
 2. Require five or fewer canopy trees. See **Figure 10.304, Small Parking Lot Landscaping.**
- G. **Groundcovers.** Landscape islands shall ~~avoid the use of~~ not utilize turf as groundcover. Instead, a combination of mulch and drought-tolerant groundcovers or shrubs shall be installed.



C. **Side-Load Front Garages.** In addition to the on-lot landscaping requirements set out in **Section 10.301, On-Lot Landscaping**, one small tree and four shrubs, herbaceous perennials, or clumps of ornamental grasses shall be planted along the street side of any side-load front garage that is closer than ten feet to the front property line. See **Figure 10.302.B., Side-Load Garage Landscaping.**



- i. No more than 10 percent of each category of required landscaping (large trees, small trees and medium to large shrubs, ~~and shrubs~~) on a site shall be of any one species; and
- ii. No more than 40 percent of each category shall be of any one genera.

Sec. 10.301 On-Lot Landscaping

- E. **Groundcovers and Sod or Seed.** Residential yards, including those on single-family, two-family, and multifamily lots, shall be sodded, seeded or planted with permitted groundcovers as set out in **Appendix B, Plant Lists**.

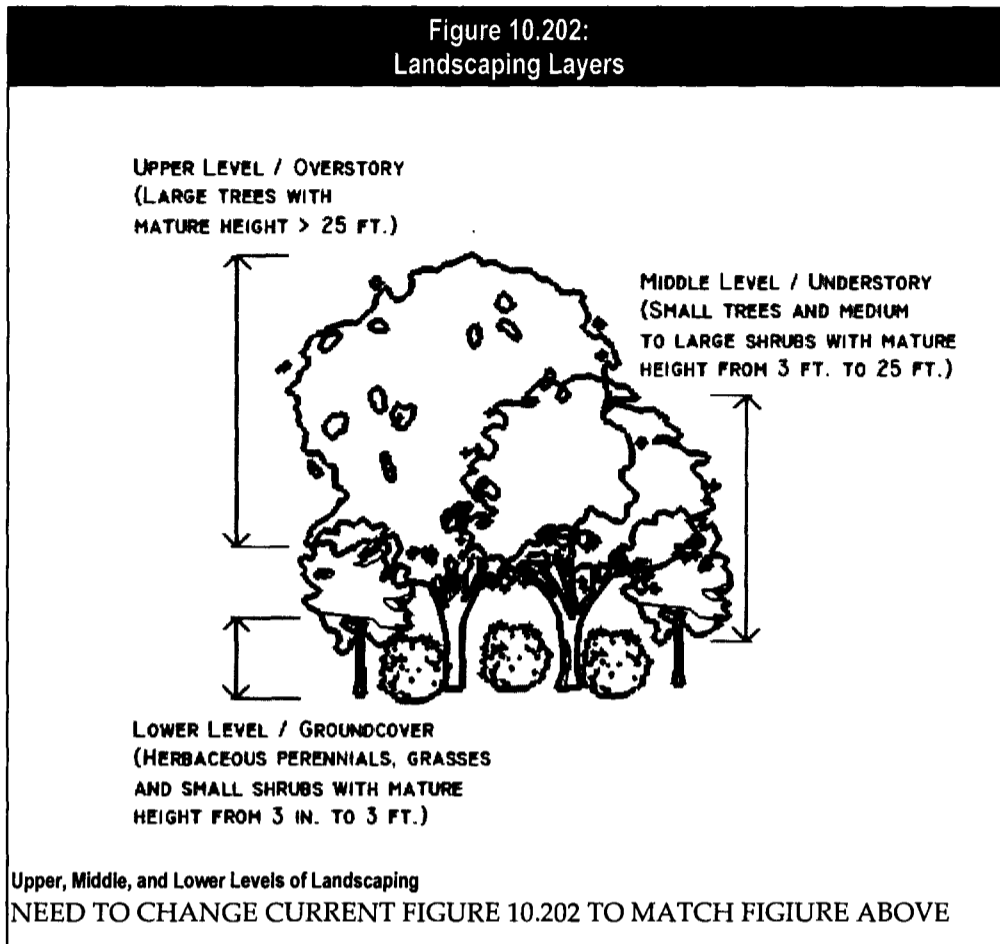
Sec. 10.302 Special Residential Landscaping

- A. **Generally.** Additional landscaping is required for single-family and two-family residential development where there is not alley access to parking areas or garages, as provided in this Section.
- B. **Front-Load Garages.** In addition to on-lot landscaping requirements set out in **Section 10.301, On-Lot Landscaping**, one small tree or medium to large shrub that is at least six feet in height at the time of planting shall be installed in the front yard of a residential lot for each 10 linear feet of width of front-load garage door. For the purpose of this calculation, fractions shall be dropped. See **Figure 10.302.A., Front-Load Garage Landscaping** (illustrating a 22-foot wide garage).

Figure 10.302.A.:
Front-Load Garage Landscaping

Front-Load Garage Landscaping

- c. Herbaceous perennials, grasses and small Shrubs (Mature height 3" to 3') at the lower level (or groundcover). See **Figure 10.202, Landscaping Layers**.



F. Species Diversity.

1. In order to avoid large monocultures of trees and shrubs:
 - a. For projects that require fewer than 10 large trees:
 - i. No more than 20 percent of each category of required landscaping (large trees, small trees and medium to large shrubs, and shrubs) on a site shall be of any one species; and
 - ii. No more than 40 percent of each category shall be of any one genera.
 - b. For projects that require 10 large trees or more:

Sec. 7.201 General Drainage Plan Requirements.

JS

A. **Plans Required.** Drainage plans may be required for any development. All drainage plans must be approved by the City Engineer before permits are issued or formal approvals granted. Said approval by the City Engineer shall mean that the plan appears to meet the requirements of the City and shall not be interpreted to provide any guarantee or warranty against damage or inconvenience by flooding or runoff related problem. All drainage plans shall be drawn by an Indiana registered Professional Engineer or Public Land Surveyor.

Sec. 7.309 Detention Basins

B. **General Design Requirements.**

- 5. Dry bottom basins shall incorporate the following elements:
 - i. Vegetation appropriate for use in detention ponds and similar environments, as identified in the Appendix B: Plant Lists

Table 9.201

Table 9.201: Minimum Parking and Loading Requirements		
Land Use	Parking	
Hospitals		
Hospitals	2 spaces / bed for in-patient facility; plus requirements for other uses (e.g., office, auditoriums, etc.); plus 6 spaces per operating room <u>Special study with campus master plan</u>	1 space / 20,000 sf.
<u>Respite Care Facility</u>	1 space per employee per shift (may be reduced with other form of agreement and 2 spaces for drop-off/pick-up)	na

Sec. 10.202 Calculation of Landscape Requirements

A. **General.**

- 1. The landscape requirements of this Article are computed as provided in this Section.
- 2. Landscaping for yards, open space, parking, and bufferyards is specified in three layers of plant material:
 - a. Large trees (Mature Height over 25') at the upper level (or overstory);
 - b. Small trees & Medium to Large Shrubs (Mature Height from 3' to 25') at the middle level (or understory); and

- B. CN, CG, and INL Districts. Existing single family residences in the Commercial Neighborhood (CN), Commercial General (CG) and Industrial Light (INL) districts may remain or be rebuilt in the condition they were in at the time of adoption of this ordinance as a limited use. However, no new construction of previously non-existent single family residential dwellings shall be permitted in these districts.
- C. INH Districts. Existing single family residences in the Industrial Heavy (INH) district may seek approval to be rebuilt in the condition they were in at the time of adoption of the ordinance in the form of a Special Use.

Table 3.301A

Table 3.301.A: Residential Standards					
District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front Setback (ft.)	Min. Front Yard Coverage (%)
Suburban Residential (SR)					
Single-Family	0.10 ²	<u>1,976</u> 4,572	<u>2,638</u> 4,965	Public	<u>12,000 sf.</u> 48,000 sf.
General Place (GP)					
Multi-Family	0.10	17.868	20.427	Public	<u>12,000 sf.</u> 2.5 ac.

Table 3.301 B

Table 3.301.B: Nonresidential and Mixed Use Standards					
District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front Setback (ft.)	Min. Front Yard Coverage (%)
General Place (GP)					
Mixed Use (at least 50% residential floor area)	0.15	1.175	1.382	Public	<u>12,000 sf.</u> 20,000 sf.

Sec. 3.501 Single-Family Detached

Table 3.501: Single-Family Lot and Building Standards							
District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front Setback (ft.)	Min. Side Setback (ft.)	Min. Rear Setback (ft.)	Min. Front Yard Coverage (%)
Suburban Residential (SR)	<u>12,000 sf.</u> 48,000 sf.	90	25	<u>8 / 20</u> 10 / 25	30	28	0.30

Sec. 2.532 Restaurant

- C. **Market and Signage.** The restaurant is intended to serve students (CA and RT districts) or employees (CA, BP, INL, and INH districts) and does not have signage that is visible from a street that is of collector or greater capacity.

Sec. 2.553 Respite Care Facility

- A. **Generally.** A Respite Care Facility shall be permitted as a Limited Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Rural (RU), Central Place (CP) and Residential Transition (RT) districts subject to the requirements of this Section.
- B. **Building.** The respite care facility is a reuse of an existing single-family building or new construction of a residential style building that is compatible with surrounding residential properties in terms of architecture, character, and overall residential appearance. Additions shall be subject to the provisions of Article 3, District Intensity and Bulk Standards.
- C. **Signs.** Signs advertising the name of the facility or managing agency or entity which owns or operates the facility shall be prohibited in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Rural (RU), and Residential Transition (RT) Districts.
- D. **Minimum floor area.** The minimum floor area for a facility shall be 2,500 sf for a two-story or greater structure or a minimum of 1,500 sf for a one-story structure.
- E. **Parking.** Respite Care Facility uses must provide for all required off-street parking, which shall be fully screened from adjoining residential land uses by a solid hedge of not less than three (3) feet in height. The Planning Department may permit on-street parking to be substituted for off-street parking directly adjacent to the property on which the facility is located upon determining that the street can accommodate the required parking and that off-street parking would be detrimental to the character of the area.
- F. **Location.** Respite Care Facilities in residential districts shall be located on a collector street or higher as classified in the city's Official Thoroughfare Plan.
- G. **Fenced Yard.** The rear or side yard of a respite care facility shall provide a fenced play/activity area enclosed with a residential style fence of at least 4 feet in height.
- H. **Separation.** All respite care facilities shall be separated from other respite care and group home facilities by a distance of no less than 3,000 linear feet.

Sec. 2.554 Single Family

- A. **Generally.** In some cases, existing single family residences are located in commercial or industrial districts. It is not the intent of the ordinance to create a nonconformity for these residences, therefore they are allowed to remain or be rebuilt in the condition they were in at the time of passage of the ordinance.

ORDINANCE NO. 9-2009 EXHIBIT A

PROPOSED AMENDMENTS/ADDITIONS TO THE UDO
FEBRUARY 2009

Table 2.201 A

Table 2.201.A. Agricultural, Residential, and Institutional Uses																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Single Family	P	P	P	P	P	P	L	L	X	P	P	X	X	L	S	Sec. 2.554
Institutional Uses																
Respite Care Facility	L	L	L	L	L	L	P	X	X	L	L	P20	X	X	X	Sec. 2.553
20 Permitted only as part of a campus plan that includes development that is owned by the same entity as the facility																

Sec. 2.506 Multifamily

- A. **Generally.** All multifamily development is subject to **Section 11.205, Multifamily Design Standards.**
- B. **CG and CBD Districts.** Multifamily development shall be permitted as a Limited Use in the Commercial, General (CG), and Central Business (CBD) districts, provided that they are:
 - 1. In mixed use buildings; and
 - 2. Located above the ground floor.
 - 3. Within the Eastgate Overlay District multiple family units shall be permitted on the first floor or ground level for student or age-targeted developments fronting on all public streets except within 100 feet of the right of way line of Lincolnway.
- C. **RT District.** Multifamily development shall be permitted as a Limited or Special Use in the Residential Transition (RT) district ~~if it is demonstrated that~~ based on the following:
 - 1. Multiple family uses with up to four units shall be permitted as a limited use within 3 blocks of property zoned CA Campus District that is associated with an institution of higher learning if it is demonstrated that adequate off-street parking and adequate stormwater management has been provided on the project site as approved by the City Engineer, and the buildings are multiplexes, with the character of a single-family building or duplex.
 - 2. Multiple family uses with five or more units shall be permitted only as a special use if it is demonstrated that the buildings are multiplexes, with the character of a single-family building or duplex, and are located on corner lots.
 - 3. ~~The buildings are located on corner lots.~~