

ORDINANCE NO. 13, 2017

AN ORDINANCE AMENDING THE ZONING MAP REZONING LAND WITHIN THE CITY OF VALPARAISO, INDIANA FROM NC, NEIGHBORHOOD CONSERVATION DISTRICT TO PUD, PLANED UNIT DEVELOPMENT

WHEREAS, a petition was presented by MJF Development, Inc. c/o Robert V. Coolman, to rezone land located at the Northeast corner of Campbell Street and Chicago Street, from NC, NEIGHBORHOOD CONSERVATION DISTRICT TO PUD, PLANNED UNIT DEVELOPMENT; and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed rezoning on September 12th, 2017; and

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

WHEREAS, the Plan Commission voted to favorably recommend rezoning the property from NC, Neighborhood Conservation Zoning District to PUD, Planned Unit Development Zoning District on September 26th, 2017 by a vote of 8-0.

NOW, THEREFORE, BE IT ORDAINED by the Common City of the City of Valparaiso, Indiana, as follows;

- a) City of Valparaiso's Comprehensive Plan;
- b) Current conditions and character of the current structures and structures and uses in each district;
- c) The most desirable use for which the land is adapted;
- d) The conservation of the property values throughout the jurisdiction; and
- e) Responsible development and growth.

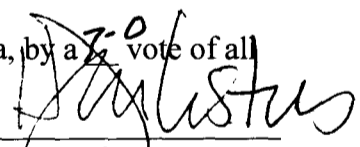
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

1) The following described real estate in the City of Valparaiso, Indiana is hereby rezoned to GR, General Residential zoning classification to wit:

See attached Legal Description - Exhibit A

2) 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 23rd day of October 2017.



Jon Costas, Mayor


ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 29th day of October 2017, at 9:00 o'clock AM.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved/denied and signed by me this 24th day of October 2017, at 9:00 o'clock AM.



Jon Costas, Mayor

EXHIBIT "A"

Commencing at a point 2 rods West and 4 rods South of the Northeast corner of Outlot 20 in the Original Survey of the Town, now City, of Valparaiso, Indiana; thence West 8 rods; thence South 4 rods; thence East 8 rods; thence North 4 rods to the place of beginning and also the east half of that vacated alley lying adjacent and westerly thereto. (Affects Lot 2)

And

A part of Outlot 20 of the Original Addition to Outlots to the Town, now City, of Valparaiso described as: Commencing at a point 8 rods South and 2 rods West of the Northeast corner of said Outlot 20, and running thence West 8 rods; thence South 4 rods; thence East 8 rods; thence North 4 rods to the place of beginning, now commonly called Lot 3 in Outlot 20 aforesaid and also the east half of that vacated alley lying adjacent and westerly thereto. (Affects Lot 3)

And

Commencing 8 rods North of the Southeast corner of Outlot 20, in the Town (now City) of Valparaiso; thence West 2 rods, then to commence and run West 8 rods; thence North 4 rods; thence East 8 rods; thence South 4 rods to the place of beginning, and also the east half of that vacated alley lying adjacent and westerly thereto. (Affects Lot 4)

And

All that parcel of land lying, being and situate between 2 certain tracts of land described as follows to wit: 1st: Commencing 2 rods West of the Southeast corner of Outlot No. 20 to the Town of Valparaiso; thence North 8 rods; thence West 8 rods; thence South 8 rods; thence East 8 rods to the place of beginning. 2nd: Commencing 1 rod East of the Southwest corner of said Outlot; thence North 8 rods; thence East 8 rods; thence South 8 rods; thence West 8 rods to the place of beginning (Affects Lots 5,6,7 & 8)

And

Commencing 8 rods North of the Southwest corner of Out Lot No. 20 in the Town (now City) of Valparaiso, Porter County, Indiana; thence East 1 rod, commencing here and running East 8 rods; thence North 4 rods; thence West 8 rods; and thence South 4 rods to place of beginning, making a Lot 4 X 8 rods in dimensions, in said City, Town & State, and also the west half of that vacated alley lying adjacent and easterly thereto. (Affects Lot 9)

And

A part of Out Lot 20 in the Original Addition of Out Lots to the Town, now City, of Valparaiso bounded as follows: Commencing 1 rod East and 4 rods South of the Northwest corner of said Out Lot 20 and running thence East 8 rods; thence South 8 rods; thence West 8 rods; thence North 8 rods to the point of commencement, now commonly known as Lots 10 and 11 in Out Lot 20 in Original Addition of Out lots to the Town, now City, of Valparaiso, and also the west half of that vacated alley lying adjacent and easterly thereto. (Affects Lots 10 & 11)

And

Lot 12 and the West 1/2 of the vacated alley lying immediately East of and adjacent to said lot, of Outlot 20 in the original Survey of the Town (now City) of Valparaiso, as per plat thereof, recorded in Deed Record "A" page 621, in the Office of the Recorder of Porter County, Indiana, EXCEPTING THEREFROM the West 5 rods thereof. (Affects E1/2 Lot 12)

AND

A part of Out Lot 20 in the original Town (now City) of Valparaiso, described as:

Commencing

at a point 1 rod East of the Northwest corner of said Out Lot 20 and running thence East 4 rods; thence South 4 rods; thence West 4 rods; and thence North 4 rods to the place of beginning, now commonly known and called the West 1/2 of Lot 12 of Out Lot 20 of the Original Addition of Out Lots to the Town (now City) of Valparaiso.

(Affects W1/2 Lot 12)

ALL as per plat thereof, recorded in Deed Record "A" Page 621, in the Office of the Recorder of

Porter County, Indiana.



ST. PAUL SQUARE



AN ORDINANCE ESTABLISHING
THE
ST. PAUL SQUARE
PLANNED UNIT DEVELOPMENT
DISTRICT

CITY OF VALPARAISO, INDIANA

ORDINANCE NO. 13, 2017

ST. PAUL SQUARE



St. Paul Square

AN ORDINANCE ESTABLISHING THE
ST. PAUL SQUARE
PLANNED UNIT DEVELOPMENT DISTRICT

CITY OF VALPARAISO

ORDINANCE NO. 13. 2017

ORDINANCE NO. 13, 2017

**AN ORDINANCE ESTABLISHING
PLANNED UNIT DEVELOPMENT DISTRICT**

St. Paul Square

AN ORDINANCE of the City of Valparaiso, Indiana amending portions of Official Zoning Map and establishing a Planned Unit Development pursuant to the Unified Development Ordinance for the City of Valparaiso, Indiana.

WHEREAS, Article 15, Division 15.500 of the Unified Development Ordinance entitled "Procedures and Administration for Planned Unit Development Approval" permits the establishment in the City of Valparaiso of planned unit developments ("PUDs"), in which an area of land is developed as a single scheme which combines a mixture of uses, including residential, business, professional and/or light industrial, and which may not correspond to the development standards otherwise required for such uses by other provisions of the zoning and planning ordinances of the City of Valparaiso; and

WHEREAS, Article 15, Division 15.500 of the Unified Development Ordinance authorizes the Common Council of the City of Valparaiso, by ordinance, to establish PUD Districts and to specify the uses and development requirements that apply in such PUD District; and

WHEREAS, an application for approval of the St. Paul Square PUD District has been filed by St. Paul - Valparaiso, LLC ("Developer") and considered by the Valparaiso Plan Commission and the Common Council for the City of Valparaiso, and all of the notice, public hearing and other procedural requirements of the Indiana Code and the Unified Development Ordinance for the City of Valparaiso for the consideration of the application and the establishment of the PUD District have been fulfilled; and

WHEREAS, in preparing and considering proposals under the Ind. Code 36-7-4-600 *et seq.*, the Plan Commission and the legislative body shall pay reasonable regard to (1) the comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adapted; (4) the conservation of property values throughout the jurisdiction; and, (5) responsible development and growth; and

WHEREAS, the advisory Plan Commission has sent a favorable recommendation relating to such Application to the Valparaiso Common Council by unanimous vote of the Plan Commission on September 26, 2017 by and through Plan Commission case PUD17-001 and PP17-004;

NOW, THEREFORE, BE IT, AND IT HEREBY IS, ordained by the Common Council of the City of Valparaiso, Indiana, under authority granted by Ind. Code 36-7-4-600 *et seq.* and Ind. Code 36-7-4-1500 *et seq.* and Article 15, Division 15.500 of the Unified Development Ordinance entitled "Procedures and Administration for Planned Unit Development Approval" that the St. Paul Square PUD District is established as an amendment to the Unified Development Ordinance, pursuant to and subject to the terms, conditions, stipulations and requirements of this Ordinance.

Section 1. Legislative Intent. Having given reasonable regard to the Comprehensive Plan and the other matters specified in Article 15, Division 15.500 of the Unified Development Ordinance, the intent of the Common Council in adopting this Ordinance is (i) to determine that the planned community being proposed is a good land use believed to be in best interest of the City of Valparaiso; (ii) to encourage the use of innovative and unique land development techniques in the design of the District; (iii) to insure that the increased flexibility and design regulations over the land development authorized herein are carried out under administrative standards and procedures in a matter consistent with the goals and policies of the City of Valparaiso; and (iv) define that this Ordinance and the project proposed to be developed here under satisfies all Indiana statutes and the Valparaiso ordinances relating to planned unit developments.

Section 2. Applicability of the St. Paul Square PUD Ordinance.

Section 2.1. Official Zoning Map. The Official Zoning Map, a part of the Unified Development Ordinance, is hereby amended to designate the Property as a Planned Unit Development District ("PUD") known as St. Paul Square Planned Unit Development District.

Section 2.2. Controlling Ordinance. Development of the Property shall be governed entirely by the provisions of this St. Paul Square PUD Ordinance except to the extent reference is made to the Unified Development Ordinance. When there is reference to the Unified Development Ordinance in this St. Paul Square PUD Ordinance, then only the provisions of the Unified Development Ordinance so referenced, as are in effect under the Unified Development Ordinance (as defined in Section 3.2 as the UDO exists on the date of this PUD Ordinance shall be applicable to the Property. After the enactment of this St. Paul Square PUD Ordinance, development of the Property shall not be governed, in whole or in part, by any future overlay district regulations that may include any part of the Property.

Section 2.4. Conflict. In the event of a conflict between this St. Paul Square PUD Ordinance and the Unified Development Ordinance or the Subdivision Regulations, the provisions of this St. Paul Square PUD Ordinance shall apply. Any conflict between the narrative terms of this St. Paul Square PUD Ordinance and the Site Improvement Plans, the Site Improvement Plans shall govern and control.

Section 3. Construction of Language: Definitions.

Section 3.1. Construction of Language. The language of this St. Paul Square PUD Ordinance shall be interpreted in accordance with the following regulations:

- a. The particular shall control the general.
- b. In the case of any difference of meaning or implication between the text of this St. Paul Square PUD Ordinance and any illustration or diagram, the text shall control.
- c. The word "shall" is always mandatory and not discretionary.
- d. The word "may" is permissive and at the discretion or option of the Developer.
- e. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- f. A "building" or "structure" includes any part thereof, unless otherwise specifically stated.
- g. The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- h. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either. . . or," the conjunction shall be interpreted as follows:
 - 1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3) "Either... or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

Section 3.2. Definitions. Unless otherwise stated, the following words shall, for the purpose of this St. Paul Square PUD Ordinance, have the meaning herein indicated. Any word used in this St. Paul Square PUD Ordinance which is not defined herein and which is defined in of the Unified Development Ordinance shall, for purposes of this St. Paul Square PUD Ordinance, have the meaning ascribed to such word in the Unified Development Ordinance, unless the context otherwise requires.

- a. "Plan Commission" shall mean the advisory Plan Commission for the City of Valparaiso.
- b. "Access Drive" shall mean that area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property.
- c. "Accessory Building" or "Accessory Structure" shall mean a structure that is located on the same parcel of property as the principal building or structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential.
- d. "Accessory Use" shall mean a use of land, structure, or building, or portion thereof, that is commonly associated with, incidental, and subordinate to a principal use, and located on the same lot or parcel with such principal use.
- e. "Administrator" shall mean the official in charge of the Plan Commission Staff or the Executive Director of the Plan Commission and authorized to administer and enforce the Unified Development Ordinance.
- f. "Alley" shall mean any privately-held right-of-

way, with the exception of private streets, open for the purposes of affording a secondary means of vehicular access to abutting property which otherwise abuts upon a street and which is not intended for traffic other than public services and circulation to and from said property. An alley may be comprised of pavement, parking space, and the like.

- g. "Application" shall mean the application filed with the Executive Director of the Valparaiso Plan Commission to establish a Planned Unit Development District for the Property and includes all plans, documents, and supporting information filed therewith.
- h. "Area" shall mean a tract within a District that is designated by an approved Development Plan for development with Multi-Family Residential District or Business Park District permitted uses.
- i. "BZA" shall mean the Board of Zoning Appeals of the City of Valparaiso, Indiana.
- j. "City" shall mean the City of Valparaiso, Indiana.
- k. "Architectural Design Requirements" shall mean the criteria and guidelines outlining the architectural character of the proposed condominiums buildings.
- l. "Association" shall mean any and all not-for-profit corporation(s) established under Indiana law, by Developer of all or a portion of the Property, to maintain any Open Space or Easements on all or any portion of the Property and to carry out all other lawful purposes. An Association's members shall be the owners of all or a specific portion of the Property, as provided in any declaration of covenants, conditions and restrictions, code of by-laws or similar documents establishing such Association. Developer of the Property, with the consent of

the owners of the Property to be included under such Association, may establish (i) a master Association for the entire Property or any common or shared Open Space, Easements and related improvements and (ii) one or more Associations whose responsibilities shall include, without limitation, the maintenance of Open Space, easements and related improvements for a defined portion of the Property. Such Association(s) shall be established and operated under the relevant Controlling Document(s).

- m. "Builder" shall mean the entity performing construction activity on a Lot.
- n. "Building Height" shall mean the vertical distance from the grade level at the main entrance to the top of the parapet that comprises the majority of the perimeter of the building for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- o. "Developer" shall mean St. Paul – Valparaiso, LLC ("SPS"), its successors and assigns, until such time as SPS transfers its rights as Developer. Such rights may be transferred in whole or in part.
- p. "Development Guidelines" shall mean the criteria and development standards requirements in this St. Paul Square PUD Ordinance which establish the guidelines for the project.
- q. "Development Plan" shall mean one or both of the Preliminary Development Plan and/or the Secondary Development Plan.
- r. "Driveway" shall mean the access for vehicular movement to egress/ingress between

the right-of-way of private or public streets and the required front setback line.

- s. "Family" shall mean one or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.
- t. "Financial Institution" shall mean any building wherein the primary occupation is concerned with such Federal or State regulated businesses as banking, savings and loans, loan companies and investment companies.
- u. "Front Yard" shall mean a yard extending across the full width of the Lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the street right-of-way line and the front setback line.
- v. "Grade Level" (adjacent ground elevation) shall mean the level of the ground adjoining a structure or building. Where "grade level" refers to a street or road, it is the existing grade at that point.
- w. "Gross Acre" shall mean 43,560 square feet of horizontal area within the perimeter boundaries of a District. A "gross acre" may include the area of half of any street rights-of-way abutting the District.
- x. "Gross Acreage" shall mean the total aggregate horizontal area within the perimeter boundaries of a District, plus the area of half of any abutting street rights-of-way.

- y. "Herein" shall mean and refer to the entirety of, and anywhere within, this St. Paul Square PUD Ordinance, including all exhibits, schedules and attachments and shall not be restricted to a particular paragraph or section in which the word "herein" appears.
- z. "St. Paul Square PUD Ordinance" shall mean this ordinance establishing the St. Paul Square Planned Unit Development District.
- aa. "Interior Access Alley" shall mean a minor, private street providing access within the boundaries of the project beginning at the required setback .
- bb. "Landscape Easement" shall mean an area that may be privately owned, but is reserved to provide open space and buffer yards.
- cc. "Lot" shall mean a discrete platted or un-platted piece, parcel, plot or tract of land designated by its owner to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted in the St. Paul Square PUD Ordinance, including one (1) or more buildings, accessory uses thereto and the required yards as provided for in the St. Paul Square PUD Ordinance and may consist of:
 - a. A single Lot of Record; or
 - b. A portion of a Lot of Record; or
 - c. A combination of complete Lots of Record, or complete Lots of Record and portions of Lots of Record, or of portions of Lots of Record.

A lot may or may not coincide with a Lot of Record. For the purposes of this definition, the ownership of a lot is further defined to include:

- a. The person(s) who holds either fee simple title to

the property or is a life tenant as disclosed in the records of the Auditor of Porter County, Indiana;

- dd. "Lot Coverage" shall mean the total ground area, within the lot or project, covered by the primary structures plus garages and carports and other accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to the roof.
- ee. "Lot of Record" shall mean a lot which is platted as a part of a subdivision or a lot or a parcel which is unplatted and described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Porter County, Indiana.
- ff. "Materials Alteration" shall mean any change to an approved plan of any type that involves the substitution of one material, species, element, etc., for another.
- gg. "Maximum Density" shall mean a unit of measurement which represents the maximum number of dwelling units permitted to be developed on a particular area of land.
- hh. "Minor Alteration" shall mean any change to the Site Improvement Plans or the approved Preliminary Development Plan of any type that involves the revision of less than ten percent (10%) of the plan's total area, building size/dimensions or approved materials.
- ii. "Open Space" shall mean areas that provide light and air and are designed for environmental, scenic, or recreational purposes. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, wooded areas, and wetlands. Open space may include conservation areas, buffer yards, green-space areas, lakes, ponds, water retention areas, water detention areas, natural environmental features, and landscape easements. Open space shall not include areas devoted to parking lots, Parking Areas or public or private streets or rights-of-way, except for that portion of any right-of-way devoted to a pedestrian pathway/walkway system. Except for Buffer Yards, open space shall be dedicated to the public and accepted, owned by a public or semi-public entity, owned by a controlling Association, owned by the project owners, or be in a similar type of ownership control; for the benefit of the public, members

of the Association or residents of the project.

- jj. "Parent Tract" shall mean a tract of land described by metes and bounds, the description of which has been recorded in the Office of the Recorder of Porter County, Indiana, and describes a District, or a portion of a District.
- kk. "Parking Area" shall mean an area of paving other than an open exhibition or display area; not inclusive of interior access drives, driveways, interior access driveways and access drives: intended for the temporary storage of automobile vehicles, including parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space.
- ll. "Parking Space" shall mean a rectangular area permanently reserved for the temporary storage of one automobile, motorcycle or truck.
- mm. "Preliminary Development Plan" shall mean a specific plan for the development of a District, or a portion of a District, that is submitted for Plan Commission approval.
- nn. "Prior Zoning" shall mean the zoning classifications, as identified in and defined by the Zoning Ordinance and Zone Map, applicable to a discrete piece, parcel, plot or tract of land immediately prior to the enactment of this St Paul PUD Ordinance.
- oo. "Private Street" shall mean a privately-held right-of-way, with the exception of alleys, open for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
- pp. "Primary Structure" shall mean a structure in which the primary or principal use of the lot or parcel on which it is located is conducted.
- qq. "Property" shall mean certain property located in the City of Valparaiso, Center Township, Porter County, Indiana, described

on Exhibit "A" less the land dedicated to the City of Valparaiso on the primary plat of the St. Paul PUD.

- rr. "Public Street" shall mean a publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, open to the general public for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
- ss. "Rear Yard" shall mean a yard extending across the full width of the lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the rear lot line and the rear setback line.
- tt. "Secondary Development Plan" shall mean a specific plan for the development of a District(s), or a portion of a District, that is submitted for Plan Commission approval.
- uu. "Side Yard" shall mean a yard extending across the full length of the lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the side lot line and the side setback line.
- vv. "Sign Program" shall mean Exhibit "K" of this St. Paul Square PUD Ordinance, which creates a legal framework for sign regulations in each District and which may vary from those standards contained in the Unified Development Ordinance.
- ww. "Site Improvement Plans" shall mean all sheets and drawings of the conceptual and detailed plans and specifications for the Property prepared by the Duneland Group dated _____ and approved by the City of Valparaiso, on _____, per the below:

- 1 Title Sheet
- 2 ALTA Survey
- 3 Existing Conditions
- 4 Proposed Plat
- 5 Utilities
- 6 Stormwater Pollution Prevention Plan

7 Stormwater Pollution Prevention Plan Details

- xx. "Street" shall mean a right-of-way; either privately-held or publicly dedicated, accepted, and maintained; established for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
- yy. "Subdivision" shall mean the division of any parcel of land shown, as a unit as part of a unit, or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots for the purpose, whether immediate or future, of transfer of ownership or building development; provided, however, the transfer or exchange of parcels between adjoining land owners shall not constitute a subdivision for purposes of this PUD Ordinance
- zz. "Subdivision Regulations" shall mean the Article 6 and Division 15.800 of the Unified Development Ordinance, as such existed on the date of this Ordinance.
- aaa. "Substantial Alteration" shall mean any change to an approved plan of any type that involves the revision of ten percent (10%) or more of the plan's total area or approved materials.
- bbb. "Trailer Staging" shall be construed to be the parking of the trailer and/or cab of a semi-trailer/truck on the same site for a consecutive time period in excess of 48-hours.
- ccc. "Zone Map" shall mean and refer to the official zone map corresponding to the Unified Development Ordinance.
- ddd. "Zoning Ordinance" or "UDO" or "Unified Development Ordinance" shall mean the Unified Development Ordinance of the City of Valparaiso, Indiana in existence on the date of this Ordinance, not including any subsequent amendment or revision.

Section 4. General Requirements.

Section 4.1. Property Development Standards. Uses on the Property shall comply exclusively with this PUD Ordinance.

Section 4.2. Review and Approval of Development Plans. The approval process for Development Plan shall be governed by the Unified Development Ordinance and by this St. Paul PUD Ordinance.

Section 4.3. Exception for Development Plan Requirements. Except as provided for herein and in the Unified Development Ordinance, the documents and information required to be submitted for the Preliminary Development Plan approval process and the Secondary Development Plan approval process shall generally comply with Article 15 of the Unified Development Ordinance.

Section 5. Development Plan.

Section 5.1. Concept Plan.

5.1(a). Site Plan and Property drawn to scale as depicted on Exhibit "C".

5.1(b). There shall be permitted up to and including a total of forty eight (48) residential units on the Property and the Property shall be used exclusively for residential purposes along with the Community Building uses. The units, Community Building and detached garages may be located generally as depicted on Exhibit "C".

5.1(c). All utility infrastructure shall be located within the rights-of-way of public streets and/or easements established on the Property for the location of utilities.

5.1(d). All areas of the Property located outside the boundaries of a unit on the Property shall be considered common area or limited common area attached to a particular unit, as the case may be owned in an undivided interest by owners of units within the Property. A Community Building being approximately 1,500 square feet shall be located on the Property within the common area along with a Pocket Park located at or near the corner of Chicago Street and Campbell Street along with a common area generally located in the center of the project consisting of approximately .075 acres known as "The Commons". There is no dedicated public open space, but rather common area / open area as part of the common areas of the condominium regime.

5.1(e). A total of 145 parking spaces are provided pursuant to the initial development plan.

- (i) 52 internal parking spaces.
- (ii) 52 "driveway" parking spaces.

- (iii) 36 on-street parking spaces.
- (iv) 5 other off street parking spaces.

5.1(f). Street Reconstruction – Right of Way Dedication

- (i) Campbell Street. 9' of on street parking shall be added. 5' of parkway and 5' of sidewalk shall be added. 18' of right of way shall be dedicated to the City.
- (ii) Academy Street. Academy Street shall be widened and improved in accordance with the terms specified in the detailed comments set forth in the August 29, 2017 site review meeting minutes. A 6' wide sidewalk shall be added abutting the back of the curb and located within the right of way. 12' of right of way shall be dedicated to the City.
- (iii) Chestnut Street. No changes.
- (iv) Chicago Street. No changes.

Section 5.2. Development Schedule.

5.2(a). Demolition and clearing of site estimated to begin on or about September, 2017.

5.2(b). Road and utility infrastructure construction estimated to begin on or about November, 2017.

5.2(c). Construction of initial structure estimated to begin on or about November, 2017.

5.2(d). Completion of all construction on the Property is estimated to be completed on or about the calendar year 2019; provided, however there is no firm date for completion of work and termination of construction on the Property shall be market driven as determined by the Developer.

Section 5.3. Site Development.

5.3(a). It is the initial intent that the St. Paul PUD shall consist of four (4) structures consisting of residential dwelling units and one (1) Community Building structure and four (4) detached garages.

5.3(b). The Property will be developed as an expandable condominium project with each phase of the condominium project containing one structure. Size of each phase varies, but are generally of similar size.

5.3(c). There shall be no limitation or maximum percent of lot coverage on any phase of the Property.

5.3(d). Dumpster enclosure details are provided on Exhibit "D". Signage details are provided on Exhibit "K".

Section 5.4. Density. The gross maximum density on the Property shall be forty eight (48) residential units.

Section 5.5. Building Types.

5.5(a). Residential condominium units and a community building.

5.5(b). Initially planned units range in size from 1,142 square feet to 1,662 square feet.

5.5(c). Three story structures with 2 units plus garages on the ground floor and 4 units on floors 2 and 3. Two-story townhomes units on each end of a structure.

5.5(d). Total of eleven indoor parking spaces per building.

5.5(e). Buildings front elevation primarily consist of brick and wrought iron accents. Sides and rear elevations consist of brick and steel siding. Windows have black cladding. Stairs and balconies include simulated wrought iron finishes. General design, exterior finishes and colors are as depicted on Exhibit "D".

5.6(f). Building set back lines for all yards is as depicted on Exhibit "C". Setbacks on all Property lines shall be ten (10) feet. Maximum building height shall be forty (40) feet which shall be measured from the finished first floor elevation to the mid-point of the eave and the highest elevation of the roof components.

5.7(g). The Developer shall have the right from time to time to adjust, modify or alter the interior configuration of building and number of units within each building in its discretion depending on market conditions and absorption. Prior to any adjustment, modification or alteration, the Developer shall provide the City Planner a copy of the proposed new building type along with a written statement of the reasons for the new plans and shall otherwise be undertaken pursuant to Section 15.506 of the City's Unified Development Ordinance.

Section 5.6. Common / Open Area Maintenance. All land located outside the individual units shall be common / open areas. All common / open areas located with the Property shall be maintained by the condominium property owners association established for the project by and through the Declaration of Condominiums for St. Paul Condominiums.

Section 5.7. Restrictive Covenants. A draft copy of the Declaration of Condominiums for St. Paul Condominiums for the Property is attached hereto as Exhibit "E" and the final form shall substantially conform to Exhibit "E" and be recorded in the Office of the Recorder of Porter County, Indiana and may be amended from time to time as provided for in the Declaration. A copy of the recorded Declaration shall be provided to the City Planner.

Section 5.8. Legal Description. See "Property" definition on Exhibit "A".

Section 5.9. Utility Capacity. The Waste Water Treatment plant and collection system, and the Water Department has capacity available for the Project.

Section 5.10. Site Plan / Review Minutes. The approved Site Plan is attached as Exhibit "C" and Site Review minutes are attached as Exhibit "F".

Section 5.11 & 5.12 Environmental. The Property does not have any unique environmental areas to preserve, or areas of concern, such as wetlands, flood plains, etc. A conservation drain shall be installed in the areas depicted on the Site Plan. A planting list for the conservation drain is listed on the Site Plan and/or Landscape Plan.

Section 5.13. Access.

5.13(a). Access to the Property shall be from the public right of way of Chestnut Street and Academy Street as depicted on the Site Plan.

5.13(b). Internal circulation of traffic on the Property shall be on the paved portions of the Common Area.

5.13(c). 5' wide sidewalks shall be installed along all portions of the Property abutting a public right of way.

5.13(d). No acceleration or deceleration lanes are required.

5.13(e). Parking shall be as set forth in Section 5.1(e).

5.13(f). Valparaiso Velocity bicycle station shall be located on the Property as depicted on the site plan. In the event the Velocity program ceases to exist, a bicycle parking station and rack shall be provided in the same location.

Section 5.14. Rights of Way and Easements. All rights of way and easements are depicted on the Site Plan and/or in the Declaration of Condominiums.

Section 5.15. Lighting. No street lighting is provided; however, the buildings and parking areas shall be permitted to have lighting. The lighting plan for the Project is as provided for in Exhibit E.

Section 5.16. Storm Water Plan. The initial storm water plan is attached as Exhibit "H" which shall include a combination of below and above-ground detention at the southwest corner of the site, the final plan of which is subject to the approval of the City Engineer.

Section 5.17. Erosion Control Plan. The preliminary erosion control plan is attached as Exhibit "I". A final erosion control plan shall be submitted to the City for review and approval in accordance with City and IDEM requirements.

Section 5.18. Landscape Plan. The initial landscape plan is attached as Exhibit "J", the final plan of which is subject to the approval of the City Planner.

Section 6. Effective Date. This Ordinance shall be in full force and effect after its passage and approval by the Common Council of the City of Valparaiso.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Indiana on the ___ day of _____, 2017.

CITY OF VALPARAISO

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. William A. Ferngren

This Instrument Prepared By: William A. Ferngren, Esq., Ferngren Law Offices, LLC, 570 Vale Park Road, Suite B, Valparaiso, Indiana 46385, Telephone (219) 464-4500
bill@ferngrenlaw.com