

ORDINANCE NO. 29-2007

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE CITY OF VALPARAISO AND CREATING A NEW ARTICLE XL ENTITLED "MOT MEDICAL, OFFICE, AND TECHNOLOGY DISTRICT"

WHEREAS, a petition was presented to amend the Zoning Ordinance to introduce a new Article XL entitled "MOT Medical, Office, and Technology District"; and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed hearing on July 19, 2007 and;

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

WHEREAS, the Plan Commission voted to recommend the approval of proposed amendment changes by an 7-0 vote on July 19, 2007.


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

1. That the Zoning Ordinance shall be amended and Article XL "MOT Medical, Office, and Technology District" be created 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 13th day of Aug, 2007.



Jon Costas, Mayor

ATTEST




Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 13th day of Aug, 2007, at 5:15 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 13th day of Aug, 2007, at 5:15 o'clock p.m.



Jon Costas, Mayor

ARTICLE XL

MEDICAL, OFFICE & TECHNOLOGY DISTRICT

SECTION 4010 PURPOSE, AUTHORITY, AND APPLICATION

A. **Purpose.** The Medical, Office & Technology (MOT) District has the following purposes:

1. **General.** This district is a use-based district that is intended to permit the establishment of individual and mixed use developments for a medical center, hospital complex, office, and technology park that may be planned as an integrated campus, and to permit planned expansion of such campuses and parks.
2. **Character.** This district is intended to have a high-quality character, providing sufficiently landscaped green space or pervious area to present a quality appearance, buffer any residential neighbors, and to provide for a campus-wide on-site stormwater management and treatment system and walking opportunities for visitors and employees.
3. **Uses.** The primary uses of this district are intended to include hospitals, health care facilities, offices, or technology facilities or a mix of these which includes offices, laboratories, and other uses that support the primary uses, its patients, visitors, and workforce.
4. **Location and Scale.** This district shall be located with principal access to an arterial road and secondary access to either another arterial road or a collector road. There shall a minimum of two access points.
5. **Infrastructure.** Public water and sewer is required. Electric utilities, communication, and cable television, except transmission lines, shall be located underground.

B. **Authority.** This district is a district which has the development requirement of a development plan, pursuant to IC 36-7-4-1400, *et seq.* (1400 Series. Development Plans).

1. **Application.** The district shall not be applied to land that is less than 50 contiguous acres.
2. Rezoning ordinances that designate property as MOT shall become effective upon adoption of the map amendment designating the MOT by the City Council. If no concept plan is filed pursuant to Section 4030 within 18 months from the date the map amendment was adopted and subsequently approved thereafter, then the map amendment shall terminate and the zoning designation of the land shall revert to its previous designation unless the City Council grants an extension.

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SECTION 4020 PERMITTED USES

In the Medical, Office & Technology District, no land or building shall be erected or used except for one or more of the uses specified in this Section.

- A. Hospitals, subacute hospitals, and nursing homes
- B. Outpatient diagnostic and treatment centers, day surgery centers, rehabilitation clinics, and urgent and emergency care facilities.
- C. Professional offices intended primarily for health care related professions or activities or hospital support services, and offices for non-profit organizations.
- D. Diagnostic or medical laboratories.
- E. Retail and wholesale sales, distribution, storage, repair, and service of durable medical equipment; and storage of medical, dental and surgical supplies.
- F. Helipads, heliports, and helistops.
- G. Medical research and medical educational facilities and activities.
- H. Psychiatric and mental health centers.
- I. Educational facilities for the training of interns, nurses, and allied health care personnel.
- J. Specialized congregate housing meeting the healthcare needs for those of all ages.
- K. Child care centers and pre-schools.
- L. Family day care, group foster care, adult foster care, and adult day care facilities.
- M. Conference facilities.
- N. Ambulance service and maintenance facilities.
- O. Residential dwelling units for those employed within facilities located in the MOT District, or associated with businesses or programs operated within the MOT District so long as such dwelling units are located above the first floor of a building occupied by one or more other permitted uses in the district, and with a minimum of 950 square feet per unit. Deleted: or
- P. Parking decks and garages.
- Q. Hotels and specialized lodging facilities, including those with accessory conference centers and restaurants related to one or more hospitals operating in the district.
- R. Private recreational facilities (indoor and outdoor) to be used by employees and patients of hospitals.
- S. Office Park uses as provided in Article XXXII, Section 3220.
- T. Banks, credit unions, savings and loans and similar financial institutions with drive-through teller windows and automatic teller windows and stand alone automatic bank teller machines and retail and restaurant facilities if the foregoing are contained in multi-user buildings having a gross floor area for each building of no more than 15,000 square feet.

- U. Health clubs and fitness centers.
- V. Chapels, churches, places of worship and related facilities , contained within a building with primary purpose of housing one or more permitted uses listed herein.
- W. Essential services and buildings without outdoor storage and governmental buildings such as township/state/county offices, police/fire stations, libraries, and community centers;
- X. Public or private parks and open space.
- Y. Accessory retail and personal service establishments related to hospitals and other Permitted Uses primarily intended to serve employees, residents, and visitors to the Medical, Office & Technology District including pharmacies, greeting cards, florist, optical sales, financial institutions, cafeterias and restaurants with primary access within the hospital and attached buildings.
- Z. Accessory transit facilities such as bus stops, taxi stands, transit collection points, and shelters.
- AA. Accessory mobile medical technology unit.
- BB. Accessory uses, buildings, and structures customarily incidental to any of the above uses shall be permitted, including on-site utility substations such as heating and cooling plants, bottle gas and storage, laundry, service buildings, materials for maintenance, incinerators (only for waste generated on site), emergency generators, and related electro-mechanical systems.
- CC. Assisted Living Facilities and Centers
- DD. Age-targeted or age-restricted housing facilities and developments
- EE. Health-related museums
- FF. Pharmacies, contained within a building with primary purpose of housing one or more permitted uses listed above.
- GG. The following uses are permitted subject to the conditions and requirements of Section 4040(E)(5):
 1. Power plant
 2. Utility substations
 3. Substance abuse treatment centers
 4. Incinerator
 5. Maintenance heliport
 6. Helipad
 7. Wastewater treatment facility

SECTION 4030 CONCEPT PLAN APPROVAL

- A. **General.** Development within an MOT district shall be pursuant to a concept site plan approved by the Planning Director after consultation with the petitioner. The concept plan shall be construed to be a “development plan” within the meaning of Ind. Code 36-7-4-1400 *et. seq.*
- B. **Content of Concept Plan.** The concept plan shall indicate:
 - 1. The layout of the site and general configuration and height and floor area of all buildings.
 - 2. The location of parking areas and open space.
 - 3. The proposed uses of buildings and land areas.
 - 4. The location of areas for storm water management.
 - 5. The location and dimensions of landscape buffers.
 - 6. Vehicular and pedestrian circulations systems within the site and connections to off-site systems.
 - 7. Project phasing.
 - 8. A palette of signage with a unified design theme to be used within the district for wayfinding, building identification, and public safety shall be required for the final concept plan.
 - 9. A set of architectural guidelines or pattern book shall be submitted for approval with the final concept plan. This document shall control the general materials, massing, and style of buildings, and shall provide the basis for subsequent approvals of individual buildings by City Staff.
- C. **Approval Process.**
 - 1. Application for concept plan approval shall be submitted on a form approved by the Planning Director, together with the required materials, including the proposed concept plan map in accordance with Section 4030(B), and the prescribed fee approved by the Common Council. The Planning Director shall review the application for completeness and notify the petitioner in writing of any deficiencies. The Planning Director shall consult other department heads and staff as necessary in order to make this determination.
 - 2. If the application is complete, the Planning Director shall review the concept plan for compliance with the Zoning Ordinance, including this Article, and issue a written determination to the applicant within 10 calendar days, which determination shall approve the concept plan, deny the concept plan, or approve the concept plan certain to revisions necessary to bring the concept plan into compliance with the Zoning Ordinance..
 - 3. Decisions of the Planning Director may be appealed to the Plan Commission pursuant to Ind. Code 36-7-4-1404.
 - 4. Amendments and modifications to the concept plan may be submitted for approval and reviewed in the same manner as for the original concept plan.
- D. The City Site Review Process as outlined in Article XXXV of the Zoning Ordinance shall succeed the approval process outlined in item C above.

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SECTION 4040 SITE DESIGN AND ARCHITECTURAL STANDARDS

All uses and development in the Medical, Office & Technology District shall be in accordance with the following:

A. Access and vehicular circulation.

1. Principal access points to the district from public streets shall be from streets that are classified arterial according to the City Thoroughfare Plan.
2. Individual uses shall take access via an internal street system, which shall be designed to keep trips from one use to another within the district off of adjacent streets.
3. Notwithstanding subsection A.3., emergency room access may be taken from a collector street to facilitate improved response times.
4. If the thoroughfare plan indicates that an adjacent street is a "future" arterial or collector, then the street shall be improved along the boundary of the property to City specification for the anticipated type of street. The timing of the improvement shall correspond to the approval of that part of the development in which the peak hour use of the street serving as the principal access will be projected to exceed its design capacity at the access point (improvement of the street shall be a condition of such development).
5. Connections shall be provided between phases within the district and between the district and adjacent property that facilitate movement between related and supporting uses without forcing use of arterials and collectors.

B. Parking. Parking shall be provided as set out in Article VII of the Zoning Code.

C. Pedestrian Circulation.

1. A pedestrian system shall be developed that provides for connections between buildings and between parking areas and buildings.

D. The provision of a recreational trail and exercise trail shall be considered desirable

E. Setbacks, Landscape Buffers, and Site Landscaping. Setbacks, landscape buffers, and site landscaping shall be provided as follows:

1. Arterial and collector streets:
 - a. Minimum width of buffer: 20 feet
 - b. Minimum buffer landscaping per 100 linear feet:
 - i. 1.6 canopy trees
 - ii. 1.6 understory trees
 - iii. 1.6 conifers
 - iv. 18 shrubs
2. Perimeter streets which encircle the entire district:
 - a. Minimum width of buffer: 15 feet
 - b. Minimum buffer landscaping per 100 linear feet:
 - i. 1 canopy tree
 - ii. 1 understory tree
 - iii. 1 conifer
 - iv. 15 shrubs

3. Abutting nonresidential zoning district:
 - a. Minimum width of buffer: 5 feet
 - b. Minimum buffer landscaping per 100 linear feet:
 - i. 1 canopy tree
 - ii. 1 understory tree
 - iii. 1 conifer
 - iv. 11 shrubs
4. Abutting residential zoning district, generally:
 - a. Minimum width of buffer: 25 feet
 - b. Minimum buffer landscaping per 100 linear feet:
 - i. 2.25 canopy trees
 - ii. 2.25 understory trees
 - iii. 2.25 conifers
 - iv. 25 shrubs
5. Buffer between any power plant, incinerator, maintenance heliport, helipad, substance abuse centers, wastewater treatment plants, and residential zoning districts or
 - a. Minimum setback: 200 feet. If feasible, one or more nonresidential buildings shall be located between residential uses or residentially zoned property and the power plant, incinerator, maintenance heliport, or helipad.
 - b. Minimum width of buffer (to be located within setback area, closest to the district boundary line): 25 feet
 - c. Minimum buffer landscaping per 100 linear feet:
 - i. 3 canopy trees
 - ii. 3 understory trees
 - iii. 3 conifers
 - iv. 33 shrubs
6. Site Landscaping of yards or green spaces as required by Section 4050 (E)(3) shall be provided as follows:
 - a. Canopy trees or conifers: 10 per acre of required landscaped area
 - b. Understory or ornamental trees: 15 per acre of required landscaped area
 - c. Shrubs: 100 per acre of required landscape area

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F. Minimum Standards for Landscape Material. Landscaping shall meet the following minimum standards at the time of installation.

1. Canopy trees: 3 inch caliper
2. Understory trees: 1-1/2 inch caliper or six feet high
3. Conifers: 8 feet high
4. Shrubs: 3 feet high

G. Emergency Room Entrances.

1. Emergency room entrances must face away from any residentially zoned or used property within 1,000 feet.
2. If such orientation is not feasible, then the following buffer between the entrance and abutting street shall be required:
 - a. Minimum width: 20 feet.
 - b. Landscaping: 8-foot high wall, architecturally compatible with the primary structure and planted with conifers on both sides, staggered and spaced 20 feet on center.

H. **Street Trees.** All streets (public or private) shall be landscaped with canopy trees at 2 per 100 linear feet. This may be averaged to avoid problems with curb cuts.

I. Parking Lot Landscaping.

1. There shall be one canopy tree planted for every 12 spaces in the parking lot. The developer is encouraged to integrate parking lot landscaping into the storm water system to assist in cleaning the run-off. Species that are water tolerant must be selected for this purpose.
2. Where parking is visible from roads or residential areas, a berm, hedge, or wall 4.5 feet in height shall be used to screen the parking from view. A berm with plantings that complete the screening may meet the height in combination with a wall.
3. No parking shall be permitted in required bufferyards.

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J. Signs

1. **Site Signage.** Only the following signage is permitted within areas that are visible from public streets up to a distance of 50 feet from the district boundary:
 - a. One monument type ground sign at the principal entrance to the district, located to facilitate wayfinding. The sign shall meet the following standards:
 - i. Maximum width: 12 feet
 - ii. Maximum height: 10 feet
 - b. One monument type ground sign per frontage (not including the sign permitted at the principal entrance by J.1.a., above), located at an entry to the district. The sign shall meet the following standards:
 - i. Maximum width: 10 feet
 - ii. Maximum height: 15 feet
 - iii. Each site is permitted (a) a monument type, ground sign no more than 10 feet in width and 15 feet in height and (b) one additional monument type, ground sign of the same or smaller size for every 1,000 feet of Front Yard frontage in excess of 1,000 feet on the Signature Street or adjacent street of collector classification or greater. Each site is also permitted a monument, style ground sign that identifies the project and one occupying entity within the project. Mounding and other innovative sign treatments are especially encouraged in this area. Pole-mounted signs are not permitted. All other signs permitted in the C-3 District are permitted in the Medical, Office & Technology District.

iv.

2. **Internal Signage.** Internal signage shall be consistent with the palette of signage approved with the concept plan. Except as otherwise specified below, signage internal to the district shall comply with the following standards:
 - a. Maximum sign area: 36 square feet per frontage
 - b. Maximum sign height: 8 feet
 - c. Permitted sign types:
 - i. Monument signs
 - ii. Wall signs, which may be as large as 0.4 square feet per lineal foot of building frontage, notwithstanding the maximum sign area described above. On buildings exceeding two stories in height or exceeding 50,000 square feet, one additional wall sign not to exceed 2 square feet is permitted per lineal foot of building frontage per building frontage.
 - iii. Directory signs
 - iv. Only traffic signs (e.g., street names, stop signs, yield signs, and the like) are permitted to be mounted on poles.
 - d. Where not in conflict with this ordinance, the City of Valparaiso Sign Standards as detailed in Article IX shall apply.

SECTION 4050 DEVELOPMENT STANDARDS

The following development standards shall apply in the MOT District:

- A. **Minimum lot area.** No requirements
- B. **Minimum lot width.** If the district is subdivided into individual buildings lots, each lot must be sufficient for the proposed building to be located on it.
- C. **Setback from inside edge of sidewalk (or front yard, if district is subdivided).**
 1. No front yard is required where the building faces on a sidewalk with street trees.
 2. Where there is to be a setback, the setback shall be a landscaped area of:
 - a. 5 feet if the entire landscaped area is in trees and shrubs, or decorative grasses; and
 - b. 12 feet where grass that requires mowing is planted.
- D. **Building spacing (or side yard, if district is subdivided).**
 1. A side setback, if provided, shall be at least 6 feet. Buildings that are not designed as a connected block must be separated by at least 12 feet on the sides. Buildings that are designed as a connected block do not require side setbacks.
 2. All buildings shall have at least 15 feet of rear setback to service streets or other building rear setback lines, whichever is closer to the building.
- E. **Intensity.** The overall intensity within the district shall not exceed the following standards:
 1. Maximum floor area ratio: 0.60
 2. Minimum landscaped surface ratio for entire campus: 0.30

3. Minimum landscaped surface ratio for an individual lot within the campus, if the campus is subdivided: 0.10
4. Maximum height of buildings: 8 stories or 110 feet, whichever is lower. However, no building shall be set back from the perimeter of the district less than 1.25 feet for every foot of building height. A building with staggered height shall meet the setback at each height level.

SECTION 4060 OVERLAY ZONES

Medical, Office & Technology Districts are well suited for location along Signature Corridors, which are regulated by the overlay ordinance set out in Article XXIX. Some provisions of the overlay ordinance, however, are not consistent with creating the types of environments envisioned by this Article. Therefore, the terms of this Article shall control and apply where a conflict between this Article and Article XXIX occurs; however, Sections 2935(1), 2935(2), 2935(3), and 2940 shall specifically apply to developments in an MOT district. Unless defined otherwise in this Article, defined terms in this Article will have the definitions as defined in Article XXIX, and if not in Article XXIX, in the zoning ordinance.

PROJECT COMPLIANCE

For purposes of any Campus that is developed as a unified Campus, the Architectural and Site Design Standards in Section 4040 and the Development Standards in Section 4050 shall apply to the Campus as a whole, regardless of the number or location of individual lots within the Campus. The standards may be varied throughout the Campus so long as the standards for the Campus as a whole comply with this Article.