

ORDINANCE NO. 50-2005

AN ORDINANCE AMENDING ARTICLES IV, IX, XVII, XVIII, and XXIX OF THE ZONING ORDINANCE FOR THE CITY OF VALPARAISO

WHEREAS, a petition was presented to amend the Zoning Ordinance Articles IV, IX, XVII, XVIII, and XXIX; and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed hearing 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 a 8-0 vote on October 11, 2005.

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

- 1. That Articles IV, IX, XVII, XVIII and XXIX of the Zoning 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 14th day of Nov, 2005.

Jon Costas

Jon Costas, Mayor

ATTEST:

Sharon Swihart
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 14th day of Nov, 2005, at 8:25 o'clock p.m.

Sharon Swihart

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 14th day of Nov, 2005, at 8:25 o'clock p.m.

Jon Costas

Jon Costas, Mayor

Part II
Article IV

GENERAL PROVISIONS

Section 470 Fences, Walls and Other Protective Barriers

1. APPROVAL BY BUILDING COMMISSIONER. The erection, construction or alteration of any fence, wall, or other type of protective barrier shall be approved by the Building Commissioner for conformance to the requirements of the zoning district in which they are located and for conformance to the requirements of this Section.
2. REQUIREMENTS FOR FENCES, WALLS, AND HEDGES. Fences, wall, or hedges, which are not specifically required under the regulations for the individual zoning district, shall conform to the following requirements:
 - a. No fence, wall, or hedge in excess of six (6) feet, or less than three (3) feet in height shall be erected or maintained along the line dividing two lots or parcels of land or erected within any required side or rear yard.
 - b. No fence, wall, or hedge shall be erected or maintained in the front yard more than four (4) feet in height or closer than six (6) inches to any public sidewalk.
 - c. All fences erected shall be of an ornamental type such as treated wood, painted wood, treated split rail, ornamental wrought iron, split rail, vinyl, brick, stone, open picket (with 40 % open space between pickets in any front or corner side yard), chain link (not permitted in any front or corner side yard), and similar materials commonly used in urban residential applications as deemed appropriate by the Planning and Building Department. Scrap lumber, plywood, sheet metal, plastic, or fiberglass sheets are expressly prohibited. Barbed wire, spikes, nails, or other sharp point or instrument on top or sides of such fence are prohibited.
 - d. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings, industrial properties, or wherever, in the opinion of the Building Commissioner, such are necessary or expedient in the interest of public safety or protection of property.
 - e. All fences shall be constructed with the finished side of the fence facing out toward the property line or neighboring property where applicable.
3. OBSTRUCTION OF VIEW AT INTERSECTIONS. No fence, wall, or structure, or planting shall be erected, established, or maintained on any corner lot within twenty (20) feet of the intersection of the street lot lines, except that shade trees are permitted where all branches are not less than eight (8) feet above the road level.

Part II
Article IX

SIGN ORDINANCE

SIGNS PROHIBITED IN ALL DISTRICTS

Section 906 Prohibited Signs; Special Exemptions with Written Permit

(A) Signs Prohibited in All Districts. Subject only to the exemptions set forth in sub § (B) of this section, the following signs are hereby expressly prohibited as to erection, construction, creation, maintenance, repair, alteration, location or relocation within the City:

1. Portable Signs, except as otherwise expressly permitted by § 930 of this Ordinance;
2. Animated Signs;
3. Chaser Signs;
4. Flashing Signs;
5. Inflatable Displays;
6. Wind Signs;
7. Any sign on a motor vehicle or on a semi-trailer with or without tractor which can be seen from the street if circumstances, including the absence of vehicular use and/or the fact that the vehicle or semi-trailer carries no current motor vehicle registration or license plate, demonstrate that the primary use for said vehicle or semi-trailer is the

advertisement of a business, product, or service of a business located on the premises where such a vehicle is parked. (Trailers used for construction purposes during the course of construction on site are exempt from this section.) Any such sign advertising a business, product, or service not conducted or available on site is an off-premise sign;

8. Off-Premise Signs except as expressly permitted in M-1 and M-2 districts;
9. Any sign attached to or painted or otherwise rendered on a bench or seat which is located outside a building or structure on a public sidewalk or right-of-way. (Such a sign on a bench or seat not on a public sidewalk or right-of-way is not prohibited by this provision but must comply with all other regulations and its surface area shall be included in the total allowable surface area permitted for the building);
10. Signs which advertise a business which has not been conducted within the past 90 days, or a product or service which has not been offered for sale within the past 90 days, on the premise where such sign is located; if otherwise in compliance with this Ordinance, a sign may be located at such location indicating a move of such business to another location for a period of time not exceeding ninety (90) days from the date of discontinuance of the business at the sign's location;
11. Signs which use string lights or any unshielded light within public view if used in connection with commercial premises for commercial purposes except that this shall not include: (a) holiday decorations at holiday time; or (b) non-flashing neon window signs.
12. Any sign or sign structure determined by the Building Commissioner to be:
 - a. structurally unsafe; or
 - b. a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
13. Any sign which obstructs the vision of drivers, or unduly distracts the attention of drivers, or obstructs the visibility of any traffic sign or traffic control device by reason of size, location, coloring, or illumination;
14. Any sign which obstructs free ingress and egress from a required door, window, fire escape, or other exitway, and any other sign prohibited by the building code;
15. Signs with a commercial purpose which make use of words such as "Stop," "Look," or "Danger," or other similar words, phrases, symbols, or characters in such a manner as to imply the need of stopping or the existence of danger;
16. Any sign unlawfully installed, erected, or maintained;
17. Any sign or other advertising structure containing any obscene, indecent, or immoral matter;
18. Any sign placed or installed in or on any parkway, alley, public street, easement or right-of-way as established by the official thoroughfare plan except as may be authorized by the Board of Public Works and Safety;
19. Any sign not in compliance with Federal or State law;
20. Any sign which is constructed or installed in such a manner as to overhang a public street, sidewalk, or right-of-way, except as otherwise expressly permitted by this Ordinance;
21. Snipe Signs;
22. Signs which are accessory to an unlawful use.

(B) Exemptions by Special Permit.

- ~~(1) Exemptions for Grand Openings. A business or other venture commencing its activities on a site shall be, for a period of one week prior to such opening and for two weeks after such opening, if such business applies to the Building Commissioner for an exemption and pays a fee as set by the Common Council, granted exemption from the prohibitions in §§ 1-7 in sub§ (A) above. The surface area of these signs shall not be counted toward the maximum sign surface area permitted nor subject to any height regulation.~~
- ~~(2) Exemptions for Special Promotions. Upon application to the Building Commissioner and payment of a fee as set by the Common Council, a business or other venture engaging in special promotions shall be granted exemption from the prohibitions in §§ 1-7 in sub§ (A) above for a period or periods totaling up to 2 weeks per calendar year. The application shall indicate the exact period or periods of the special promotion(s). The surface~~

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area of these signs shall not be counted toward the maximum sign surface area permitted or subject to any height regulation.

REGULATIONS IN COMMERCIAL DISTRICTS
Section 909 Signs in Commercial Districts

(K) Moveable Signage Boards. Placement of moveable signage boards to display daily specials (such as sandwich boards) shall be permitted according to the following:

1. Limited to one sign board per tenant/business with the total area of the sign not exceeding seven (7) square feet per business.
2. All signage boards shall be professionally designed, printed and mounted on durable signage board.
3. Signage shall be limited to the advertisement and sales of merchandise or services directly associated with the business type.
4. Such signage shall be permitted to be displayed on pedestrian walkways located adjacent or nearly adjacent to the entrance of an establishment. Such signage shall not be placed in any drive or access area, nor placed within any landscape area. Such signage shall not be used as a replacement for directional signage.
5. Such signage shall be located a maximum of ten (10) feet from an public entrance to an establishment.
6. Such signage shall be brought inside at dusk or close of business day each day
7. Such signage shall not block or impede pedestrian rights of way or walkways
8. Such signage shall not be internally or externally directly illuminated.

Part III

Article XVII

R-3, MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 1750 Area, Height, and Placement Requirements

1. Minimum lot area:
 - a. Single-unit dwelling: 6,000 square feet
 - b. Two-unit dwelling: 3,000 square feet per dwelling unit
 - c. Multiple dwelling: 2,500 square feet per dwelling unit
 - d. No multiple dwelling structure shall be erected on a lot or parcel which has an area of less than nine thousand (9,000) square feet.
 - e. There shall not be more than one (1) building on any lot, tract, or parcel of land and not more than six (6) dwelling units per building, except as otherwise provided in the Site Development Ordinance
2. Minimum floor space per dwelling unit: Where ever multiple dwellings or any apartment dwellings are located in the R-3 district, the minimum required floor space per unit shall be as follows, unless otherwise provided for in this Article
 - a. Efficiency unit: 400 square feet
 - b. One bedroom unit: 600 square feet
 - c. Two bedroom unit: 750 square feet
 - d. Three bedroom unit: 900 square feet
 - e. Plus one hundred (100) additional square feet for each bedroom in excess of three (3) bedrooms in a multiple family dwelling unit.
3. Lot width: Not less than fifty (50) feet for single-unit dwellings,
Not less than sixty-five (65) feet for two-unit dwellings, and
Not less than one hundred (100) feet for multiple dwellings.
4. Minimum Yard requirements:
 - a. Single- and two-unit dwellings: same as R-2
 - b. Multiple dwellings:
 - 1.) Front Yard: Twenty-five (25) feet.
 - 2.) Side Yard: Two side yards having a combined width of sixteen (16) feet, with one side yard not less than ten (10) feet in width for properties of one acre or

less in size. 30 feet for properties of one (1) acre or more in size

- 3.) Rear Yard: Not less than thirty (30) feet in depth
5. Maximum lot coverage: 60%, unless otherwise provided in this Article
6. Maximum height of buildings:
 - a. Single- and two-unit dwellings: same as specified in R-2.
 - b. Multiple dwellings: three (3) stories, but not more than forty (40) feet.
7. Off-street parking: See Article VII.

Part III
Article XVIII

R-4, GENERAL RESIDENCE DISTRICT

Section 1850 Area, Height, and Placement Requirements

1. Minimum lot area:
 - A. Single-family dwellings 5,000 square feet
 - B. Two-family dwellings 3,000 square feet per dwelling unit.
 - C. Multiple dwellings 2,000 square feet per dwelling unit.
 - D. No multiple dwelling structure shall be erected on a lot or parcel of land which has an area of less than ten thousand (10,000) square feet.
 - E. There shall not be more than sixteen (16) units in any one building and not more than one building on any one lot, tract, or parcel of land except as otherwise provided in the Site Development Ordinance.
2. Minimum floor space per dwelling unit: Wherever multiple or apartment dwellings are located in the R-4 district, the minimum required floor space per unit shall be the same as required in the R-3 district.
3. Lot width: Not less than fifty (50) feet for single-unit dwellings, not less than sixty-five (65) feet for two-unit dwellings, and not less than eighty (80) feet for all other dwellings in this district.
4. Minimum yard requirements:
 - A. Single- and two-unit dwellings: same as R-2.
 - B. Multiple dwellings:
 - 1.) Front Yard: not less than thirty (30) feet in depth.
 - 2.) Side Yard: ~~two side yards for a combined width of twenty (20) feet with each side yard not less than ten (10) feet in width. A side yard abutting a street shall not be less than thirty (30) feet in width.~~ not less than thirty (30) feet in depth
 - 3.) Rear Yard: not less than thirty (30) feet in depth.
5. Maximum lot coverage: 60%
6. Maximum height of buildings: Three and one half (3 1/2) stories, but not more than forty (40) feet.
7. Off-street parking: See Article VII.

Part IV
Article XXVII

SUBDIVISION REGULATIONS

Section 2720 Subdivision Application Procedure and Approval Process

Whenever any owner of land lying within the jurisdiction of the Commission desires to subdivide the same, the subdividing owner shall apply for and shall secure approval of such subdivision in accordance with the following procedures:

A. Application Procedure and Requirements

Prior to subdividing any land, an owner of the land or his representative shall submit a petition and attachments for a Primary Plat approval of subdivision plat. The application shall:

- 1) Be filed to the attention of the Executive Director at least thirty (30) days prior to the date of the next regularly scheduled Commission meeting.
- 2) Be made on forms available at the City Planner's Office.
- 3) Be signed by the subdivider, land owner of record, and a professional land surveyor, licensed to practice in the State of Indiana.
- 4) Be accompanied by a fee as set in the most recent City Ordinance.

B. Primary Plat Approval

- 1) Application and Procedure Requirements:

- a. An applicant for subdivision approval shall provide the Commission with 12 copies of the primary plat of the proposed subdivision. The Primary Plat shall indicate the manner in which the proposed subdivision is coordinated with the master drainage plan and the Comprehensive Plan, and shall specify how the proposed subdivision relates to the requirements of the Official Thoroughfare Plan, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage, and other developments existing and proposed in the vicinity.
 - b. The applicant shall also provide the Commission with the following information and documents for inclusion in the Development Plan:
 - i. A location map showing:
 - the subdivision's name and location.
 - any thoroughfares relating to the subdivision.
 - existing elementary and high schools, parks, and playgrounds serving the area proposed to be subdivided and other community facilities.
 - title, scale, north point and date.
 - ii. A primary plat containing:
 - a soil map with interpretations for the planned use.
 - a general water management plan utilizing conservation measures to adequately handle the surface and sub-surface drainage, both on-site and off-site.
 - a soil stabilization plan for reducing to minimum erosion and sediment damage, both on- site and off-site.
 - iii. A description of the protective covenants and private restrictions to be incorporated in the plat of the subdivision.
- 2) Contents of Primary Plat:
The primary plat shall conform to the requirements contained in Section 2725 of this Ordinance.
- 3) Referral to the Planning staff:
- a. The Executive Director shall refer the application and Primary Plat together with all other required documents to the Plan Commission, and Site Review Committee.
 - b. The Planning staff shall review the application for technical conformity with the standards fixed in the Subdivision Regulations. The Planning staff may transmit the Primary Plat to appropriate officials of agencies of local government, schools, and special districts and other official bodies as it deems necessary for consideration and review.
 - c. The Planning staff and Site Review Committee shall study the primary plat and reports of any other agency taking into consideration the requirements of the subdivision regulations and the best use of the land being subdivided. Particular attention will be given to the arrangement, location, and width of streets, the number of access points per lot, their relation to the topography of the land, sewage disposal, drainage, lot sizes and arrangements, the further development of adjoining lands as yet unsubdivided and requirements of the Comprehensive Plan.
 - d. The Planning staff may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative.
 - e. The Planning staff will work with the developer to comply with the Development Plan requirements.
 - f. The Planning staff shall within thirty (30) days after receipt announce the date for public hearing to be held on the Primary Plat and draft Development Plan.
- 4) Public Hearing:
The Plan Commission shall hold a public hearing on the Primary Plat and Development Plan. It shall give notice of the hearing in accordance with the rules of the Plan Commission then in force and pursuant to the terms of Indiana Code 5-3-1-1 through 5-3-1-9. It shall additionally give notice to all interested parties at least ten (10) days before the date set for hearing.

5) Field Trip:

The Plan Commission may schedule a field trip to the proposed subdivision, accompanied by the applicant or his representative.

6) Primary Plat and Plan Commission:

After the Plan Commission has received the Primary Plat and draft Development Plan, the report of the Planning staff, and any and all testimony and exhibits submitted at the Public Hearing, the Plan Commission shall determine if the primary plat complies with the standards set forth in this Ordinance, and if the Development Plan reflects these. If the Commission determines that the plat complies with the standards set forth in this Ordinance, it shall make a decision granting primary approval of the plat.

If the Plan Commission determines that the plat does not comply with the standards set forth in this Ordinance, or the Development Plan doesn't comply with Section 3520, it shall disapprove the plat in writing making written findings setting forth the Commission's reasons for the disapproval. Said decision shall be in writing and signed by the Executive Director of the Plan Commission and shall be provided to the applicant.

As a condition of primary approval of a plat, the Commission may specify in the Development Plan:

- a. The manner in which public ways shall be laid out, graded and improved.
- b. A provision for water, sewage, and other utility services.
- c. A provision for lot size, number and location.
- d. A provision for drainage design.
- e. A provision for other services as specified in the Subdivision Regulations.

The Commission shall approve or disapprove the Primary Plat and Development Plan within one hundred twenty (120) days after the Public Hearing has been adjourned or closed.

The approval of the Primary Plat and Development Plan shall be effective for a period of eighteen (18) months, at the end of which time Secondary Plat approval on the subdivision must have been obtained from the Plan Commission, or an extension of the Primary Plat approval be obtained from the Commission. Any plat not receiving Secondary approval within the period of time set forth herein shall be null and void and the applicant shall be required to submit a new Primary Plat for approval subject to all the new zoning restrictions and subdivision regulations.

C. Secondary Subdivision Plat

1) Application and Procedure Requirements:

Following the approval of the Primary plat, the applicant shall file with the Commission a Secondary Plat. The Secondary plat shall be presented to the Executive Director at least 14 days prior to the regular meeting of the Commission.

2) Secondary Approval

The Commission shall, within one hundred twenty (120) days after the receipt of the request for Secondary Plat approval, approve or disapprove the Secondary Plat. The action may come at any time after the Primary Plat approval.

If the Secondary Plat is approved by the Commission the original plat shall be signed by both the Executive Director and the Chairman, or presiding officer of the Commission. The signing shall only occur after the receipt of one of the following:

a. A certificate from the City Engineer stating that:

- i) All of the improvements and installations required under the approved construction drawings and existing ordinances have been properly installed and have been accepted by the Board, and
- ii) that an appropriate surety guaranteeing the workmanship and material for a period of one (1) year from the date of final acceptance has also been received and approved by the Board.

b. A certificate from the City Engineer stating that the Board has accepted appropriate surety from the developer guaranteeing the construction and installation of the improvements required under the approved construction drawings and existing ordinances and guaranteeing all workmanship and material for a period of one (1) year from the date of final acceptance of the improvements by the Board.

D. Property Currently Subject to an Annexation Petition

A property owner, who has a pending annexation petition before the City, may file an application to subdivide as provided in Section 2720. No secondary plat approval shall be sought or granted until the annexation process is completed. If the annexation petition is dismissed, withdrawn or denied, the subdivision application shall automatically be dismissed, unless a new annexation petition is filed with the City, which includes the property to be subdivided, and written request is made by the property owner, within 30 days of the annexation petition being dismissed, withdrawn or denied, requesting that the subdivision process continue.

**Part IV
Article XXIX**

SIGNATURE CORRIDOR OVERLAYS AND GATEWAY DEVELOPMENT

Section 2910 Scope of Application

This ordinance covers development and redevelopment within 600 feet of the right-of-way along both sides of the following corridors: Washington Street from Morthland to Lincolnway; Lincolnway from west city limits to LaPorte and ~~State 49~~ east city limits; Morgan/Calumet from Lincolnway to ~~Burlington Beach Road~~ north city limits; along both sides of the Local Signature Streets: 700N from State 149 to State 49; State Route 2 from 150W to Morthland; Campbell St. from Lincolnway to 700N; Vale Park Road from State 130 to State 49; Burlington Beach Road from Calumet to State 49; Calumet from Burlington Beach to 700N; Silhavy Road from US 30/Morthland Drive to Calumet; and Regional Signature Streets: US 30/Morthland Drive from Joliet to Porter/LaPorte County line; State 49 from Division to 700N; and State 149 from State 130 to 700N (see Figure 8).

**Section 2932 Identification of Types and Locations of Signature Streets
Signature Streets**

These corridors are shown on Figure 8. They have been selected for their ability to link the entire community and where the most development and redevelopment are happening. They are very important circulation routes and gateways into and out of the City. Both sides of these streets are included in this ordinance. Prototypes of recommended intensity of design and appropriate design concepts and materials are presented in Figures, 9 and 9.5 Both these design prototypes are intended to show how a signature corridor can be comprehensively designed. They do not represent any actual street segments in Valparaiso but instead are reasonable prototypes of the kind of roadway cross-sections and abutting development that should occur over time as Valparaiso develops.

1. Highest Priority Signature Streets

The highest priority signature streets are those with the most development and redevelopment potential. They are also the major access points into and out of the City. Highest priority signature streets are both sides of:

- Washington Street from Morthland to Lincolnway
- Lincolnway from Center to LaPorte and ~~State 49~~ east city limits
- Morgan/Calumet from Lincolnway to Burlington Beach Road

2. Local Signature Streets

The Local Signature Streets are arterials that carry both local and through traffic through the city. They could be designated limited access streets. Local Signature Streets are both sides of:

- 700N from State 149 to State 49
- Vale Park Road from State 130 to State 49
- Calumet from Burlington Beach Road to 700N
- Burlington Beach Road from Calumet to Bypass 49

- State Route 2 from 150W to Morthland (US 30)
- Campbell St. from Lincolnway to 700N
- Silhavy Road from Morthland (US 30) to Vale Park Road

3. **Regional Signature Streets**

Regional Signature Streets are local state and federal highways that are used by local residents and visitors and people passing through the City and County. Regional Signature Streets are both sides of:

- Bypass 49 from Division to 700N
- State 149 from US 30 to 700N
- US 30/Morthland Drive from Joliet to Porter/LaPorte County