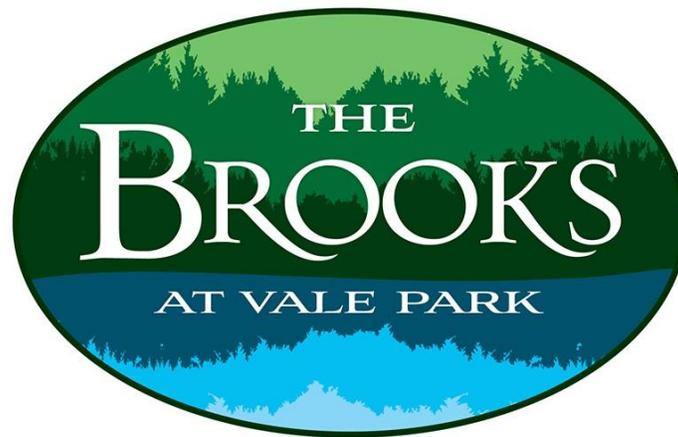


The Brooks at Vale Park



**AN ORDINANCE ESTABLISHING
PLANNED UNIT DEVELOPMENT DISTRICTS**

CITY OF VALPARAISO

ORDINANCE NO. _____



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ORDINANCE NO.

**AN ORDINANCE ESTABLISHING
PLANNED UNIT DEVELOPMENT DISTRICTS**

The Brooks at Vale Park

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 mix style residential homes and regional storm water basins, 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 Brooks at Vale Park PUD District has been filed by VJW Limited, LLC (hereinafter sometimes referred to as "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 Developer has incorporated into the project improvements and infrastructure which will result in additional storm water improvements benefitting the management of the City's storm water sewer distribution systems throughout the City of Valparaiso, completion of the Vale Park Road connection, and other public and private recreational amenities within the community; and

WHEREAS, the Advisory Plan Commission has sent a favorable recommendation relating to such Application to the Valparaiso Common Council dated the ___ day of _____, 2019; and

NOW, THEREFORE, BE IT, AND IT IS HEREBY, 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 Brooks at Vale Park 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 plan community being proposed which combines single-family and multi-family residences adjacent to and around the extension of Vale Park Road through the Property (defined herein) is a good land use believed to be in the 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. Developer shall have the right to seek joinder of additional parcels of land contiguous to the District as part of the District, which such joinder shall occur only upon the approval by the Common Council on such terms and conditions as the Common Council may establish following the written application by Developer and review and recommendation of the Valparaiso Plan Commission.

Section 2. Applicability of The Brooks at Vale Park 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 The Brooks at Vale Park Planned Unit Development District.

Section 2.2. Controlling Ordinance. Development of the Property shall be governed entirely by the provisions of this The Brooks at Vale Park 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 The Brooks at Vale Park 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, not including any subsequent amendment or revision) shall be applicable to the Property. After the enactment of this The Brooks at Vale Park 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 2.3. Platting Exception. This The Brooks at Vale Park PUD Ordinance shall control whether or not any land within a District shall be required to be platted (see Sections 15 and 16 for the Development Plan procedure) and under what circumstances the approval of subdivision plats are required. The approval of subdivision plats, when required by this The Brooks at Vale Park PUD Ordinance, shall be in compliance with the provisions of this The Brooks at Vale Park PUD Ordinance. The Districts shall be platted pursuant to the provisions of the Subdivision Regulations, except the Multi-Family Residential District is not required to be platted. Condominium development shall be governed by Indiana Code Section 32-25. Land not required by this The Brooks at Vale Park PUD Ordinance to be approved as a subdivision plat may be subdivided through the recording of a metes and bounds legal description; however, at the option and discretion of the owner, such lands may nonetheless be platted, even though they are not required to be platted under this The Brooks at Vale Park PUD Ordinance.

Section 2.4 Storm Water Management. When designing and reviewing storm water management systems within the property, rates and volumes of storm water shall be computed using Bulletin 70 rainfall amounts and Huff distributions. Calculations shall be made using a commercially available TR-20 computer program such as Hydrographs which is incorporated into AutoCAD civil 3D. Methodologies published in technical manual TR 55 shall be used.

The Regional Storm Water Management District shall include retention and or detention basins for the storage and treatment of storm water generated by the intended improvements throughout the property in all districts and subdistricts cumulatively and also off-site flows from upstream tributary areas.

The Regional Storm Water Management District shall be designed and constructed by Developer so as to provide appropriate developmental storage to achieve a nominal release rate of 0.5 CFS per acre and no less than sixty (60) acre-feet of excess storage capacity. Certain areas of the site shall be excluded from these requirements which are depicted on Sheet 2 of Exhibit C identifying exclusion areas.

The storm water drainage plan shall include the re-routing of drainage basin discharges from two facilities in Keystone Commons so as to accept the discharge from both basins into the storm management collection system for the Development and outleting to Basin "A".

Storm water facilities shall be designed with a nominal bounce of up to ten feet (10'). Restoration of creeks wetlands and other hydrologically significant features of the site shall be considered as offsetting deleterious development impacts. Direct discharge of storm water from the development into Beauty Creek and Candlewood Creek shall be offset by the storage of runoff from off-site areas. On-site required storm water facilities shall be designed to manage both on-site runoff and runoff from off-site tributary areas and

therefore shall be considered Regional Detention Facilities Recreational facilities such as trails adjacent to storm water facilities shall be constructed above normal water levels but may be inundated during storm events. Basins being developed with native vegetation and accessible features such as trails boardwalks or piers shall not be fenced. The use of groundwater recharge facilities in areas were soils permit and detention is not feasible shall be allowed. As this project is intended to be a Low Impact Development with regard to storm water, numerous Best Management Practice facilities and methodologies shall be employed.

The Developer has provided a formal Stormwater Management analysis and storm drainage plan which is subject to review and approval by the City Engineer. The Brooks at Vale Park PUD District shall be developed in accordance with the approved storm drainage plan.

Section 2.5. Conflict. In the event of a conflict between this The Brooks at Vale Park PUD Ordinance and the Unified Development Ordinance or the Subdivision Regulations, the provisions of this The Brooks at Vale Park PUD Ordinance shall apply. Any conflict between the narrative terms of this The Brooks at Vale Park PUD Ordinance and Exhibit C, 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 The Brooks at Vale Park 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 The Brooks at Vale Park 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 The Brooks at Vale Park PUD Ordinance, have the meaning herein indicated. Any word used in this The Brooks at Vale Park PUD Ordinance which is not defined herein and which is defined in of the Unified Development Ordinance shall, for purposes of this The Brooks at Vale Park 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 Unit" shall mean a single-family home with separate quarters for related or multi-generational living space with standards set forth in Section 4.14(l) herein.
- 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 Regional Storm Water Management District, Single-Family Residential District or the Multi-Family Residential District permitted uses.
- i. "Architectural Design Requirements" shall mean the criteria and guidelines outlining the architectural character of the proposed Single-Family Residential District or Multi-Family Residential District permitted uses to be developed in the Districts on the Property.
- j. "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, including owners of lots or owners of homes, 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).
- k. "Builder" shall mean the entity performing construction activity on a Lot.
- l. "Building Height" shall mean the vertical distance from the grade level at the main (front) 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.
- m. "BZA" shall mean the Board of Zoning Appeals of the City of Valparaiso, Indiana.
- n. "City" shall mean the City of Valparaiso, Indiana.
- o. "Cluster" or "Cluster Homes" shall mean a development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a Lot or parcel (as in conventional subdivision development).

Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural resources.

- p. "Developer" shall mean VJW Limited, LLC ("VJW"), its successors and assigns, until such time as VJW transfers its rights as Developer. Such rights may be transferred in whole or in part. To transfer all or any portion of its rights as Developer, VJW may (i) name each individual owner of real estate within the Property as Developer solely with respect to the real estate owned by each such individual owner; (ii) establish a committee of individual owners of the real estate within the Property to act as Developer with respect to the real estate owned by all such owners, or (iii) use either method described in (i) and (ii) above with respect to different Districts or an Area within the Property.
- q. "Development Guidelines" shall mean the criteria and development standards requirements in this The Brooks at Vale Park PUD Ordinance which establish the guidelines for the proposed Single-Family Residential District and the Multi-Family Residential District to be developed on the Property.
- r. "Development Plan" shall mean one or both of the Preliminary Development Plan and/or the Secondary Development Plan.
- s. "Districts" shall mean the three (3) Districts; consisting of the Single-Family Residential District, the Multi-Family Residential District and the Regional Storm Water Management District; identified and delineated on the Site Improvement Plans.
- t. "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.
- u. "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.
- v. "Fenestration" shall mean the arrangement of windows in a wall of a building. From the Latin word, "fenestra", meaning window.
- w. "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.

- x. "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.
- y. "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.
- z. "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.
- aa. "Herein" shall mean and refer to the entirety of, and anywhere within, this The Brooks at Vale Park 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.
- bb. "The Brooks at Vale Park PUD Ordinance" shall mean the ordinance establishing The Brooks at Vale Park Planned Unit Development District.
- cc. "Interior Access Drive" shall mean access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels.
- dd. "Interior Access Driveway" shall mean a minor, private street providing access within the boundaries of a project beginning at the required setback line.
- ee. "Landscape Easement" shall mean an area that may be privately owned, but is reserved to provide open space and buffer yards.
- ff. "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 Brooks at Vale Park PUD Ordinance, including one (1) or more main buildings, accessory uses thereto and the required yards as provided for in The Brooks at Vale Park 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;
 - b. A contract vendee;
 - c. A long-term lessee (but only if the lease is recorded among the records of the Recorder of Porter County, Indiana, and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit).
-
- gg. "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.
 - hh. "Lot of Record" shall mean a lot which is platted as a part of a subdivision or a lot or a parcel which is un-platted and described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Porter County, Indiana.
 - ii. "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.
 - jj. "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.
 - kk. "Vale Park Road" shall mean the public thoroughfare extending in a general east-west direction through the Property generally located as depicted on the Site Improvement Plans.
 - ll. "Minor Alteration" shall mean any change to an approved plan of any type that involves the revision of less than ten percent (10%) of the plan's total area or approved materials.

- mm. "Multi-Family Residential District" shall mean that portion of the Property that is designated for multi-family residential development pursuant to this The Brooks at Vale Park PUD Ordinance.
- nn. "Open Space" shall mean areas that provide light and air and are designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. 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 (except for the parking area dedicated for the trailhead) 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.
- oo. "Owner" shall mean shall mean the record owner, whether one or more persons or entities, of the fee simple title to any Lot or parcel of real estate which is a part of the Property, including the Developer, and including contract sellers, but not including contract purchasers.
- pp. "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.
- qq. "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.
- rr. "Parking Space" shall mean a rectangular area permanently reserved for the temporary storage of one automobile, motorcycle or truck.
- ss. "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. A Preliminary Development Plan is similar to a Preliminary Plat defined in UDO Section 6.102, but shall be governed by

Section 15 herein. Any reference to a “plat” herein shall mean a Development Plan.

- tt. "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 The Brooks at Vale Park PUD Ordinance.
- uu. "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.
- vv. "Property" shall mean certain property located in the City of Valparaiso, Center Township, Porter County, Indiana, as described in Exhibit A attached hereto and incorporated herein.
- ww. "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.
- xx. "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.
- yy. "Regional Storm Water Detention" shall mean that portion of the Property dedicated to storm water management for the homes, streets and improvements within The Brooks at Vale Park community as well as flow from off-site lands as designed or approved by the City of Valparaiso City Engineer.
- zz. "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. A Secondary Development Plan is similar to a Secondary Plat defined in UDO Section 6.102, but shall be governed by Section 16 herein. Any reference to a “plat” herein shall mean a Development Plan.

- aaa. "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.
- bbb. "Site Improvement Plans" shall mean all sheets and drawings of the conceptual and detailed plans and specifications for the Property prepared by Marbach-Palm Inc. dated last revised February 12, 2019 together with the drawings prepared by The Lannert Group, Inc. dated last revised February 12, 2019 as follows:

MARBACH-PALM INC.

- Sheet 1 - Preliminary Plan
- Sheet 2 - Preliminary Rainfall Harvesting
- Sheet 3 - Preliminary Water Main Plan
- Sheet 4 - Preliminary Sewer Line Plan
- Sheet 5 - Storm Water Plan (with supporting documents)
(including exclusion areas described in § 2.4)

THE LANNERT GROUP

- Sheet 1 - Site Aerial
- Sheet 2 - Site Analysis
- Sheet 3 - Photo View Analysis
- Sheet 4 - Concept Plan
- Sheet 5 - Conceptual Architecture
- Sheet 6 - [Concept Plan – Version 1]
- Sheet 6 - [Concept Plan – Version 2]
- Sheet 7 - Amenity Exhibit
- Sheet 8 - Crescent Roadway Variations

all of which are attached hereto and shall be collectively known as Exhibit C.

- ccc. "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.

- ddd. "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.
- eee. "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.
- fff. "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.
- ggg. "Zone Map" shall mean and refer to the official zone map corresponding to the Unified Development Ordinance.
- hhh. "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. A copy of which is attached hereto as Exhibit "E".

Section 4. General Requirements.

Section 4.1. Property Development Standards. Uses in all Districts 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 The Brooks at Vale Park 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. The Administrator or Plan Commission may waive any requirement for Development Plan approval required in the Unified Development Ordinance upon a determination that the intent of the review and requirements are otherwise satisfied.

Section 4.4. Non-Conforming Uses. Uses in all Districts shall comply with Section 13.201 of the Unified Development Ordinance.

Section 4.5. Site Permit. Development in all Districts shall comply with Section 15.202 of the Unified Development Ordinance.

Section 4.6. Permits and Procedures. Development in all Districts shall be governed by Article 15 of the Unified Development Ordinance.

Section 4.7. Administration and Enforcement. Development in all Districts shall be governed by Division 17.200 of the Unified Development Ordinance.

Section 4.8. Minimum Open Space. The minimum total aggregate Open Space shall be thirty-three percent (33%) of the Property. Open Space areas shall be designated during the Preliminary Development Plan approval process and approved during the Secondary Development Plan approval process.

- a. No development shall be permitted in the Open Space as identified on the Development Plan. Wetlands have been delineated and no development will occur in the regulated areas or requirement of site specific individual permits from the US Army Corps of Engineers or any other federal, state or local agency, body or group. The significant environmentally sensitive features or areas within the District have been protected.
- b. Open Space shall be used for social, recreational, rain water harvesting, storm water management and/or environmental preservation purposes. The use authorized must be appropriate to the character of the Open Space, including its topography, size, and vegetation.
- c. Open Space containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees, and other areas of mature vegetation worthy of preservation shall be developed as regional storm water and in a natural state. Developer may make improvements such as the cutting of trails for walking or jogging, the provision of picnic areas, removal of dead or diseased trees, thinning of trees or other vegetation to encourage more desirable growth, and grading and seeding.
- d. Open Space may be used for public and semi-public recreation, social and educational purposes.

Section 4.9. Community Building. Located within the Development shall be community building which shall be owned, maintained and controlled by the community's homeowner's association.

Section 4.10. Fences, Garden Walls, and Hedges.

- a. Height. No fence shall exceed the following heights:
 1. Interior side and rear yards: six feet.
 2. Street side yards: four feet.

3. Area between front building line (or abutting property owner's front building line on the same side as the proposed fence, whichever is closer to the street) and street: four feet.
- b. Setbacks.
1. Sidewalks: Six inches.
 2. Streets:
 - A. Five feet.
 - B. Intersection of street lot lines: 20 feet.
 3. Alleys:
 - A. Face is at least 40 percent opaque: three feet.
 - B. Face is less than 40 percent opaque: one foot.
- c. Design.
- A. All fences that face public rights-of-way, except alleys, shall be ornamental.
 - B. Open picket fences that are located in front yards or street side yards shall be designed such that 40 percent of the face of the fence is evenly spaced openings between pickets.
 - C. Slats shall not be installed on fences.
- d. Orientation. The finished side of all fences shall face out toward neighboring property or adjacent rights-of-way. Where fences are located on the property line of residential property, the finished side of the fence shall face the yard that does not belong to the applicant, unless the applicant provides written consent of the abutting property owner to the City.
- e. Materials.
1. Materials shall be durable, and of a character commonly used in residential applications, including: weather resistant wood species, split rail, wood treated with U.S. Environmental Protection Agency approved preservatives, painted wood, ornamental wrought iron or powder-coated aluminum, vinyl, brick, and stone.
 2. Chain link fences are permitted only in interior side yards and rear yards that are not also street yards.
 3. Scrap lumber, plywood, tree branches, tree trunks, 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. Welded wire, agricultural fencing, and chicken wire fences are not permitted.
 4. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings or wherever the Building Commissioner finds that such are necessary to address a demonstrated security interest.

- f. Restrictive Covenants. The private restrictive covenants may establish additional provisions for fences, walls, or hedges which are more restrictive than this Section 4.10.

Section 4.11. Accessory Buildings and Structures.

- a. Applicability – Timing of Construction. Accessory Buildings and Structures shall only be permitted in the Traditional Home Subdistrict. No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.
- b. Attached Accessory Buildings. Accessory buildings that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building.
- c. Maximum Number of Accessory Buildings. No more than two accessory buildings shall be constructed on a Lot.
- d. Detached Accessory Buildings or Structures.
 - 1. Height: One story or 17 feet, whichever is lower.
 - 2. Footprint: Accessory buildings are counted toward the calculation of building coverage. In addition, no detached accessory building or buildings shall cover an area that is larger than that covered by the principal building, nor cover more than 25 percent of the required rear yard or 600 square feet, whichever is more.
 - 3. Setbacks:
 - A. Front:
 - i. Generally: Behind principal building.
 - ii. Carports or garages: Behind front building line.
 - B. Street Side: Equal to the required front setback for the District.
 - C. Interior Side: The greater of:
 - i. Three feet from the lot line; or
 - ii. Six feet from the closest setback line on adjacent property.
 - D. Rear:
 - i. Generally: Three feet, and three feet on a double frontage or through lot with a six foot privacy fence, otherwise the structure shall be placed behind the required rear yard setback line.
 - ii. Garage with door facing alley: 20 feet.
 - E. Buildings on the same lot: Six feet.

4. Carports and Garages: No detached carports or garages shall be permitted.
 5. Easements: Accessory structures shall not be located within access or utility easements unless the easement expressly allows the encroachment.
 6. Design: Accessory buildings shall be designed to be compatible with the principal building in terms of:
 - A. Color, which shall be the same as the principal building or which shall compliment the principal building;
 - B. Materials, which shall be the same as those used on the principal building, and in the case of siding or brick, shall be installed with the same patterns as on the principal building.
 - C. Roof pitch, which shall be the same as the principal building;
 - D. Roof materials and color, which shall be the same as the principal building;
 - E. Fenestration, if windows are provided, they should be of a type and aspect ratio that is similar to those on the principal building.
- e. Small Sheds. Sheds that are less than eight feet in height to the peak of the roof and less than 20 square feet in floor area may be located anywhere in a rear yard, above, provided that if they are located closer than two feet to a side or rear lot line, the area between the shed and the lot line is planted with shrubs that will grow to form a hedge with a height of three feet within not more than 18 months of planting.
- f. Residential Occupancy. Residential occupancy of accessory buildings that are not constructed and approved for residential use is prohibited.
- g. Restrictive Covenants. The private restrictive covenants may establish additional provisions for Accessory Building and Structures which are more restrictive than this Section 4.11.

Section 4.12. Water, Sewer and Utilities Facilities. No construction shall be permitted in any District that relies on well water for potable water and a private septic system for sewage disposal. Sanitary sewer collection systems may employ the E/One small diameter pressure system or traditional gravity systems or a combination of both. Water, natural gas, sewer and utilities facilities may be located within buffer yards, landscape easements, sidewalk or pathway/walkway system easements and other similar required landscape yards or reserved areas. All new utility facilities, including sanitary sewer, water, telephone, cable and electrical systems, but excluding high voltage electrical transmission lines which are impracticable to be underground (as determined by the applicable service provider and approved by the City Engineer), constructed within the Property after the effective date of The Brooks at Vale Park PUD Ordinance are required to be underground. This includes distribution as well as transmission systems. Appurtenances to these systems that can be screened may be excepted from this

requirement if the Administrator determines that such exemption will not violate the intent or character of The Brooks at Vale Park PUD District.

Section 4.13. Districts, and Default Zoning Districts. The Districts established herein shall be generally located on the District Land Use Map attached hereto and incorporated herein as Exhibit “B” and set forth throughout the Site Improvement Plans. The size of these Districts may increase or decrease a maximum of 10% during the Preliminary Development Plan and Secondary Development Plan approval process. However, in no event shall the Maximum Density for the Single-Family Residential District or the Multi-Family Residential District dwelling units exceed the amount established by Section 6.1 and 7.1, respectively herein. To the extent this The Brooks at Vale Park PUD Ordinance does not specifically control or does not vary or exclude a standard or requirement set forth in the corresponding default zoning district indicated below, the Districts shall default to the standards of the below indicated zoning district and the omitted standard and/or requirement in the default zoning district shall control. The default zoning district, which is contained in the current terms of the Unified Development Ordinance (a copy of which is appended to this PUD Ordinance), and which corresponds to each particular District, shall be as follows:

Table 4.13 Default Zoning Districts	
Use Area Within A District	Default Zoning District Within UDO
Regional Storm Water Management District	PS District
Single-Family Residential District – Traditional Subdistrict	SR District
Single-Family Residential District – Cluster Subdistrict	GR District
Multi-Family Residential District (both subdistricts)	UR District

Section 4.14. Required Bufferyards.

- a. General. No Bufferyards are required between the Districts. Bufferyards are required along Vale Park Road, Ransom Road and the perimeter of the Property on the East, West and South property lines.
- b. Requirements. Bufferyard details are specifically set forth on the Site Improvement Plans, therefore, no general requirements for Bufferyards are set forth in this section. Tree selected shall be from a diverse number of species native to the City of Valparaiso and no specie shall represent more than 20% of the tree plantings in bufferyards.
- c. Bufferyard Classifications. Bufferyards are described by classifications, from less opaque ("Class A") to more opaque ("Class C"). For the purposes of this Ordinance, each successive classification is one "level"

more opaque than the previous classification, that is, a Class C bufferyard is one level more opaque than a Class B bufferyard. The width and composition of bufferyards shall be as set out in Table 4.14C, Bufferyard Classifications. Bufferyards adjacent to cluster homes within the SFRD shall be Class B Bufferyard. All other Bufferyards shall be Class A.

Table 4.14C Bufferyard Classifications				
Classification (% opacity)	Width	Large Trees	Small Trees	Shrubs
Class A (10%)	10 ft.	1 / 100 linear ft.	2 / 100 linear ft.	17 / 100 linear ft.
Class B (25%)	15 ft.	2 / 100 linear ft.	4 / 100 linear ft.	34 / 100 linear ft.
Class C (50%)	25 ft.	5 / 200 linear ft.	5 / 100 linear ft.	45 / 100 linear ft.

- d. District Bufferyard Standards. There shall be no Bufferyards required between Lot lines within the interior of the Single-Family Residential District or the Multi-Family Residential District.
- e. Existing Trees and Plant Material.
 - 1. Use of Existing Trees. Developer may document the existing plant material that is within twenty-five feet (25') of the property line with ground-level and aerial photographs. Such existing material, if in good condition, may be counted towards the landscaping that is required of the adjoining property.
 - 2. Bufferyards Shall be Provided on Site. In no case shall any plant material from the adjoining property count towards the requirements for the applicant's site.
- f. Street Bufferyard Standards.
 - 1. General. The bufferyard standards in Table 4.14F, Bufferyard Requirements for Roads, address the classification of the bufferyard that is required along Vale Park Road and Ransom Road (for classifications, *see* Table 4.14C, Bufferyard Classifications). Ransom Road will not be improved and only a dedication of right-of-way shall be provided. The standards are in addition to the street tree requirements in Section 4.14g below.

Table 4.14F Bufferyard Requirements for Roads		
Zoning of Proposed Development	Adjoining Road	
	Vale Park Road	Ransom Road
All Districts	A	A

2. Reduction in Required Bufferyard. The Administrator may approve a reduction in street bufferyard requirements based on consideration of the placement of other required landscaping such as street trees, parking lot landscaping, etc.
 3. Street Right-of-Way. Landscaping material planted within a public right-of-way shall be maintained by the homeowner’s association.
- g. Street Trees. The landscape plan(s) depicts the number and general location of all street trees to be planted and located within parkways and medians of public and private rights-of-way. All street trees planted shall have single-stemmed trunks and be branched no lower than six (6) feet above ground level (for visibility purposes). Street trees shall be spaced sixty (60) feet on center. No trees selected shall have a caliper less than two inches (2"). Tree selected shall be from a diverse number of species native to the City of Valparaiso. Street trees shall be installed prior to 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.
- h. Landscape Plan Approval.
1. General. Landscape plans shall show the general location of landscaping cluster areas. All detailed landscaping plans with all plant material and providing tables indicating the planting of each type required by this The Brooks at Vale Park PUD Ordinance shall be provided to the Administrator for approval. The landscape plan shall include plant names (including American and Latin names) a diversity of landscaping plantings. After approval of landscaping plan(s), adjustments in the plant material chosen and/or the location of plants used may be required where the Administrator finds such alterations would better serve the purposes for which they are intended.
 2. Tree Survey. No tree survey shall be required by Division 10.600 (Tree Protection) of the Unified Development Ordinance.

3. Size and Quality of Plant Materials. The landscape plan shall comply with the following:

- Plant materials shall be of good quality.
- Large trees shall be 2.5 inch caliper at the time of planting.
- Small trees shall be 1.5 inch caliper at the time of planting.
- Evergreens shall be six feet tall at the time of planting.
- Perennials, grasses and small shrubs 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.
- 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.

4. Landscape Maintenance Plan. A landscape maintenance plan shall be developed for all common areas and open spaces within the Development. The maintenance plan shall provide a detailed explanation of the work to be done, the reason it is needed, the frequency of the work, and the estimated cost of the work in a given year. This is intended to be a guide to the homeowners or property owners' association on the needed maintenance, and an aid to budgeting and contracting. It also informs the developer of work that needs to be accomplished prior to turning the project over to the owners' association, and ensures continuing compliance with the City's landscape and open space standards.

5. Licensure of Landscaping Contractors. Pursuant to UDO Section 10.701, any contractor to engage in the business of planting, cutting, trimming, pruning, removing, spraying, or otherwise treating trees, shrubs or vines within the City must be licensed pursuant to the Contractor's Ordinance and shall pay the appropriate fee.

i. On-Lot Landscaping. On-lot landscaping shall be provided as described in Table 4.14I for each of the Districts within the Development.

Table 4.14I On-Lot Landscaping Standards			
PUD District	Large Trees	Small Trees	Shrubs
Regional Storm Water Management. District	3/Acre	6/Acre	40/Acre
Multi-Family Residential District Townhome Subdistrict	14/Acre	28/Acre	116/Acre
Multi-Family Residential District Multiplex Subdistrict	7/Acre	14/Acre	58/Acre
Single-Family Residential District Cluster Home Subdistrict	1	1	N/A
Single-Family Residential District Traditional Home Subdistrict + Flex Area	2/Lot	4/Lot	N/A

j. Bufferyard Model.

1. Generally. In the alternative to the bufferyards set out in this Section, an applicant may use a bufferyard model to establish a bufferyard with comparable opacity. The bufferyard model computes the opacity of bufferyards based on user-defined width; plant unit type; numbers of plant units per 100 linear feet of bufferyard; the presence of, and height of, berms; and the presence of, opacity of, location of, and height of fences and walls.

2. Approval of Modeled Bufferyards. Alternative bufferyards developed using this bufferyard model shall be approved by the City if it is demonstrated that:

a) *Opacity.* The opacity of proposed bufferyards that apply the bufferyard model shall be at least that which is required by this The Brooks at Vale Park PUD Ordinance.

b) *Width.*

a. The width of the proposed bufferyard shall be not less than 10 feet (10'), and shall be reduced by not more than 5 feet (5') from the narrowest bufferyard of the same or similar opacity, unless the site is constrained as defined in UDO Section 10.407, Constrained Sites and Infill/Redevelopment Sites.

b. The bufferyard model must show that the proposed bufferyard width is adequate, or a registered landscape architect shall certify that the plants selected for the bufferyard will fit in the proposed space at maturity without compromising their health, longevity, or stability.

c) *Planting Requirements.* The planting requirements of the bufferyard model are measured on a per 100 linear feet basis. Planting requirements for bufferyards shall be calculated as set out in Section 4.12, Bufferyard Classifications.

3. Bufferyard Preservation Easements. All bufferyards shall be protected by a preservation easement on all Preliminary Development Plans (see Section 15) Secondary Development Plans (See Section 16). The preservation easements shall prohibit removal of healthy trees, replacement of diseased or dead trees that are removed, and prohibit dumping of yard waste.

k. Use of Crescent Islands for Storm Water Treatment. Wherever possible, crescent islands within the right-of way shown on the Site Improvement Plan shall be landscaped and designed to incorporate storm water runoff best management practices (BMPs), by incorporating vegetated swales, bio-infiltration, and other types of water quality measures.

1. Accessory Units. Accessory Units shall be allowed within the Single-Family Residential District, provided that the Accessory Unit shall comply with the following:

1. The Lot owner shall provide a means of protecting adjoining residential uses or residentially zoned land from any impacts of the additional density and design of the unit. Increased bufferyard opacity, landscaping, setbacks from the adjoining homes, or prohibiting the lots that abut the site boundary from having the Accessory Units are techniques that may be required.

2. No more than one (1) Accessory Unit may be allowed on any single Lot.

3. No Accessory Unit shall consist of more than One Thousand (1000) square feet or forty percent (40%) of the total residential floor area; whichever is smaller. No Accessory Unit shall have more than one bedroom or bathroom.

4. The Lot owner shall submit plans to the City showing how the home will be designed to provide for the Accessory Unit. Accessory Units must be within the principal structure or a separate accessory structure used as a garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted.

Section 4.15. Driveways. Driveways for residential units leading to/from any garage shall not be less than 10 feet in length as measured from the property line, regardless of whether or not the driveway connects to a private street or a publically dedicated street. However, driveways accessing a rear alley are not required to meet this requirement and shall be dimensioned and shown on the Development Plan subject to the approval of the Plan Commission.

Section 5. Regional Storm Water Management District. Development within Regional Storm Water Management District shall provide for the excess storm water storage capacity provided in Section 2.4 (in addition to the compensatory storage for the on-site improvements) herein and also be in accordance with the following:

Section 5.1. Ownership and Easements of Enjoyment. The parcels, Lots or tracts of real estate within the Regional Storm Water Management District shall be conveyed to the City which shall own, control and possess the District real estate, subject only to the terms of this Ordinance. Developer, and every Owner, residents of homes within the Property and their guests shall have a right and easement of enjoyment in and to the amenities and such easement shall be appurtenant to and shall pass with the title to every Lot.

- a. Open to Public. The features and amenities located with the Regional Storm Water Management District shall remain at all times open and available to the public and no exclusive use or enjoyment is reserved to Developer, any homeowner within the Development or the Association.
- b. Easements within Other Districts. The Preliminary Development Plan and Secondary Development Plan shall grant to the City such additional easements reasonably necessary to permit the City to maintain, repair, or replace storm water pipes, storm water infrastructure facilities, and flowage streams within the Development and located in the Single Family Residential District or the Multi-Family Residential District. The City shall not be primarily responsible for such maintenance in these areas, and the easements provided for in this subsection are only for emergency or remedial action in the event maintenance is not performed by the Association or its agents in an effective manner.

Section 5.2. Grounds Maintenance. The maintenance of the Regional Storm Water Management District shall be divided between the City and Association as follows:

- a. Below High-Water Mark. City shall maintain, repair and replace (as necessary), or provide for such maintenance of all drainage improvements, which serve as part of the storm water drainage system for The Brooks development on the Property, being the improvements and equipment installed therein or used in connection therewith, including, but not limited to pipes, structures, streams (and stream crossings), and basins located within District and any related easements to allow storm water to be detained upon and within the area within the District, either originally designed for lakes, ponds or basins, or as determined by the City for future expansion or enlargement of such features.
- b. Above High-Water Mark. Association shall maintain, repair and replace (as necessary), or provide for such maintenance of all areas within the District surrounding the lakes, ponds and basins with the District is certain real estate lying between these waterbodies and the boundaries of the platted Lots, tracts or parcels forming the District within which there may exist from time to time certain amenities for the benefit of the owners, residents and their guests of the homes within the Property. These amenities may be include maintenance access passageways, walking paths, trails, benches, exercise stations, and other amenities which may be installed or constructed by Developer or the Association of home owners from time to time. In addition to these maintenance obligation, if the Association elects to install and maintain a fountain or aeration of the waterbodies in the District, the Association shall be responsible for the installation and maintenance of such features.
- c. Crescent Maintenance. Within the Vale Park Road right-of-way are a series of crescents shown on the Site Improvement Plan. The crescents shall include, without limiting the generality, the following: curbing, landscaping, tree maintenance and replacement, and irrigation. Pursuant to Section 6.2(b), Association shall maintain all crescents within the Development and the cost of such work shall be a Shared Expense.

Section 5.3. Standard of Maintenance. All maintenance, repair and replacement installation, construction, service, maintenance, repair and replacement performed by the City or Association herein defined shall be carried out in full compliance with the current applicable law and governmental regulation. The parties shall determine, as a part of the Secondary Development Plan approval (see §16 herein below) the standard of maintenance of such features, amenities and areas within the District.

Section 5.4. Contributions for Shared Expenses. Developer, for and on behalf of Association hereby covenants and agrees to pay to City an annual charge relating to the reasonable fair pro rata share of the cost and expense of the Shared Expenses defined hereinafter. City hereby covenants and agrees to pay to Association an annual charge relating to the reasonable fair pro rata share of the cost and expense of the Shared Expenses.

- a. Shared Expenses Defined. Regardless of the party performing maintenance, repair or replacement defined herein, City and Developer, on behalf of the Association, covenant and agree that the cost of such maintenance, repair or replacement shall be apportioned on a fair pro rata basis and the terms of such shall be incorporated in the Maintenance Agreement described in §5.3.
- b. Intent of Maintenance Agreement. While this Section 5 allocates the obligations for performance of maintenance, repair or replacement of storm water management facilities within the Regional Storm Water Maintenance District, the intent of this PUD Ordinance is that the parties share the cost of such work according to the percentages in the Maintenance Agreement regardless of the party actually performing the work or incurring the expense.

Section 5.5. Regional Storm Water Management District Permitted Primary Uses. Uses permitted by right in the Regional Storm Water Management District shall include the following:

- Open Space
- Nature Areas
- Community Active or Passive Recreation Areas (with exercise stations)
- Walking Trails – Bicycle Trails (with educational and directional signage)
- Storm Water Facilities, swales, basins, ponds
- Rain Water Harvesting
- Gardens, Impounded Wetlands, Stream Restoration
- Utility Facilities, including maintenance access passageways

Section 5.6 Sale or Transfer of Parcel. No parcel or tract within the Regional Storm Water Management District shall be sold or transferred after the approval of a Secondary Development Plan for the Parent Tract. However, the development of the parcel must still conform to the Secondary Development Plan for the Parent Tract as approved or amended by the Plan Commission, and the creation of a new property line within a Parent Tract shall not impose new development standards on the tract beyond those applicable to the Parent Tract.

Section 5.7 Restrictions on Use. Without the express written consent of the Developer and Association, City shall not use the Regional Storm Water Management District for any use not described in this Ordinance.

Section 6. Single-Family Residential District. The Single-Family Residential District shall include two Subdistricts. The Cluster Home Subdistrict shall include seventy-five (75) homes located on Lots no less than 6,000 square feet in size. The Traditional Home Subdistrict shall include ninety-four (94) Lots of no less than 15,000 square feet.

Section 6.1. Subdistricts. Within the Single-Family Residential District, there shall be two (2) Subdistricts which shall permit two (2) unique and different housing styles.

Cluster Homes Subdistrict. This subdistrict shall include no more than seventy-five (75) Single-Family detached homes on lots no less than 6,000 square feet in size. The homes shall be a minimum of 1,250 square feet to a maximum of 2,250 square feet in size.

Traditional Home Subdistrict. This subdistrict shall include no more than ninety-four (94) Single-Family detached homes on lots no less than 12,000 square feet in size. The homes shall be a minimum of 2,400 square feet in size.

Flex Area. At the election of the Developer, in its sole discretion, may lay out and plat the area designated as “Flex Area” on Exhibit “D” attached hereto and incorporated herein with lots being no less than ten thousand (10,000) square feet in size.

Section 6.2. Grounds Maintenance. The Declaration of Restrictive Covenants shall provide for the shared maintenance of the following between lot owners and the Association:

- a. Maintain the entire site in a safe, neat and clean condition; free from litter, trash, debris, junk and reasonably free of weeds;
- b. Maintain all private sidewalks, pedestrian ways, interior streets, interior access drives, street crescent landscaping (subject to reimbursement by the City), and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow;
- c. Maintain the landscaping located within common areas by keeping turf grass mowed, all plants properly pruned and maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets and wetlands; and
- d. Replace any required planting(s) located within common areas, which are removed or no longer living, except those in naturally occurring vegetation areas, such as thickets or wetlands.
- e. The amenities within the Regional Storm Water Management District areas described in §5 above.

Section 6.3. Single-Family Residential District. Uses permitted by right in the Single-Family Residential District portion of the Property shown on the Site Improvement Plans shall include the following:

a. Cluster Home Subdistrict.

- Single-Family (detached)
- Single-Family Cluster
- Single-Family (attached)
- Multi-Family

b. Traditional Home Subdistrict.

- Single-Family

Section 6.4. Determination of Permitted Primary Uses. A proposed use that is either not listed or ambiguous shall be considered a functionally similar use to a permitted use if with regard to each of the decision criteria enumerated in subsection (ii), the proposed use has no greater impacts than the permitted use with which it is functionally similar. In case of uncertainty, the Administrator may refer the request for clarification or classification to the Plan Commission for consideration in accordance with the provisions of this paragraph.

Section 6.5. Development Standards. The following development standards found in Table 6.5 shall apply to the Single-Family Residential District.

Table 6.5 Single-Family Residential District Development Standards							
PUD Subdistrict	Min. Lot Size (Sq. Ft.)	Minimum Yards			Height (feet)	Max. Lot Coverage	Max Bldg Coverage
		Front	Rear	Side/Ea.			
Cluster Home Subdistrict	6,000	10'	20'	5'	28	60%	50%
Traditional Home Subdistrict	12,000	30'	20'	10'	28	50%	40%
Flex Area	10,000	30'	20'	10'	28	50%	40%

Section 6.6. Restrictive Covenants. The Single-Family Residential District shall be made subject to certain covenants, restrictions, conditions, reservations, easements, charges and liens to promote the orderly development of the District and to provide for the maintenance of designated Open Space or common areas within the District by the owner of each Lot or home, as the case may be, in a fair *pro rata* method of assessment.

Section 6.7. Style and Design Philosophy. The basic concept of Single-Family Residential District within The Brooks at Vale Park is for each home design to conserve

and enhance the natural beauty of each individual Lot and the natural beauty and prestige of entire Property. Structures shall be designed so as to capture the spirit and essence of The Brooks at Vale Park. Avant-garde or highly contemporary styles are strongly discouraged and may be rejected by the developer or community architectural review committee(s) established by private restrictive covenants. All reasonable attempts to satisfy the uniqueness of the proposed residence provided the proposed structure satisfies the design guidelines and the overall beauty of the community and the District in which it is located. The design standards are intended to neither promote nor discourage any one particular design style, but to promote appropriateness of design style whereby the community architectural review committee shall have the sole and absolute discretion to determine whether the proposed design will reflect the distinguished character of the community in which it is located. High quality design shall be maintained by an architectural control committee incorporated within the restrictive covenant declaration(s) for homes within the Single-Family Residential District.

Section 7. Multi-Family Residential District.

Section 7.1. Multi-Family Residential District. The Multi-Family Residential District shall include two subdistricts. The Townhome subdistrict shall include seventy (70) homes located on parcels designated on the Preliminary Development Plan. The Multiplex Subdistrict shall include forty-five (45) units on parcels designated on the Preliminary Development Plan.

Section 7.2. Subdistricts. Within the Multi-Family Residential District, there shall be two (2) Subdistricts which shall permit two (2) unique and different housing styles.

Townhome Subdistrict. This subdistrict shall include no more than seventy (70) multi-family attached homes. The homes shall be a minimum of 1,250 square feet in size.

Multiplex Subdistrict. This subdistrict shall include no more than forty-five (45) multi-family attached homes. The homes shall be a minimum of 1,650 square feet in size.

Section 7.3. Multi-Family Residential District - Permitted Primary Uses. Uses permitted by right in the multi-family residential portion of the District as shown on the Development Plan shall include the following:

- Single-Family
- Single-Family, Attached
- Multifamily Residential
- Model Home
- Sales Office

Section 7.4. Development Standards. The following development standards found in Table 7.4 shall apply to the Single-Family Residential District.

Table 7.4
Multi-Family Residential District
Development Standards

PUD Subdistrict	Min. Lot Size (Sq. Ft.)	Minimum Yards			Height (feet)	Max. Lot Coverage
		Front	Rear	Side/Ea.		
Multiplex Subdistrict	See Exhibit B	10'	20'	5'	28	____%
Townhome Subdistrict	See Exhibit B	30'	20'	10'	28	____%

Section 7.5. Multi-Family Residential District - Miscellaneous. The purpose of this section is to establish the character, value, look, and style of the multi-family dwellings. Development within the Multi-Family Residential District shall be in accordance with the following:

- a. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Secondary Development Plan Approval request shall be accepted for filing prior to the plans being stamped "Approved" by Developer.
- b. Architectural Design Standards. All multi-family dwellings shall be in accordance with the following standards and specifications:
 1. Sixty percent (60%) of the first floor of all elevations, excluding windows, doors and similar appurtenances, shall be brick, stone or cultured stone. In no case shall concrete block be permitted as an exterior finish material.
 2. Rooftop equipment shall be fully screened on all sides using parapets, penthouse screens or other similar methods which are integrated into the overall building design.
 3. Chimney chases shall be enclosed.
 4. The pitch of all roofs, exclusive of roofs on porches, bump outs, dormers, and other ancillary structures, shall be a minimum of 6/12 (6 vertical to 12 horizontal).

5. Sloped roofs shall extend with "overhangs" a minimum of nine (9) inches on all sides of the building.
6. Wood, brick, stone, stucco, and other traditional exterior siding materials may be used, including cement-fiber board siding (Hardi-Board or similar product). No front elevation (or elevation facing a public way) shall have any aluminum and/or 4x4 vinyl siding. Front elevations (or elevations facing public ways) shall consist of stone, man-made stone (i.e. cultured stone or equal), brick, fiber-cement siding (i.e. Hardi product or equal) or natural wood (i.e. cedar) as its finished material. In no case shall concrete block and/or stucco be used as an exterior finished material. Any side or rear elevation facing a road and/or public space shall not have any aluminum and/or 4x4 vinyl siding as an exterior material.
7. All elevation windows shall be treated by a decorative header, surround or similar appurtenance.
8. All utility panels shall be screened or located in an area not visible from a public street right-of-way.
9. In addition, each building may have at least two (2) of the items below:
 - Dormers
 - Reverse gable or hip roof
 - Decorative door surround, trim molding or header
 - Accent siding, decorative vents, or accents in gable peak or face
 - All front entry doors include sidelights or a transom
 - Shutters on all operable windows
 - Bay or "boxed-out" windows
 - A keystone or decorative brick or wood surround provided on one or more windows or doors on the front elevation
 - Decorative columns
 - Decorative trim molding at gutter height
10. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the pedestrian pathway/walkway system within the Property.
11. All trash collection facilities shall be screened in discrete but accessible areas. The dumpster containers shall be screened by an opaque wall on no less than three sides which is one foot taller than the container and constructed of finished masonry painted the same

color as the building, or stone, or brick. The enclosures shall have gates which remain closed at all times except when the dumpster is being serviced.

12. Sloped roofs shall be clad with either standing-seam metal or architectural dimensional asphalt/fiberglass shingles.
 13. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Exterior lighting shall be "Dark Sky" compliant.
- c. Impervious surface/lot coverage within the Multi-Family Residential District as shown on the Site Improvement Plans shall be allowed pursuant to the Preliminary Development Plan and Secondary Development Plan.
 - d. Height of buildings within the Multi-Family Residential District shall allow thirty-seven feet (37') building height (as defined and determined in Division 3.200 of the Unified Development Ordinance).

Section 7.6. Parking. Within the Multi-Family Residential District, each home shall have a two (2) car garage. All other parking spaces shall be 9' X 20' except for handicap accessible spaces which will be per ADA standards. Any parking space overhanging a grass or landscaped area may be reduced no more than 2' for a size of 9' X 18'. Developer shall endeavor to provide for four (4) parking spaces for each home or unit in the Multi-Family Residential District (including garage and outside space), but in no event shall the Multi-Family Residential District have less than an average of 4.0 parking spaces per each home or unit.

Section 7.7. Conditions and Stipulations for Multi-Family Residential District.

- a. Limitation on Density. The Multi-Family Residential District shall be developed with no more than one hundred and fifteen (115) homes or dwelling units of the type identified in Section 7.1 above.
- b. Landscaping and Bufferyard Standards. The Multi-Family Residential District shall consist of the buffering, screening, street trees, on-lot landscaping, plantings and other general landscaping shown on the Site Improvement Plans.

- c. Scope of Proposal and Quality of Construction. The development of the residential community within the Multi-Family Residential District and each building within that District shall be constructed substantially consistent with Developer's proposal as to (1) the general type and style of the buildings, (2) higher roof pitch and general architecture limiting the number of garage doors visible from a single elevation view, (3) open spaces; and (4) amenities for the residents thereof.

Section 7.8. Restrictive Covenants. The Multi-Family Residential District shall be made subject to certain covenants, restrictions, conditions, reservations, easements, charges and liens to promote the orderly development of the District and to provide for the maintenance of designated Open Space or common areas within the District (including the amenities within the Regional Storm Water Management District areas described in §5) by the Owner of each Lot or home, as the case may be, in a fair *pro rata* method of assessment.

Section 8. Permitted Temporary Uses. The following temporary uses shall be permitted in all Districts:

- a. Temporary office, model home or unit, signs, or equipment storage, each incidental and necessary for the sale, rental, lease of, or construction of real property or premises in the District and located on the same lot or project.
- b. Temporary structures, including fences, walls, buildings, signs, barricades and similar temporary structures incidental and necessary to the development of land or the erection of structures, provided said temporary structures shall be removed at the termination of development or construction.

Section 9. Conformity with Plans. The Brooks at Vale Park PUD District shall be developed in accordance with all sheets and drawings of the conceptual and detailed plans and specifications for the Property and defined herein as the Site Improvement Plans and attached hereto as Exhibit C and incorporated herein by reference. Any conflict between this PUD Ordinance and the Site Improvement Plans, the Site Improvement Plans shall control and be superior to the narrative PUD Ordinance.

Section 10. Public Streets. Vale Park Road and all streets within the Single-Family Residential District shall be dedicated as public streets, and shall be laid out as shown on the Site Improvement Plans. Within the Multi-Family Residential District, all streets, parking areas and associated driveways shall remain private and not dedicated to the public.

Section 10.1. The street layout and type (including right-of-way and curbing) within the each District shall be as indicated on the Site Improvement Plans, adapted as appropriate to the topography, unique natural features and environmental constraints of the site. The street layout shall take into consideration the location of the community areas, Open Space areas and recreational areas. Streets shown on the Preliminary Development

Plan may be eliminated or relocated as part of an approved Secondary Development Plan to consolidate blocks for development as long as there is no materially adverse impact on the flow of vehicular traffic within the District, no elimination of required Open Space, and no interference with the proper functioning of drainage easements.

Section 10.2. All public streets within the District are to be constructed to the standards of the City of Valparaiso as applicable at the time of construction, for depth and materials and thereafter dedicated for public use following inspection and acceptance by City of Valparaiso officials. Pavement width, curb type and standards, street trees and plantings shall be consistent with the Site Improvement Plans. No construction of building improvements on any lot may occur prior to approval of the Development Plan by the Plan Commission and issuance of all other required permits or approvals from any governmental authority. All City ordinances regarding the erection and placement of street signs shall be complied with or proper variances allowed if the Administrator determines that the purpose of the ordinance can be accommodated by alternative methods.

Section 10.3. The street and road circulation within the District does not create any "T" intersections to existing public or private streets; therefore, no acceleration and deceleration lanes and tapers, or traditional entrance details and features shall be provided to the District.

Section 11. Sidewalks and Pathways.

Section 11.1. Sidewalks will be no less than five feet (5') wide and constructed in accordance with ADA standards. Sidewalks shall be provided on at least one side of all streets in all Districts, unless otherwise shown on the Development Plan and except that if an Open Space abuts a street, a path in such Open Space may be substituted for a sidewalk.

Section 11.2. Paths for pedestrians and non-motorized vehicles shall be provided within the frontage along Vale Park Road, within the right-of-way of other streets or drives, and throughout the Districts as shown on the Site Improvement Plan. Paths shall vary throughout the community and are shown on the Site Improvement Plan. Paths shall be natural mown areas or surfaced, paved or improved with materials approved by the City Engineer.

Section 12. Streets. The street layout and type (including rights-of-way) shall be determined by the Plan Commission during the Preliminary Development Plan approval process and approved during the Secondary Development Plan approval process. The streets shall generally conform to the Site Improvement Plans in the number and location. No driveway from any dwelling shall exit directly onto Vale Park Drive.

All streets, except alleys or private drives, shall be dedicated to the public and accepted; provided, however, maintenance of all street types shall be as determined by the Plan Commission on the applicable Secondary Development Plan. All streets; including private streets and frontage roads shall be constructed, as a minimum, to the depth and materials standards of the City of Valparaiso.

No new intersections are created with existing streets. There are no new curb cuts. Therefore, there are no acceleration or deceleration lanes proposed.

Developer shall provide dedicated right-of-way for Ransom Road north of the Vale Park Road extension within the Property for potential future improvement and construction by the City or others. Developer shall not be obligated to construct the pavement surface or any associated road improvements regarding this future street.

Section 13. Streetscape. A streetscape program for each District in The Brooks at Vale Park PUD shall be submitted to, and approved by, the Plan Commission and shall be consistent with the intent of the cross-sections and details shown on Site Improvement Plans. Within all Districts all street trees shall be located behind the sidewalk and shall not be located between the sidewalk and the curb; and, the area between the curb and sidewalk shall be reserved for utility lines. The location of street trees and utility lines shall be denoted on the applicable Secondary Development Plan; provided, however, no tree shall be planted within five (5) feet of the back of curb, except within the center median of a public street. After approval by the Plan Commission, Minor Alterations to a District streetscape program may be submitted to, and shall be approved by, the Administrator. Any alteration which alters the concept or the intent of the original District streetscape program shall not be construed to be a Minor Alteration and shall be referred by the Administrator to the Plan Commission for review and approval.

Section 14. Landscaping.

Section 14.1. Developer's Landscape Program. The Site Improvement Plans detail and show all landscaping required within the Single-Family Residential District and the Multi-Family Residential District. After approval by the Plan Commission, Minor Alterations to the Developer's landscape program may be submitted to and shall be approved by the Administrator. Any alteration which alters the concept or the intent of the original District landscape program shall not be construed to be a Minor Alteration and shall be referred by the Administrator to the Plan Commission for review and approval.

Section 14.2. Regional Storm Water Management District. There shall be no landscaping or bufferyard requirements within the Regional Storm Water Management District.

Section 14.3. Multi-Family Residential District Buildings. All landscaping for buildings and improvements within the Multi-Family Residential District shall be in accordance the Site Improvement Plans and the following standards and specifications:

- a. **Screening.**
 1. There shall be no dumpsters and trash containers within the District. All homeowners in all residential Districts and Subdistricts shall be provided with roll away waste receptacles.

b. Landscaping.

1. All requirements for buffering (bufferyard requirements) screening, street trees, on-lot landscaping, plantings, or other general landscaping within the Multi-Family Residential District is shown and depicted on the Site Improvement Plans.

Section 15. Preliminary Development Plan Approval. A Preliminary Development Plan approval request for any District (or any part thereof) within the Property shall be made to the Plan Commission in accordance with the procedure established in this The Brooks at Vale Park PUD Ordinance, or as otherwise established by the Plan Commission. The Preliminary Plan review includes general landscaping, parking, Drainage Plan, erosion control, signage, lighting, educational and directional signs, boardwalks, piers, trail screening and building information for a site. Plan Commission approval of the Preliminary Development Plan for such District (or any part thereof) shall be provided upon a determination by the Plan Commission that (i) the Preliminary Development Plan is in accord with the Site Improvement Plans; and, (ii) the Preliminary Development Plan is otherwise in compliance with this The Brooks at Vale Park PUD Ordinance. Preliminary Development Plan approval and Secondary Development Plan approval may be sought simultaneously. If the Plan Commission determines that the Preliminary Development Plan is not in accord with the Site Improvement Plans or is not otherwise in compliance with this The Brooks at Vale Park PUD Ordinance and denies the application for approval, the Plan Commission shall specifically detail in writing the basis for its belief that (i) the Preliminary Development Plan is not in accord with the Site Improvement Plans; or (ii) the Preliminary Development Plan is not otherwise in compliance with this The Brooks at Vale Park PUD Ordinance. An applicant who has been denied by the Plan Commission may immediately apply for approval of a new or amended Preliminary Development Plan. If the Plan Commission denies the Preliminary Development Plan, the Common Council may review and affirm, revise, modify or reverse that decision.

If the Common Council does revise, modify or reverse the denial by the Plan Commission of a Preliminary Development Plan, the Preliminary Development Plan shall be approved as revised, modified or reversed. If the Common Council affirms the denial by the Plan Commission of a Preliminary Development Plan, the Common Council shall specifically detail in writing its basis for its belief that (i) the Preliminary Development Plan is not in accord with the Site Improvement Plans or (ii) the Preliminary Development Plan is not otherwise in compliance with this The Brooks at Vale Park PUD Ordinance. An applicant who has been denied by the Common Council may immediately reapply for approval of a new or amended Preliminary Development Plan.

Section 16. Secondary Development Plan Approval. A Secondary Development Plan approval request for any District (or any part thereof) within the Property shall be made to the Plan Commission in accordance with the procedure established in this The Brooks at Vale Park PUD Ordinance, or as otherwise established by the Plan Commission. The Secondary Development Plan review includes final landscaping, parking, conceptual Drainage Plan (see §15.305 of the Unified Development Ordinance required for Primary Plat review), erosion control, signage, lighting, educational and directional signs, boardwalks, piers, screening and building

information for a site. Approval by the Plan Commission of the Secondary Development Plan for any District (or any part thereof) within the Property, including lighting and landscaping, shall be necessary prior to the issuance of any building permit for a structure or the construction of the required public improvements. Plan Commission approval of the Secondary Development Plan for such District (or any part thereof) shall be provided upon a determination by the Plan Commission that (i) the Secondary Development Plan is in substantial compliance with the approved Preliminary Development Plan; and, (ii) the Secondary Development Plan is in compliance with this The Brooks at Vale Park PUD Ordinance. If the Plan Commission determines that the Secondary Development Plan is not in substantial compliance with the approved Preliminary Development Plan or is not in compliance with this The Brooks at Vale Park PUD Ordinance and denies the application for approval, the Plan Commission shall specifically detail in writing the basis for its belief that (i) the Secondary Development Plan is not in substantial compliance with the approved Preliminary Development Plan or (ii) the Secondary Development Plan is not in compliance with this The Brooks at Vale Park PUD Ordinance. An applicant who has been denied by the Plan Commission may immediately apply for approval of a new or amended Secondary Development Plan. If the Plan Commission denies the Secondary Development Plan, the Common Council may review and affirm, revise, modify or reverse that decision.

If the Common Council revise, modify or reverse the denial by the Plan Commission of a Secondary Development Plan, the Secondary Development Plan shall be approved as revised, modified or reversed. If the Common Council affirm the denial by the Plan Commission of a Secondary Development Plan, the Common Council shall specifically detail in writing its basis for its belief that (i) the Secondary Development Plan is not in substantial compliance with the Preliminary Development Plan or (ii) the Secondary Development Plan is not in compliance with this The Brooks at Vale Park PUD Ordinance. An applicant who has been denied by the Common Council may immediately reapply for approval of a new or amended Secondary Development Plan.

The approved Secondary Development Plan drawing shall be signed by the Developer and the City and recorded in the same manner as a secondary plat of subdivision.

Section 17. Change in Development Standards or Approval of Alternate Plans.

The Plan Commission, upon petition of a Developer at a public hearing conducted per the rules of the Plan Commission, may approve a development standard or an alternate plan that is not included in, or is different from, those set forth in this The Brooks at Vale Park PUD Ordinance or which is different than previously approved by the Plan Commission, so long as the Plan Commission determines that such addition or modification (i) would not substantially affect the integrity of the Site Improvement Plans for the Property, (ii) is appropriate for the site and its surrounding and (iii) is compatible and consistent with the intent of the stated standards or Site Improvement Plans; provided, however, that any change in any uses permitted within a District, or any Substantial Alteration in the location of any District, must be accomplished through an amendment to this The Brooks at Vale Park PUD Ordinance approved by the Common Council.

Section 18. Alterations. After conferring with the President of the Plan Commission, any Minor Alteration to an approved plan may be reviewed and approved by the Administrator.

Minor Alterations are limited to approvals governed by Architectural Design Standards or Landscaping Standards unless otherwise designated by the Plan Commission. All Minor Alterations approved by the Administrator must be in compliance with the standards contained in this The Brooks at Vale Park PUD Ordinance. Any Substantial Alteration to an approved plan must be reviewed and approved by the Plan Commission. The denial by the Plan Commission of a Substantial Alteration may be appealed to the City's Common Council.

Section 19. Appeals. Appeals from the denial of a Development Plan by the Plan Commission shall be governed by Sections 20 and 21. An applicant whose request has been denied by the Administrator may appeal the decision of the Administrator to the Plan Commission. An applicant whose appeal of an Administrator's denial has been denied by the Plan Commission may appeal the decision of the Plan Commission to the City's Common Council. An Applicant who has been denied any approval may immediately appeal such decision as a zoning decision pursuant to IC 36-7-4-1600 *et seq.* without exhausting consideration by all or any other remaining administrative or legislative bodies.

Section 20. Park Impact Fees. The development of the Single-Family Residential District and the Multi-Family Residential District shall comply with and all fees imposed by Ordinance 27-2015, the Park and Recreational Infrastructure Impact Fee Ordinance adopted December 14, 2015 shall be paid in accordance with said ordinance.

Section 21. Development Schedule. The tentative and preliminary schedule of development for when construction of the infrastructure and building improvements is likely to begin is as followings:

Single-Family Residential District and
Multi-Family Residential District

Phase 1 – will commence approximately ninety (90) days following the issuance of all necessary permits and approvals). Phase 1 will include most all mass grading throughout the entire District, the improvement of all swales, ditches, ponds, basins and storm water facilities and features within the Regional Storm Water Management District; construction of Vale Park Road, and all stream crossings in the Development.

Phase 2 – Home construction will follow after the completion of Phase 1. It is anticipated that home construction will be phased over time.

Future phases and the timing of future development will be determined by the Developer as the market dictates. Nothing in this section shall create an obligation or duty of Developer to commence construction or maintain an agreed upon schedule, but this estimate is provided to inform the City of the Developer's expectations of needs for services from the City during the development and construction of the projects. This schedule is subject to changes and modifications of Developer's sole and absolute discretion.

Section 22. Recordation. Before any improvement location permit or Site Permit can be issued for any improvement to be located in The Brooks at Vale Park PUD District, and/or before any construction or development of any kind can be commenced by The Brooks at Vale Park PUD District, the owner shall first record in the Office of the Recorder of Porter County the final secondary plat of subdivision for the real estate upon which development is proposed.

Section 23. Other Ordinances. Any Ordinance or provision of any ordinance of the City of Valparaiso in conflict with the provision of any Ordinance is hereby superseded by this Ordinance. Subject to the foregoing, the passage and approval of this Ordinance shall not in any way exempt the owner of any land in The Brooks at Vale Park PUD District from compliance with the provisions of any and all other applicable ordinances of the City of Valparaiso, including without limitation, the Unified Development Ordinance not superseded by this Ordinance. Specifically, that certain Agreement for Written Commitments shall be superseded and made null and void in all respects by the adoption of this Ordinance.

Section 24. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 25. Effective Date. This Ordinance shall be in full force and effect after its passage and approval by the Common Council for the City of Valparaiso and publication as may be required by law.

PASSED AND ADOPTED by the Common Council for the City of Valparaiso, Indiana, on the _____ day of _____, 2019.

CITY OF VALPARAISO, INDIANA

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. *Todd A. Leeth*

DRAFT

This Instrument Prepared By:

Todd A. Leeth
Hoepner Wagner & Evans LLP
103 E. Lincolnway
Valparaiso, Indiana 46383

**HOEPPNER
WAGNER &
EVANS LLP**
ATTORNEYS AT LAW

March 12, 2019 2:15 PMX:\TCW Development 19369\Beauty Creek Project -1\Documents\PUD Ordinance - The Brooks of Vale Park 2019-03-12.docx

EXHIBIT LIST

- A - Legal Descriptions of the Property
- B - District Land Use Map
- C - Site Improvement Plans
- D - Flex Area
- E - Unified Development Ordinance (Current Version)
- F - Minutes of the Site Review Committee Meeting for February 5, 2019

DRAFT

EXHIBIT "A"

LEGAL DESCRIPTION FOR THE PROPERTY

Deters

The East Half (E1/2) of the Southwest Quarter (SW ¼) of Section Eleven (11, Township Thirty-five (35) North, Range Six (6) West, containing eighty (80) acres, more or less, excepting therefrom:

Part of the East ½ of the Southwest ¼ of Section 11, Township 35 North, Range 6 West of the Second Principal Meridian, Porter County, Indiana, being more particularly described as follows: Commencing at a rail marking the Northeast corner of the Southwest ¼ of said Section 11; thence South 89 degrees 59 minutes 13 seconds West along the North line of said Southwest ¼, a distance of 538.06 feet to a magnetic nail with a William J. Rensberger I.D. tag, and the place of beginning; thence South 00 degrees 00 minutes 47 seconds East, a distance of 446.60 feet to an iron rod with a William J. Rensberger I.D. cap; thence South 89 degrees 59 minutes 13 seconds West parallel with the North line of said Southwest ¼, a distance of 456.22 feet to an iron rod with a William J. Rensberger I.D. cap; thence North 00 degrees 00 minutes 47 seconds West, a distance of 245.62 feet to an iron rod with a William J. Rensberger I.D. cap; thence North 89 degrees 59 minutes 13 seconds East parallel with the North line of said Southwest ¼, a distance of 304.58 feet to an iron rod with a William J. Rensberger I.D. cap; thence North 00 degrees 00 minutes 47 seconds West, a distance of 200.99 feet to a magnetic nail with a William J. Rensberger I.D. tag on the North line of said Southwest ¼; thence North 89 degrees 59 minutes 13 seconds East along said North line, a distance of 151.64 feet to the place of beginning.

Ransom

The West Half (W1/2) of the Southwest Quarter (SW ¼) of Section Eleven (11), in Township Thirty-five (35) North, Range Six (6) West, in Porter County and State of Indiana, but excepting therefrom the following three parcels:

Parcel 1:

A parcel of land in the West ½ of the S.W. ¼ of Section 11, Township 35 North, Range 6 West of the 2nd P.M. in Center Township, Porter County, Indiana, described as follows: Commencing at the N.E. corner of said West

½; thence N 90 degrees W along the North line of said West ½, 783.74 feet to the point of beginning; thence continuing N 90 degrees W along said North line, 190.00 feet; thence S 2 degrees 30 minutes E, 229.00 feet; thence S 90 degrees E, parallel to said North line, 190.00 feet; thence N 2 degrees 30 minutes W, 229.00 feet to the Point of Beginning. Containing 1.0 acres, more or less.

Parcel 2:

A parcel of land in the West ½ of the S.W. ¼ of Section 11, Township 35 North, Range 6 West of the 2nd P.M. in Center Township, Porter County, Indiana, described as follows: Commencing at the N.E. corner of said West ½; thence N 90 degrees W along the North line of said West ½, 373.74 feet to the Point of Beginning; thence continuing N 90 degrees W along said North line, 198.0 feet; thence S 0 degrees E, 220.0 feet; thence S 90 degrees E, 198.0 feet; thence N 0 degrees W, 220.0 feet to the Point of Beginning. Containing 1.0 acre, more or less.

Parcel 3:

A parcel of land in the West ½ of the S.W. ¼ of Section 11, Township 35 North, Range 6 West of the 2nd P.M. in Center Township, Porter County, Indiana described as follows: Commencing at the N.E. corner of said West ½; thence N 90 degrees W along the North line of said West ½, 571.74 feet to the Point of Beginning; thence continuing N 90 degrees W along said North line, 106.00 feet; thence S 0 degrees E, 220.0 feet; thence S 90 degrees E, 106.00 feet; thence N 0 degrees W, 220.00 feet to the Point of Beginning. Containing .54 acre, more or less.