

Part I
Article I

TITLE, PURPOSE AND JURISDICTION

Section 100 Title

An Ordinance regulating the location, height, bulk, erection, construction, alteration, razing, removal, and size of structures; the percentage of lot which may be occupied, the distribution of population, the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities, or other purposes; and the uses of land for agriculture, water supply, conservation, or other purposes.

Section 101 Short Title

This Ordinance shall be know as and may be cited as the Zoning Ordinance of the City of Valparaiso.

Section 102 Purpose

The purpose of this Ordinance is to promote the health, safety, morals, convenience, order, and general welfare of the present and future inhabitants of the City of Valparaiso by:

- A. Lessening the danger and congestion of traffic on the roads and highways and reducing excessive numbers of roads.
- B. Securing safety from fire, panic, flood, and other dangers.
- C. Providing adequate light and air.
- D. Controlling and regulating the growth of the area; encouraging development in areas where adequate sewage, roads, and schools can be provided; and limiting development in areas where these facilities are not provided.
- E. Promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, schools, parks, and other public facilities, educational opportunities, recreation, soil fertility, and food supply in accordance with the Comprehensive Plan of the City of Valparaiso.
- F. Providing standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts; to protect the people's right to clean air, pure water, and the natural, scenic, historic, and aesthetic values of the environment; and to protect natural resources which are a part of the ecological system to which we are all bound, which are therefore the common property of all the people including generations yet to come, and which must be protected to insure health, safety and welfare of all the people.
- G. Protecting land best suited for agricultural use from the encroachment of urban-type residential and business development in order to promote more efficient use of the increasingly reduced area of land in agricultural uses as the result of expanding urbanization.

- H. Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing.
- I. Preventing additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed in this Ordinance.
- J. Securing economy in governmental expenditures, and protecting and conserving the value of land in the City and the value of buildings and improvements upon the land.
- K. Fostering a balanced community, and minimizing conflicts among the uses of land and buildings.
- L. Protecting the character and maintaining the stability of residential, business, and manufacturing areas, and promoting the orderly and beneficial development of such areas.

Section 120 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

1. Whenever any regulations made under authority of this Ordinance require a greater width or size of yard, courts or other open spaces, or require a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under this Ordinance shall govern.
2. Whenever the provisions of any other statute require a greater width or size of yard, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by regulations made under authority of this Ordinance, the provisions of such statute shall govern.
3. This Ordinance does not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or by implication repealed by this Ordinance, nor any private restrictions placed upon property by covenant, deed, or other private agreement unless such agreement is less restrictive than the provisions of this Ordinance or is inconsistent with the purpose and intent of this Ordinance.
4. Provisions in the Valparaiso Subdivision Control Ordinance providing for varying design standards shall not be considered to be in conflict with the provisions of this Ordinance.

Section 150 Separability

It is hereby declared to be the intent of the City of Valparaiso that:

1. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
2. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building, or other structure, or tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.