

Part IV
Article XXXV

SITE REVIEW AND DEVELOPMENT PLAN ORDINANCE

Section 3500 Policy and Purposes

It is the policy of the City of Valparaiso to consider the development of a lot or parcel as subject to the control of the City pursuant to the official Comprehensive Plan for the orderly, planned, efficient, and economical development of Valparaiso.

These regulations are adopted to promote the health, safety, morals, convenience, order, and general welfare of the present and future residents of the City of Valparaiso by:

- Lessening the danger and congestion of traffic on streets and highways.
- Securing safety from fire, panic, flood and other dangers.
- Providing adequate light and clean air.
- Promoting distribution of population and land uses, and distribution of land deployment and utilization 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 Valparaiso Comprehensive Plan.
- 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 feature 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 resource 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 the health, safety and welfare of all the people.
- Providing standards for all types of dwelling units so that all the people may have access to decent, sound and sanitary housing.
- 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.
- Fostering a balanced community, and minimizing conflicts among the uses of land and buildings.
- Protecting the character and maintaining the stability of residential, business and manufacturing areas, and promoting the orderly and beneficial development of such areas.

Section 3505 Definitions

Development - any change to a parcel of land in the City of Valparaiso that results in new building(s), additional building(s), addition to an existing building, additional accessory buildings, changes in topography of a parcel, or change of use of a parcel and/or buildings.

Development Plan - a written document between the City of Valparaiso and a developer (see Section 3520 for details)

Redevelopment - any change to an existing parcel and/or buildings in the City of Valparaiso including any change of use of a parcel and/or building.

Written Commitments - a written agreement between a developer and the City of Valparaiso indicating the specific conditions agreed to as part of a concept plan, site plan, special exception, or variance for any development or redevelopment in the City of Valparaiso, Indiana. Written Commitments must be time-specific, designate enforcement responsibilities, be recorded, and include an amendment process.

Section 3510 Site Review Committee

A Site Review Committee shall be established which is comprised of the following members: City Planner, Assistant City Planner, City Engineer, Building Commissioner, a representative of the Fire Department, Plan Commission, and other City Departments interested in development plans.

The Committee may, as a condition to the issuance of any building permit, require a site review for any project that meets any one of the following conditions:

1. More than one principal structure is scheduled for development on any parcel; or
2. Any structure is scheduled for development, redevelopment, or expansion except that such shall not apply to single family residences; or
3. Change of use of any part of an existing building in any zone is planned; or
4. Lot is being divided into two or more lots.
5. Any other development or redevelopment which the Site Review Committee finds presents special problems.

Section 3515 Site Review Procedures

The site review procedures are:

1. The site plan shall be scheduled for review by the Site Review Committee after preliminary discussion with the City Planner. All projects are scheduled at least a week in advance of the committee meeting.

It shall be the obligation of the Site Review Committee to expedite the site review as soon as possible; therefore the Committee may call special meetings when it is felt such a meeting would resolve any problems and allow the development to proceed in an orderly manner.

2. Pre-site review discussion is mandated with the City Planning Office prior to a site review. The purpose of the discussion is to:
 - a. acquaint the developer with the city's standards and requirements of all ordinances and the Comprehensive Plan;

- b. review the intent of the procedures and requirements of the City
 - c. acquaint the developer with any limiting characteristics of the specific site under review
 - d. reduce the time period between discussions, site review, and awarding of permits by encouraging a complete site plan whenever possible.
3. Once a site review has been scheduled, the developer should attend the meeting with at least five large site plans, or 12 small site plans so that all members can review the project. Fully reviewed site plans shall be required as part of a total Development Plan as defined in Section 802 and Section 3520.
 4. The Site Review Committee shall have a secretary who will take minutes of the meeting and distribute them to all participants. The minutes shall indicate if a site plan meets all City regulations, or if additional information is needed, before permits can be issued. The minutes shall also indicate if an additional review is required after more information is submitted. Revised site plans can be submitted for discussion any time after the first site review meeting. The minutes shall also indicate by checklist, all permits that will be required for the project.
 5. In determining whether a project meets City regulations, the Committee shall use existing standards and ordinances including, but not limited to, the Site Review Checklist (Appendix A) and the standards and requirements outlined in "An Ordinance Providing Standards for Acceptance of Municipal Improvements."
 6. Plans that have completed the site review process are valid for one year. If a project has not received permits in that time, the developer must request a new site review before any permits are issued.
 7. It is required by the Site Review Committee that once a site plan has been successfully reviewed, it will be built according to the plan as presented and/or amended by site review; or the developer shall request an additional review to discuss major changes to the site plan.
 8. If the site plan is part of a project that will be reviewed by the Plan Commission and/or the Board of Zoning Appeals, copies of the minutes shall be distributed to members of those boards.
 9. No permits shall be issued after a successful Site Review until all required easements, right-of-ways, plats, deed restrictions, or other required legal documents have been provided the City Engineer in a form ready for recording.

Section 3520 Development Plan

Development Plans shall be required of all Planned Unit Developments (PUD) and subdivisions per IC-36-7-4-1400 series. Written Commitments per IC 36-7-4-613, when required, will always become part of a Development Plan.

Written Commitments may be required for annexations, rezonings, and projects that require Board of Zoning Appeals approval.

Basic standards that will be taken into consideration for all projects requiring a Development Plan include:

- A. Encourage the preservation of natural site amenities and minimize disturbance of the natural environment.
- B. Encourage the protection of natural features during construction.

- C. Consider the City's "Standards for Municipal Improvements" regarding the number and placement of infrastructure.
- D. Consider the City's official Thoroughfare Plan regarding improvements of existing and/or construction of additional vehicular and/or pedestrian improvements.
- E. Encourage recreational space development whenever a minimum of 20 housing units are proposed. The recreational space should be located in a safe part of the development.
- F. Maintenance of recreational and non-recreational space, and all infrastructure should be specified and documented.
- G. Drainage plans should be considered in the context of the entire watershed, and should be phased to protect the development and the neighborhood.
- H. Consistency with the City's Comprehensive Plan.

Section 3521 Development Plan Requirements

Final concept plans shall be part of all Development Plans. In addition, Development Plans shall include:

1. Development schedule indicating approximate dates when construction will begin and finish.
2. Number of structures, parcel size of each lot, percent of lot coverage for each lot, and for the entire parcel.
3. Gross densities for each use - residential, commercial, industrial.
4. Types of buildings proposed, including general statements and/or sketches of exterior products and colors.
5. Statement identifying the intended means of assuring permanency, continuance, and maintenance of all open/recreational space to be dedicated for use by residents of the development and/or the general public. If the Park Department is a partner in the development, copies of all agreements shall be attached to the Development Plan.
6. Proposed restrictive covenants.
7. Legal description of the entire parcel.
8. Statements or attachments indicating that the Waste Water Treatment Plant and collection system, and the Water Department have capacity available for this development. Multi-family developments consisting of more than 1 (one) four-unit building, subdivisions, PUDs, and commercial and industrial developments shall have prior written approval from the Dept. of Water Works, to insure an adequate supply of water before plans are approved. The lack of this information shall not constitute in itself justification for denial.
9. Approved Site Plan and minutes of Site Review meeting.
10. General statements on the preservation of any unique environmental areas, or concerns of the parcel such as wetlands, flood plains, etc. All environmental areas shall be delineated on the approved site plan.
11. General statements on environmental considerations for the placement of all infrastructure, open space, recreational areas, underground services, paved areas, and finished grade levels. These statements should also include all considerations given for these environmental areas during construction.
12. General statements regarding the number and placement of all driveways, streets, alleys, and sidewalks including the widths and lengths of all acceleration and deceleration lanes. Parking facilities and access drives shall comply with Section 750 of this Zoning Ordinance.
13. Recognition of all right-of-ways and easements with reference to the approved site plan.

14. General statements on the number and placement of street lighting if the development is a PUD or subdivision.
15. The approved storm drainage plan shall be an attachment to all Development Plans. The approved drainage plan shall indicate the watershed the development is in. Drainage plans shall be in accordance with Article VI of this Zoning Ordinance.
16. Approved soil erosion control plan.
17. Approved landscape plan.
18. Other related data which may be reasonably required by the Site Review Committee.

Section 3525 Development Plan Process

1. Developer files a concept site plan and draft development plan with the Planning Office.
2. A Site Review is schedule for the concept plan and draft development plan.
3. Concept site plan and draft Development Plan is presented to Plan Commission in a public hearing.
4. Plan Commission recommends to City Council both concept site plan and draft development plan.
5. City Council votes on site plan and draft development plan.
6. Developer files a preliminary plat with Planning Office and is scheduled for public hearing at Plan Commission.
7. Plan Commission holds public hearing on preliminary plat and final Development Plan.
8. Preliminary plat and final development plan are approved by Plan Commission.
9. Secondary Plat is filed with Planning Office.
10. Secondary Plat is approved by Plan Commission, and plat and Development Plan are recorded by developer.

Section 3530 Amendments and Waivers to Development Plan

Development Plans can be amended after final approval by presenting proposed amendments to the Plan Commission. If the amendment is deemed minor (as defined in Article VIII, Section 870, the Commission may decide on the amendments without a public hearing. All other amendments must be presented in a public hearing before the Plan Commission.

The Plan Commission can waive a Development Plan requirement, when, in its opinion, the requirement is not necessary to meet the objectives as listed in Section 3520. The waiver should be part of the final Development Plan, and include findings supporting the waiver.

Section 3540 Written Findings for Development Plans

The following findings and form will be used for all Development Plan approvals or denials by the Plan Commission.

The City Plan Commission, City of Valparaiso, now makes the following findings of fact in support of its approval/denial of the following Development Plan:

Name of developer_____

Date_____

Name of project_____

This Development Plan:

_____ is consistent with the stated purposes of the City's regulations

_____ meets the requirements and standards of the City's regulations

_____ deems the proposed waivers from the zoning regulations including but not limited to density, dimensions, area, bulk, and use, to be in the public interest

_____ there are adequate provisions in the physical design for public services, control over vehicle traffic, and protection of designated open spaces that further the amenities of light, air, recreational and visual enjoyment.

_____ includes adequate structures and roadways built in areas susceptible of flooding, ponding or erosion is compatible and beneficial to the adjacent properties and neighborhood

_____ adds to the physical development, tax base, and economic well-being of the entire community

_____ conforms with recommendations of the Comprehensive Plan

_____ appears to conform with all existing federal, state and local legislation and regulations.

The Plan Commission approved/denied by a vote of ____ to ____

President of the Plan Commission _____