

ORDINANCE NO. 38, 2014

AN ORDINANCE AMENDING ARTICLES, 5, 9 10 AND 11 OF THE
UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF VALPARAISO

WHEREAS, a petition was presented to amend articles 5, 9, 10 and 11 of the Unified Development Ordinance (UDO); and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed hearing according to IC 5-3-1 and;

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

WHEREAS, the Plan Commission voted to recommend the approval of proposed amendments by a 8-0 vote on April 9th, 2013 for article 11 of the Unified Development Ordinance (UDO); and

WHEREAS, the Plan Commission voted to recommend the approval of proposed amendments by a 7-0 vote on November 11th, 2014 for articles 5, 9, and 10 of the Unified Development Ordinance (UDO); and.

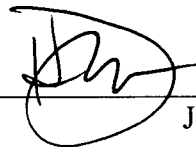
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

1. That the Unified Development Ordinance shall be amended as follows:

SEE ATTACHED EXHIBIT A

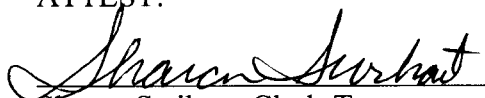
This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 8th day of Dec, 2014.

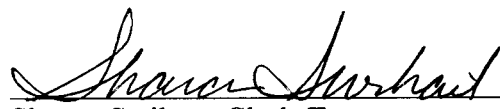


Jon Costas, Mayor

ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 8th day of Dec, 2014, at 8:35 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 8th day of Dec, 2014, at 8:35 o'clock p.m.



Jon Costas, Mayor

PROPOSED UDO AMENDMENTS – NOVEMBER 2014

Amend Article 5, Sections 5.201 to clarify the provision providing the loss of legal nonconforming sign status.

Sec. 5.201 Nonconforming Signs

A. Notification of Nonconformity.

1. After the enactment of this Article, the Building Commissioner or his/her designee shall, as soon as practicable, survey the City for signs that do not conform to the requirements of this Article. Upon determination that a sign is nonconforming, the Building Commissioner or his/her designee shall use reasonable efforts to so notify either personally or in writing the tenant or owner of the property on which the sign is located of the following:
 - a. The sign's nonconformity; and
 - b. Whether the sign is eligible for characterization either as legal nonconforming or unlawful.
2. If the owner or user of the sign or property on which the sign is located cannot be contacted, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

B. Signs Eligible for Characterization as Legal Nonconforming.

1. Any sign located within the City limits on the date of adoption of this Article that does not conform to the provisions of this Article is eligible for characterization as a "legal nonconforming" sign and is permitted, provided it also meets the following requirements:
 - a. The sign was approved by a sign permit or variance on the date of adoption of this Article if one was required under applicable law, or, if no sign permit was required under applicable law for the sign in question, the sign was in all respects in conformity with the applicable law immediately prior to the adoption of this Article or had legal nonconforming status at such time; and
 - b. The sign is a permanent sign.
2. If land is annexed to the City of Valparaiso after the effective date of this Article, any signs that do not conform to the provisions of this Article at such time shall have legal nonconforming status if:
 - a. Under applicable federal, state, and county regulations, the sign was legal in all respects immediately prior to annexation;
 - b. The sign is a permanent sign; and
 - c. The annexation was not conditioned upon the removal or modification of the sign.

3. Any nonconforming sign that does not fit the definition of a "legal nonconforming" sign is an unlawful sign. Except as provided subsection C. below, a legal nonconforming sign shall retain such status in perpetuity.

C. Loss of Legal Nonconforming Status.

1. A legal nonconforming sign shall immediately lose its legal nonconforming status if:
 - a. The sign or sign structure, ~~because of improper installation or maintenance,~~ constitutes a threat to public health or safety ~~and remains in such condition after a reasonable time is given to remedy the problem;~~
 - b. Removal of the sign cabinet from the sign structure; ~~The sign is demolished or damaged to the extent of 50 percent or more of its value~~
 - c. The permit, variance, or condition under which the sign was permitted expires; or
 - d. The sign or sign structure is ~~substantially~~ structurally altered so as to prolong its expected life. Structural alterations that prolong the expected life of a sign or sign structure shall include, but not be limited to, the following: match plate alterations and repairs, cabinet alterations and repairs, the alteration, addition or replacement of structural components of the sign or sign structure, or repairs or alterations to load or wind bearing components of the sign structure or sign cabinet.
2. On the happening of any one of the above-listed items, the sign shall be immediately brought into conformance with this Article or shall be removed. The following shall not result in loss of legal nonconforming status:
 - a. Any changes of color, design, or message on the sign's face; and
 - b. Any modification to the sign or sign structure which does not constitute a ~~substantial~~ structural modification.

Safety, Maintenance and Repair. Nothing in this Article shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from any provisions regarding safety, maintenance and repair of signs.

Amend Article 9, Sections 9.301, to require the measurement of the residential driveway be measured from the front garage or carport to the property line and not from the residential side of the public sidewalk.

Sec. 9.301 Parking Space, Driveway and Module Standards

A. **Standard Parking Space Dimensions.** Parking spaces shall have the following dimensions.

1. Standard Parking Space: 9 ft. x 20 ft.; however, in locations where the vehicle may overhang the edge of pavement, the length of a standard parking space may be reduced to 18 ft.
2. Compact Parking Space: 9 ft. x 16 ft.

B. **Number of Required Disabled Parking Spaces.** Disabled parking shall be provided as set out in **Table 9.301, Disabled Parking Requirements**, or as required by the Americans with Disabilities Act, whichever provides for more disabled parking. Disabled parking is included in the total number of required parking spaces.

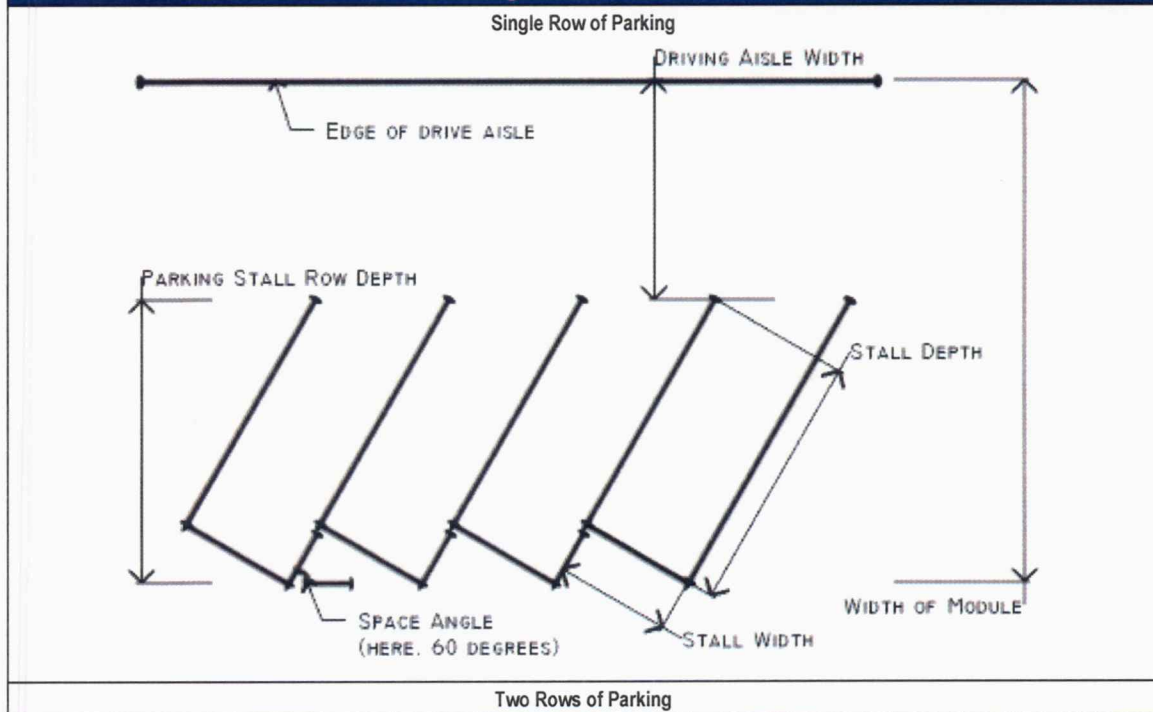
Table 9.301: Disabled Parking Requirements		
Number of Required Parking Spaces	Number of Disabled Spaces	Number of Disabled Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2 percent of total	1 out of 8 disabled parking spaces, rounded up
1001 and over	20 plus 1 for each 100 over 1000	1 out of 8 disabled parking spaces, rounded up

- C. **Disabled Parking Space Dimensions, Design, and Location.** The dimensions, design, and location of disabled parking spaces shall be as required by the Americans with Disabilities Act. A summary of requirements is provided in , **Illustrations**.
- D. **Parking Space Markings.** All standard and accessible parking spaces shall be clearly marked as set out in the **Standards Manual**, which shall not be inconsistent with this Section.
- E. **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. Additional clearance shall be provided for larger vans, sports utility vehicles, and light trucks that require such clearance if parking demand from such vehicles is anticipated. All parking garage entrances shall include an overhead bar to alert oversized vehicles regarding clearance.

- F. **Parking Module Dimensions.** Parking modules shall be dimensioned as shown in **Table 9.301, Minimum Horizontal Parking Dimensions for Standard Automobiles.** The dimensions that are set out in the table are illustrated in **Figure 9.301.B., Parking Module Standards.**

Table 9.301: Minimum Horizontal Parking Dimensions for Standard Automobiles					
Dimension	One-Way	Space Angle (degrees)			
	Parallel	30	45	60	90
One Row of Parking					
Parking stall row depth	9 ft.	17.8 ft.	20.5 ft.	21.8 ft.	20 ft.
Driving aisle width	12 ft.	12 ft.	14 ft.	17 ft.	22 ft.
Minimum width of module (row & aisle)	21 ft.	29.8 ft.	34.5 ft.	38.8 ft.	42 ft.
Interlock reduction (per overlapping parking stall row, see Figure 9.301B, <i>Interlock Reductions</i>) (ft.)	0	3.9 ft.	3.2 ft.	2.25 ft.	0
Two Rows of Parking					
Parking stall row depth (total for both rows)	18 ft.	35.6 ft.	41 ft.	43.6 ft.	40 ft.
Driving aisle width	12 ft.	12 ft.	14 ft.	17 ft.	22 ft.
Minimum width of module (rows & aisle)	30 ft.	47.6 ft.	55 ft.	60.6 ft.	62 ft.
Interlock reduction (per overlapping parking stall row, see Figure 9.301B, <i>Interlock Reductions</i>) (ft.)	0	3.9 ft.	3.2 ft.	2.25 ft.	0

**Figure 9.301A:
Parking Module Standards**



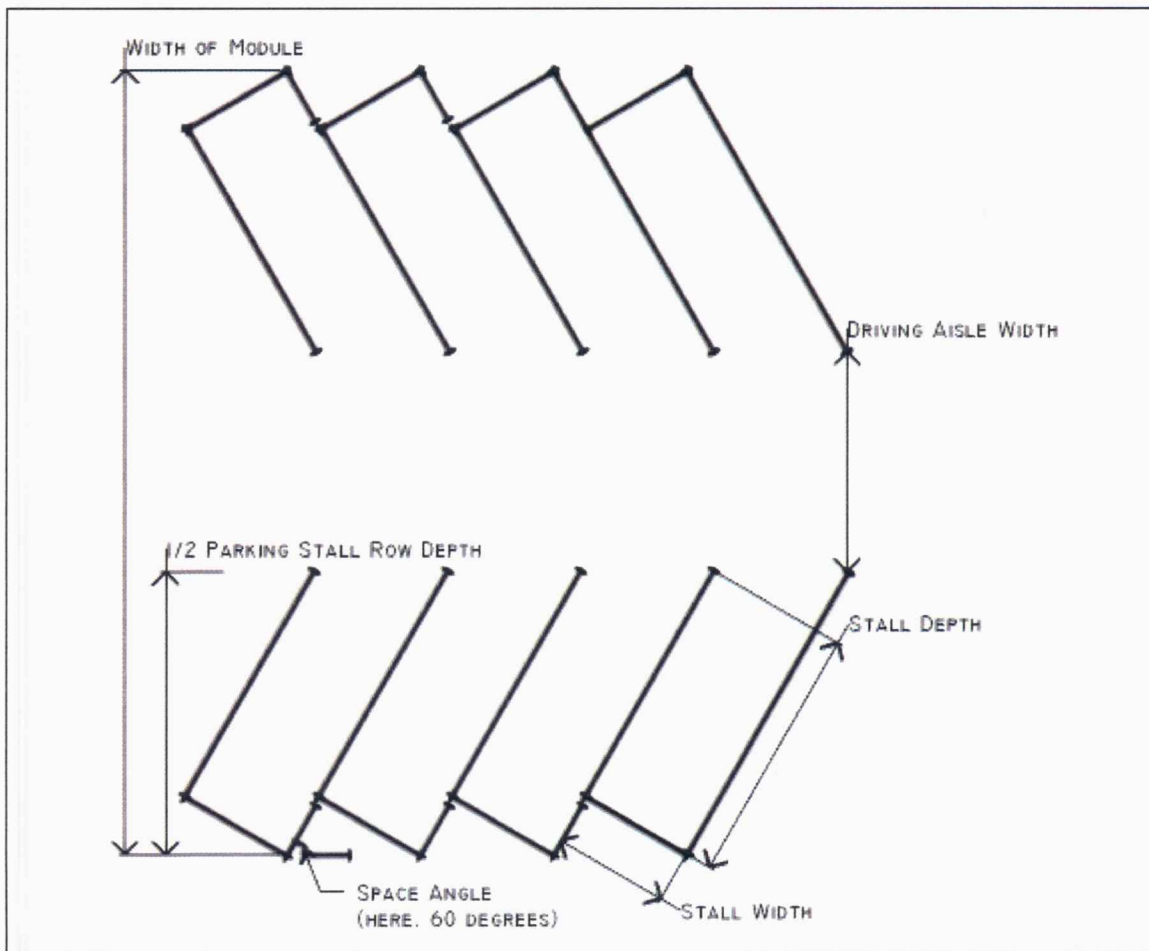
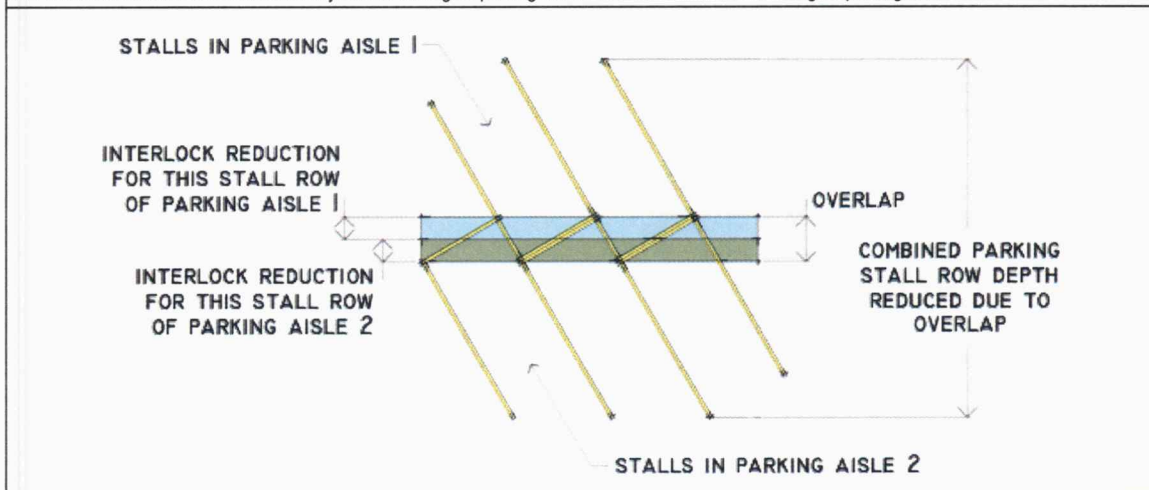


Figure 9.301.B:
Interlock Reductions

The interlock reduction is available on any side of an angled parking row that interlocks with another angled parking row.



- G. **Residential Driveway Design.** Driveways for residential units leading to/from any garage or carport shall not be less than 20 feet in length as measured from the property line, residential side of the sidewalk in cases where a public sidewalk exists in front of the property, and in cases where a public sidewalk is not present, the minimum distance between the street and any garage or carport shall be 30 feet.

Amend Article 10, Sections 10.405, to require a class "D" bufferyard along all Arterial, Collector Roads, a class "B" bufferyard along all Perimeter/Minor roads and a class "B" bufferyard along all RailRoads. To require a class "D" bufferyard along the State Road 49 corridor for all new development occurring immediately adjacent to the State Road 49 Thoroughfare, from U.S. Highway 30 to U.S. Highway 6.

Sec. 10.405 Street Bufferyard Standards

- A. **General.** The bufferyard standards in **Table 10.405, Bufferyard Requirements for Roads and Railroads**, address the classification of the bufferyard that is required along arterial, collector, and local streets or railroads (for classifications, *see* **Table 10.402, Bufferyard Classifications**). The standards are in addition to the street tree requirements in **Section 10.305, Street Trees**. Some Limited or Special Uses may have additional bufferyard requirements, as specified in **Division 2.500, Limited and Special Uses**.

Table 10.405: Bufferyard Requirements for Roads and Railroads				
Zoning of Proposed Development	Adjoining Road or Railroad			
	Arterial	Collector	Perimeter / Minor	Railroad
Rural (RU) Agricultural Uses	-	-	-	-
Open Space (OS) All Other Uses	C	B	-	D
Estate Residential (ER)/Public Space (PS)	C	B	A	D
Suburban Residential (SR)	C	B	A	D
General Residential (GR)	C	B	A	D
Urban Residential (UR)	B	A	-	D
Neighborhood Conservation (NC)	-	-	-	D
Residential Transition (RT)	B	B	B	B
<u>Light Industrial (INL)</u>	<u>D</u>	<u>D</u>	<u>B</u>	<u>B</u>
<u>Heavy Industrial (INH)</u>	<u>D</u>	<u>D</u>	<u>B</u>	<u>B</u>

- B. **Walls and Berms.** If **Table 10.402, Bufferyard Classifications** requires a class "C" or class "D" bufferyard, the bufferyard shall not include a wall or berm in front street yards, unless the parcel proposed for development is in the Light Industrial (INL) or Heavy Industrial (INH) district.
- C. **Reduction in Required Bufferyard.** The Planning Director 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.
- D. State Road 49 Corridor. A class "D" bufferyard shall be required immediately adjacent to the State Road 49 Corridor, extending from U.S. Highway 30 to U.S. Highway 6.

C.E. Additional Requirements. Some Limited or Special Uses may have a requirement for greater bufferyard opacity or depth, as specified in **Division 2.500, Limited and Special Use**.

Amend Article 11, Sections 11.305, to require a 15 foot front yard setback rather than the current requirement of 65 feet. The 15 foot front yard setback will allow for a more urban pattern of out lot development, allowing for seating areas and decorative hardscape features allowed between the setback area and the service roads.

Sec. 11.305 US 30 (Morthland Drive) Standards

- A. **Generally.** The standards of this Section apply to private property within the US 30 (Morthland Drive) signature overlay district.
- B. **Prohibited Structures.** The following structures are prohibited in the US 30 (Morthland Drive) signature overlay district:
 - 1. Billboards; and
 - 2. Portable flashing lights, inflated signage, and air powered signage.
- C. **Prohibited Uses.** The following uses are prohibited in the US 30 (Morthland Drive) signature overlay district, even if otherwise permitted in the underlying zoning district by **Section 2.201, Permitted, Limited, and Special Uses**:
 - 1. Manufactured home park;
 - 2. Multifamily;
 - 3. Single-family attached;
 - 4. Institutional residential;
 - 5. Warehousing, storage and distribution that involves: bottle gas; liquid fertilizer; petroleum;
 - 6. Disposal, including but not limited to dump and/or garbage disposal plant, automotive salvage recycler, automotive salvage rebuilder, or automotive disposal facility;
 - 7. Heavy industry that involves the manufacture and/or storage of **explosives**;
 - 8. Extraction involving mineral extraction, borrow pit, or topsoil removal;
 - 9. Sewage disposal plant; and
 - 10. Heavy retail, including but not limited to auction sales yard and/or sales barn for livestock.
- D. **Prohibited Accessory Uses.** No outdoor storage, enclosed storage or refuse (whether or not in containers) or display of merchandize shall be permitted on any lot. All refuse shall be contained completely within the principle or accessory buildings.
- E. **Loading Berths.** Loading berths shall be configured and/or screened so that they are not visible from street level views within the US 30 right-of-way.

F. Landscaping.

1. All uses shall provide and maintain a 15-foot wide greenbelt of landscaping and/or plantings across the entire front yard setback area, except for points of access. Only the following are permitted in the greenbelt: steps, walks, terraces, driveways, access roads, and lighting standards. Parking in the greenbelt is prohibited.
2. Landscaping shall be maintained by the property owner in healthy condition, and shall be pruned to maintain a manicured appearance.

G. Parking. For all commercial and industrial buildings located East of the intersection of State Road 49 and US 30 (Morthland Drive) parking shall be located behind the principal building wherever practicable, but is permitted within the 65 foot setback with an approved parking lot and landscape plan, as shown in **Appendix D**, Illustrations; Growth Management Plan, Figures 9.0 and 9.5. For all commercial buildings located West of the intersection of State Road 49 and US 30 (Morthland Drive), parking shall be located behind or on the side of the principal building.

H. Residential Setbacks. Residential buildings shall be set back 65 feet from the US 30 (Morthland Drive) right-of-way.

I. Commercial and Industrial Setbacks. For all commercial and industrial buildings located East of the intersection of State road 49 and US 30 (Morthland Drive), the following setbacks apply:

1. Front yard:
 - a. Buildings that are 36 feet in height or less: 65 feet.
 - b. Buildings that 36 feet or more in height: 75 feet.
 - c. Parking: 15 feet.
2. Side yard:
 - a. Generally: 10 feet.
 - b. Abutting a parcel with residential zoning: 30 feet.
3. Rear yard:
 - a. Generally: 15 feet.
 - b. Abutting a parcel with residential zoning: 30 feet.

J. Commercial Setbacks. For all commercial buildings located West of the intersection of State Road 49 and US 30 (Morthland Drive), the following setbacks apply:

1. Front yard

a. Generally: 15 feet

2. Side Yard:

a. Generally: 10 feet

b. Abutting a parcel with residential zoning: 30 feet

3. Rear Yard:

a. Generally: 15 feet

b. Abutting a parcel with residential zoning: 30 feet

C.

~~J~~K. **Commercial and Industrial Lot Dimensions.** The minimum size and dimensions of commercial and industrial lots shall be as follows:

1. Minimum lot size: One-half acre, excluding any right-of-way dedication.
2. Minimum lot width: 100 feet.

~~K~~L. **Commercial and Industrial Lot Coverage.**

1. Maximum **lot coverage**: 75 percent.
2. Minimum LSR: 25 percent, landscaped in a manner comparable to **Figure 11.303, Prototype Landscaping for Signature Streets.**

~~L~~M. **Building Height.** Buildings shall comply with the standards of **Article 3, District Intensity and Bulk Standards** with regard to height. However, no building shall exceed three stories or 35 feet in height unless the building is sprinkled for fire protection, and complies with the Porter County Airport height restrictions.

~~M~~N. **Access.**

1. Left turn access from U.S. 30 should be eliminated, except at signalized intersections, whenever alternative access becomes available.
2. Access roads shall be required of all commercial and industrial zoned parcels that front on State Road 49. Access roads may be built in the setback (but not the greenbelt) or rear yard, but shall be continuous from parcel to parcel and shall be built to the standards and specifications of the **Standards Manual**.

~~N~~O. **Signage.** Only monument signs with a height of not more than six feet are permitted in the US 30 (Morthland Drive) overlay area. Mounding and other innovative treatments are especially encouraged in this area. No other sign types, including pole-mounted signs are allowed in the US 30 (Morthland Drive) overlay area.