

ORDINANCE NO. 22-2009

AN ORDINANCE AMENDING ARTICLES 2, 3, 5, 6, 8, 9, 10, 11, 13, 14, 15, and 18
OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF
VALPARAISO

WHEREAS, a petition was presented to amend the Unified Development Ordinance (UDO) Articles 2, 3, 5, 6, 8, 9, 10, 11, 13, 14, 15, and 18; 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 an 8-0 vote on July 14, 2009.

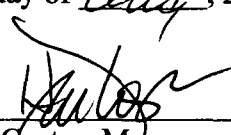
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

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 10th day of Aug, 2009.



Jon Costas, Mayor

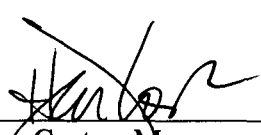
ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 10th day of Aug, 2009, at 8:15 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 10th day of Aug, 2009, at 8:15 o'clock p.m.



Jon Costas, Mayor

Ordinance 22, 2009 – Exhibit A

Proposed UDO Text Amendments – July 2009

Table 2.201 B

Make Restaurants a limited use in the RT District. We want to encourage small restaurants in areas like the neighborhoods near the University, such as Maria Elena’s and Mezza.

Table 2.201.B. Nonresidential Uses																
Land Use	BP	CA	CH	IN	INL	INH	RT	CA	BP	INL	INH	RT	CA	BP	INL	INH
Commercial Uses																
Restaurant	X	X	X	X	X	X	P	P	P	P	L	L	L	L	L	Sec. 2.532

Sec. 2.532 Restaurant

- A. **Generally.** Restaurants shall be permitted as a Limited Use in the Residential Transition (RT), Campus (CA), Business Park (BP), Light Industrial (INL), and Heavy Industrial (INH) districts ~~and as a Special Use in the Residential Transition (RT) district~~ subject to the requirements of this Section.
- B. **Maximum Floor Area.**
1. CA district: 10,000 square feet.
 2. BP district: 5,000 square feet
 3. RT, INL, and INH districts: 7,500 square feet.
- C. **Market and Signage.** The restaurant is intended to serve students (CA district) or employees (CA, BP, INL, and INH districts) and does not have signage that is visible from a street that is of collector or greater capacity.

2.303 Accessory Structures

Set maximum square footage requirements for accessory structures so larger lots that are more capable of locating a larger structure comfortably can have them. In no case should the accessory structure be larger than the primary structure in a residential setting.

Sec. 2.303 Accessory Buildings and Structures

- D. **Detached Accessory Buildings or Structures, Except Small Sheds.**
- 1.

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 ~~less~~ more, except that:
3. Setbacks:

D.Rear:

1. 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.

Sec. 2.407 Outdoor Display of Merchandise and Vending Machines

Permanent outdoor displays of merchandise by retail businesses are permitted if it is demonstrated that:

- E. Large Outdoor Displays and Vending Machines in the CBD. No large outside item display areas and no vending machines are permitted (e.g. kitchen appliances or other similarly large merchandise that is visible from the street) within the Central Business District. Sidewalks shall not be enclosed as building space for retailing. Small, temporary displays for items such as groceries, hardware, books, etc. may be allowed in the optional sidewalk finish area provided the display does not impede persons passing side by side comfortably on the sidewalk. Such items shall be brought inside at the close of business each day. A minimum open pedestrian space of four feet in width shall be maintained along the entire length of a property.

2.539 Commercial Amusement, Indoor

Delete existing Section 2.539 and replace with a limited and special use standard for Indoor Commercial Amusement which was inadvertently omitted from the original version of the UDO.

Sec. 2.539 Commercial Amusement, Indoor

Indoor commercial amusement shall be permitted as a Limited Use in the Commercial, Neighborhood (CN) and Residential Transition (RT) districts provided that such uses do not operate between the hours of 10:00 PM and 8:00 AM.

Section 2.549

Sec. 2.549 Parking and Transit Facilities

- A. **Generally.** Commercial parking and transit terminal facilities shall be permitted as a ~~Limited~~ Special Use in the Central Business (CBD), Central Place (CP), Residential Transition (RT), and Heavy Industrial (INH) districts subject to the standards of this Section.
- B. **Surfacing.** A commercial or commuter parking lot shall have asphalt or concrete paving for all surfaces used for vehicle parking.
- C. **Access.** Entrance and exit for all parking and passenger or commuter drop off shall be from a collector or arterial street.

- D. **Off-street parking.** Public lots or those that are accessory to an otherwise permitted use in the CBD are permitted as special use in the CBD, provided that at least four (4) feet from all street fronting property lines be landscaped and maintained by the property owner. Decorative fencing may be used provided that it complies with the design indicated in the downtown Streetscape Plan. Open lots shall not be located on the ½ block north or south of Lincolnway between Napoleon and Michigan Streets nor the ½ block surrounding the Courthouse Square. Public parking garages or structures and private parking garages or structures that are accessory to an otherwise permitted use in the CBD are permitted as a special use in the CBD. Such facilities shall not be located on the ½ block north and south of Lincolnway between Napoleon and Michigan Streets, nor on the ½ block surrounding the Courthouse Square.

Section 2.550 Wireless Telecommunication Facilities

Amend Table 2.201B to make wireless communications facilities a limited use in the INL and INH Districts. Amend table 2.550 to prohibit minor and major facilities in the CA Campus and BP Business Park

- A. **Classification of Communications Facilities.** For the purpose of applying differing degrees of regulation, each communications facility shall be in one of the following classifications:
1. **Attached Communications Facility.** A communication facility is an "attached communications facility" if it is affixed to a pre-existing structure (including buildings, water tanks, communications towers) provided such structure conforms to all applicable regulations, including building and zoning regulations.
 2. **Minor Communications Facility.** A communications facility is a "minor communications facility" if it:
 - a. Is not an "attached communications facility;"
 - b. ~~Is of monopole construction and~~ extends no higher than 125 feet above the ground at its base at its highest point; and
 - c. Is not located within one-half mile from any "minor" or "major" communications facility which:
 - i. Currently exists, or
 - ii. Does not yet exist but has, previous to the filing of this application, been applied for, provided that such other application has not yet been finally denied.
 3. **Major Communications Facility.** A communications facility is a "major communications facility" if it is neither an "attached" nor a "minor" facility.

Table 2.201.B. Nonresidential Uses																
Use	CA	BP	INL	INH	Office	Professional	Public	Religious	Service	Special	Transfer	Warehouse	Other	Mobile	Other	Other
Special Uses																
Parking (stand alone lot) and Transit Facilities	X	X	X	X	X	X	X	P	<u>S</u>	L	L	P	P	P	L	Sec. 2.549
Wireless Telecom. Facilities	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	S ¹⁹	<u>L</u> ¹⁹	<u>L</u> ¹⁹	Sec. 2.550

¹⁹ Telecommunications facilities that are collocated on existing structures are permitted uses.

Table 2.550 Permitted Facilities			
Facility	CA	BP	INL
CA – Campus	Allowed	<u>Not Allowed</u>	Not Allowed
BP - Business Park	Allowed	<u>Not Allowed</u>	Not Allowed
INL - Light Industrial	Allowed	Allowed	Allowed
INH - Heavy Industrial	Allowed	Allowed	Allowed

A. **General Requirements Applicable to All Facilities.** All communications facilities shall comply with the following regulations as shown by the submittal of necessary documentation and/or inclusion on a site plan or the making of written commitments. No building permit shall be issued until complete compliance is demonstrated.

11. Monopole Construction: All Wireless communication facilities that are not attached facilities shall be of monopole construction.

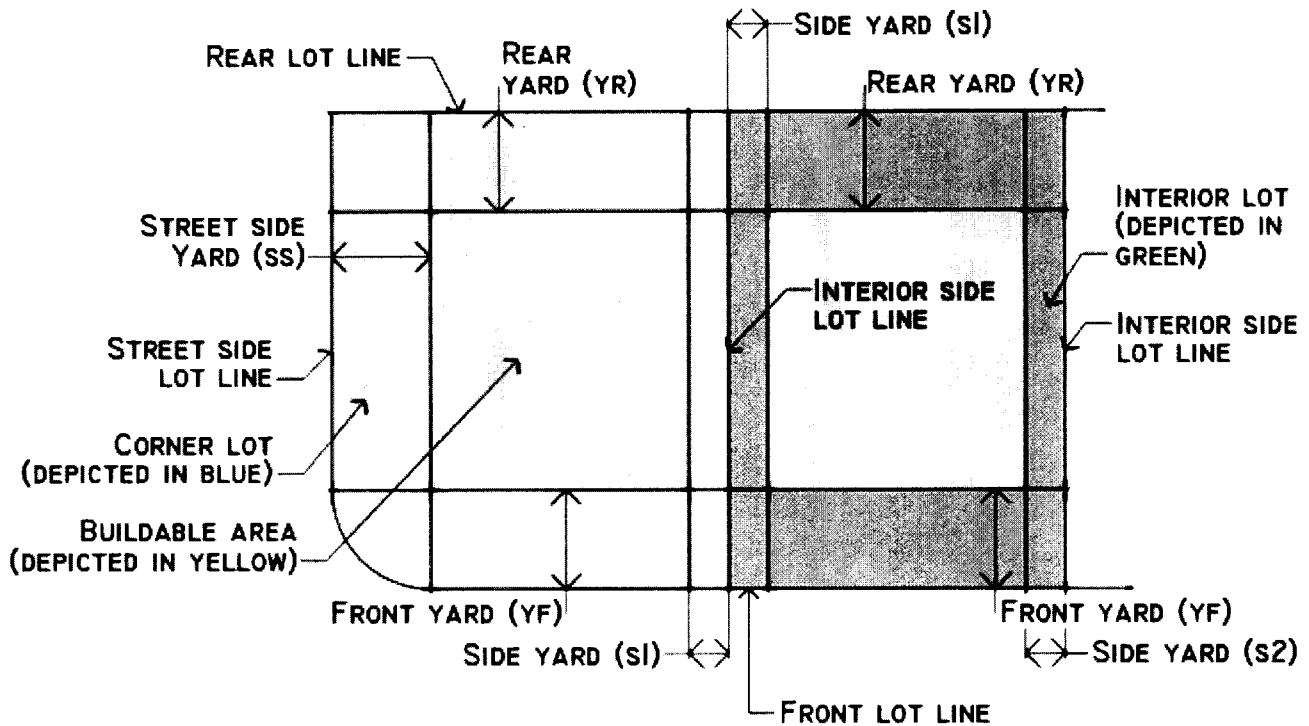
Add a new Section 3.208

Add the following information

Sec. 3.208 Yards and Setbacks

- A. Standard Lots. Setbacks are measured from lot lines towards the center of the lot, as follows:
- 1. Front setbacks (abbreviated "SF") are measured from the front lot line. The front lot line is the lot line that abuts the right-of-way from which the lot takes its address. For corner lots with standard curb radii, the front setback is not measured from the curved portion of the lot (however, a portion of this area is included in the required sight triangle, see Section 8.215).
 - 2. Rear setbacks (abbreviated "SR") are measured from the rear lot line. The rear lot line is the lot line that is opposite from the front lot line.
 - 3. Side setbacks (abbreviated "S1" and "S2") are measured from side lot lines. Side lot lines are lot lines that intersect with front lot lines.
 - 4. Street side setbacks (abbreviated "SS") are measured from street side lot lines.

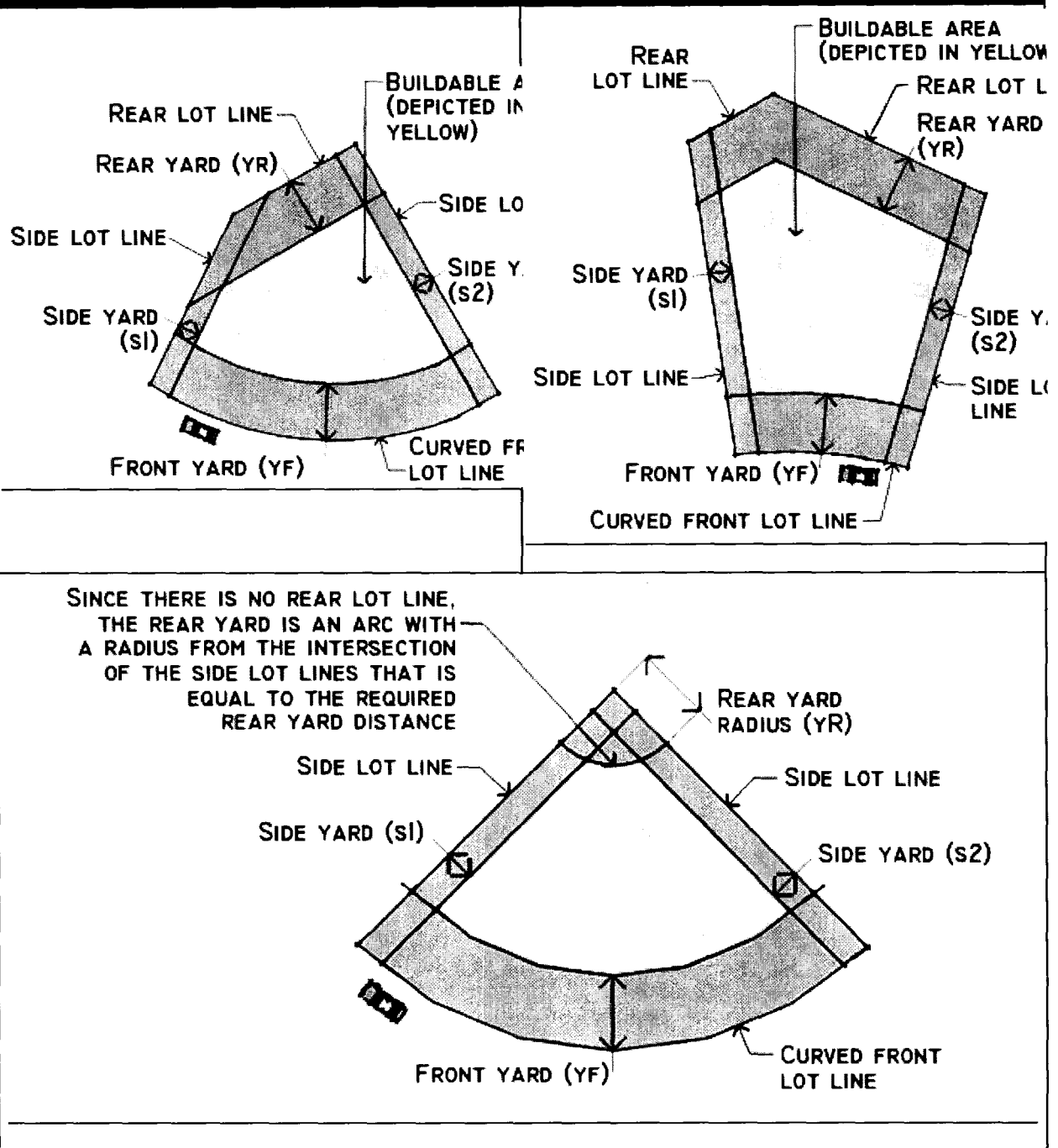
Figure 3.208 A
Setbacks on Standard Lots



B. **Odd-Shaped Lots.** Setbacks are measured from lot lines towards the center of the lot, as follows, and as depicted in Figure 0-2-203, *Setbacks on Odd-Shaped Lots*:

1. Generally, setbacks are measured as set out in subsection A., above.
2. Where lot lines are curvilinear, setbacks shall be measured as offsets from the curvilinear lot line.
3. Where there are multiple rear lot lines, the rear setback is measured as offsets from the multiple rear lot lines.
4. Where there is no rear lot line, the rear setback shall be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

Figure 3.208 B
Setbacks on Odd-Shaped Lots



Section 3.403

Amend Section 3.403 to permit the use of average street yard setbacks for the front and street yards for blocks on which a majority of the lots have been built upon in the NC District.

Sec. 3.403 Setbacks and Yard Requirements

- A.
- B. **Front Yard.** The Planning Director shall allow portions of a building to encroach into the required front yard or street side yard ~~up to five feet~~ if it is demonstrated that:
 - 2. For enclosed portions of a building:
 - e. The majority of the lots of record in a block front have been built upon at the time of the adoption of this Ordinance. In this case, the average front yard shall be established as the minimum required front yard for all the properties in that block front. Upon approval of the Planning Director, yard requirements may be established by "average" setbacks and varying front yards to encourage variety in site planning and discourage the monotony of uniformly placed buildings. However, in such instances, the average setbacks or yards shall not exceed the permitted line of encroachment by open porches in the front yard and shall not interfere or encroach upon any utility easements, increase maximum permitted lot coverage for the site, cause for the removal of any street trees, or negatively affect drainage patterns in a way which would cause harm to a neighboring property owner.

Section 3.501

Amend the required rear yard setbacks for buildings in the NC District according to the following:

Table 3.501 Single-Family Lot and Building Standards								
Zoning District	Minimum					Maximum		
	Minimum Lot Area	Lot Width (feet)	Street Yard (feet)	Rear Yard (feet)	Front Yard (feet)	Height (feet)	Building Coverage	Lot Coverage
Estate Residential (ER)	1 acre	150	50	15 / 40	50	35	0.15	X
Suburban Residential (SR)	12,000 sf.	90	25	8 / 20	30	28	0.30	X
General Residential (GR)	6,000 sf.	60	20	6 / 12	25	28	0.44	X
Urban Residential (UR)	5,000 sf.	50	10	5 / 10	25	35	0.49	X
Neighborhood Conservation (NC 60)	7,000 sf.	60	<u>20</u>	6 / 12	<u>20</u>	35	<u>0.45</u>	<u>X</u>
Neighborhood	8,700 sf.	70	20	5 / 10	30	35	0.45	X

Table 3.501 Single-Family Lot and Building Standards								
Zoning District	Minimum				Maximum			
	Minimum Lot Area	Lot Width (ft)	Street Yard (ft)	Side Yard (ft) / Rear Yard (ft)	Rear Yard (ft)	Height (ft)	Lot Coverage	Lot Coverage
Conservation (NC 70)								
Neighborhood Conservation (NC 80)	10,000 sf.	80	25	5 / 18 ⁴	30	35	0.40	X
Neighborhood Conservation (NC 90)	16,000 sf.	90	45	6 / 12	25	35	0.40	X
Rural (RU)	20 acres	500	100	25 / 70	75	28	0.02	X
Central Place (CP)	4,000 sf.	40	8	5 / 10	30	35	0.49	X
Residential Transition (RT)	5,000 sf.	50	10	5 / 10	25	35	0.49	X

¹ Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac and irregular lots.

² The first number is the minimum side yard. The second number is the sum of the two side yards. Side yards in the NC district may be modified pursuant to the standards in Division 3.400, **Neighborhood Conservation**.

³ Minimum lot area also applies to the area of rented lots in a manufactured home park.

⁴ 5 / 12 if lot is served by an alley.

A.

Table 3.502 Manufactured Home Lot and Building Standards								
Zoning District / Lot Type	Minimum				Maximum			
	Lot Area (sf.)	Lot Width (ft)	Street Yard (ft)	Side Yard (ft) / Rear Yard (ft)	Rear Yard (ft)	Height (ft)	Lot Coverage (%)	Lot Coverage
Neighborhood Conservation (NC-MH)								
Single-Wide Lot	4,300	45	15	6 / 20	10	20	0.40	X
Double-Wide Lot	5,700	60	15	6 / 20	10	20	0.40	X
General Residential (GR)								
Double-Wide Lot	5,700	60	15	6 / 20	10	20	0.45	X

¹ Street yard refers to front yard of lot.

² Minimum lot area also applies to the area of rented lots in a manufactured home park.

³ The first number is the minimum side yard. The second number is the sum of the two side yards.

Table 3.503 Single-Family Attached Lot and Building Standards		
Zoning District	Minimum	Maximum

	Lot Area per Unit (sq. ft.)	Lot Width per Unit (feet)	Street Yard (feet)	Building Separation (feet)	Front Yard (feet)	Height (feet)	Lot Coverage (%)	Notes
General Residential (GR)	4,500	45	20	15	25	28	0.45	X
Urban Residential (UR)	2,500	25	10	12	20	28	0.65	X
Central Place(CP)	2,500	25	10	12	20	35	0.65	X
Residential Transition (RT)	2,500	25	10	15	20	28	0.65	X

¹ Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac and irregular lots.

A.

Table 3.504 Multi-Family Lot and Building Standards								
Zone, District, and Development Type	Lot Area (sq. ft.)	Lot Width (feet)	Street Yard (feet)	Side Yard (feet)	Front Yard (feet)	Height (feet)	Lot Coverage (%)	Notes
Urban Residential (UR) Multifamily	2.5 ac.	330	10	30 / 60	30	35	0.40	X
Urban Residential (UR) Multiplex	6,000 sf.	60	10	5 / 10	30	35	0.40	X
Central Place (CP) Multifamily or Multiplex	22,000 sf.	110	10 (build-to line)	10 / 20	30	5 stories	0.40	X
Residential Transition (RT) Multiplex	6,000 sf.	60	10	5 / 10	30	35	0.40	X

¹ Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac and irregular lots.
² The first number is the minimum side yard. The second number is the sum of the two side yards.

Section 3.505

Sec. 3.505 Nonresidential Uses

A. Generally. Nonresidential bulk requirements include minimum lot area and yard requirements. For some districts and uses, there is a build-to line to which the front facades of the buildings must be built.

B. Build-to lines. Where a build-to line is indicated, not less than 70% of the front façade of the building shall be constructed to the build-to line. Recessed entries that are covered by second floor floor area are counted as being at the required build-to line.

- 1.. The setback area is designed and used as pedestrian-oriented space, is an extension of the adjacent ground floor use (such as tables for a restaurant, or an outdoor display area for goods for sale inside the building), or is used by a use that is permitted in the CBD zone (such as an espresso stand).
- 2... The setback area is visually open to pedestrians on the adjacent sidewalk.
- 3.. Vehicle parking is not allowed.
4. Ornamental fencing of 4 feet or less in height and landscaping is acceptable.

Section 3.801

Sec. 3.801 Non-Residential Scale Regulations

A. OS, ER, SR, GR, RU, and NC Districts.

1. Nonresidential uses that are larger than 5,000 square feet in floor area shall be located on lots that front on collector or arterial streets.
2. Nonresidential uses that are larger than 10,000 square feet in floor area shall be located on lots that front on arterial streets.

B. **CN and RT Districts.** Unless they are located in a building that was constructed before the Effective Date of this UDO that has a larger floor area, nonresidential ~~Nonresidential~~ uses shall not have a floor area greater than:

1. 5,000 square feet for a freestanding building;
2. 7,500 square feet for a multi-tenant building with common entrances;
3. 9,000 square feet for a multi-tenant building with separate entrances. However, in CN Districts drugstores may be up to 16,000 square feet, and may be located in free-standing buildings or multi-tenant buildings of up to 25,000 square feet, provided that the drugstore is the anchor tenant.

Division 5.300 Sign Restrictions

Sec. 5.202 Prohibited Signs; Special Exemptions with Written Permit

A. **Signs Prohibited in All Districts.** Subject only to the exemptions set forth in subsection B., below, the following signs are hereby expressly prohibited as to erection, construction, creation, maintenance, repair, alteration, location or relocation within the City:

1. Portable Signs, except as otherwise expressly permitted by **Section 5.307, Temporary Signs**; Specifically, signs of this type shall be prohibited in the US 30 and State Road 49 Signature Corridor Overlay Districts.
2. Animated Signs;
3. Chaser Signs;
4. Flashing Signs;
5. Inflatable Displays; Specifically, signs of this type shall be prohibited in the US 30 and State Road 49 Signature Corridor Overlay Districts.
6. Wind Signs;
7. Any sign on a motor vehicle or on a semi-trailer with or without tractor that can be seen from the street if circumstances, including the absence of vehicular use and/or the fact that the vehicle or semi-trailer carries no current motor vehicle registration or license plate, demonstrate that the primary use for said vehicle or semi-trailer is the advertisement of a business, product, or service of a business located on the premises

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

- 8. Off-Premise Signs, except as expressly permitted in Light Industrial (INL) and Heavy Industrial (INH) districts; Specifically, signs of this type shall be prohibited in the US 30 and State Road 49 Signature Corridor Overlay Districts.

Sec. 5.301 General Standards

- A. Standards Applicable to Signs in all Districts. All freestanding. Ground mounted or monument signs shall be located within a clearly delineated landscape area that extends a minimum of 3 feet in all directions from the base of the sign.

Sec. 5.302 Rural and Residential Districts

- A. **Prohibited Signs.** The following signs are prohibited in the RU, ER, SR, GR, UR, RT, CP and NC zoning districts :

Sec. 5.303 Commercial Districts

- E. **Height Regulations.**
 - A. **Ground Signs.** The maximum height of any portion of a permitted ground sign or ground sign structure shall be determined in **Table 5.302.A., Maximum Height of Ground Signs**. If a lot has frontage on more than one street, the calculation shall be based on the largest frontage.

Table 5.302.A.: Maximum Height of Ground Signs	
Ground Signage Height	Maximum Height
150 ft. or less	15 ft.
150 ft. to 300 ft.	1 ft. of height for each 10 ft. of frontage
300 ft. or more	30 ft.

- 2. **Wall Signs.**
 - a. Generally, no maximum height applies to wall signs which do not project in any part above the roof line. Any sign so projecting shall be subject to the height regulations for ground signs, and such shall be measured from the uppermost portion of the sign to ground level.
 - b. In the CBD District, wall signs attached to the facade of buildings shall only be permitted in an area of the facade between the top of the ground floor windows and 12 inches below the bottom sill of the second floor windows (otherwise known as the "sign band"). The maximum vertical dimension of signage in this area shall be one and one-half feet in height. Wall signs shall have raised trim or a raised border of some fashion other than paint. Cabinet style signs, and internally illuminated signs are prohibited. Signage shall be constructed of high-quality durable materials, flat painted wooden boards (such as OSB or CDX Plywood not part of a framed sign band) and plastic letters shall be prohibited

sign materials. Signage shall be created and installed by a registered sign contractor. See Figure 5.302.A., CBD Signage.

- I. **Unified Shopping Centers.** If, in a CN, CG, or RT district, the premises have three or more occupants each with a distinct business name, as in a unified shopping center under single ownership or control, one additional ground sign is permitted containing the name of the premises, the occupants thereof, and, if desired, a changeable copy sign. Such ground sign shall not exceed one square foot of sign area for each one linear foot of building frontage, but in no event shall the total surface area of such ground sign exceed 100 square feet. Such sign shall be in addition to the maximum surface area for such premises as set forth in subsection F., above. Large retail centers consisting of multiple buildings (3 or more) subject to these guidelines may have one multi-tenant monument type ground sign not taller than fifteen (15) feet per frontage.

Sec. 5.304 Industrial Districts

- H. **Off-Premise Signs.** Subject to Section 5.202, **Prohibited Signs; Special Exemptions with Written Permit**, and other prohibitions set forth in this UDO, off-premise billboards, posterboards, or panels are permitted in the Light Industrial (INL) and Heavy Industrial (INH) districts provided that:
1. No such sign shall exceed 100 square feet in surface area;
 2. No part of such sign shall be closer than 300 feet from any part of any other sign, whether such other sign is an off-premise or on-premise sign.
 3. No such sign shall be permitted within 600 feet of the right of way of US Highway 30/Morthland Drive or State Road 49.

And so on with the numbering/outline adjustment for Division 5.300

Section 6.102

Sec. 6.102 Applicability

The standards of this Article apply to all types of land development where the site is altered to accommodate development, regardless of the nature of the permit or approval, including:

- A.
- B. **Minor Subdivision Plat.** The subdivision of land that does not involve the opening of a new public way and results in the creation of 4 lots or less and that complies in all other respects with this UDO may be granted primary approval by the plat committee pursuant to the minor subdivision plat procedures set out in Division 15.800, **Subdivision Plat Procedures**.

Sec. 6.305 Lots

D.Required Frontage. All lots that are not subject to a conservation easement shall front upon an improved public street, unless it is demonstrated that:

- A. Unusual topographic or geographic conditions exist (such as steep slopes, ravines, water bodies, or similar natural features) that make frontage upon an improved public street impracticable; and the number of lots that do not front on a public street is minimized; and a private access easement to the lots without frontage is shown on the plat or development plan; or
- B. A private street subdivision is approved that complies with Section 8.206, Private Streets; or
- C. A planned unit development or other development plan is developed for a group of residential, commercial, industrial, or institutional structures that includes private streets that are constructed to City engineering specifications and rights of access are granted to the City for utilities, solid waste collection, and emergency services.

Sec. 7.202 Plan Requirements by Type of Development

A. Individual Single- and Two-Family Residential Lots.

- 1. By virtue of applying for a site permit, the applicant acknowledges:
 - a. Familiarity with the characteristics of the site and the lands adjacent; and
 - b. That the stormwater control measures proposed are appropriate for those characteristics and the proposed residential building.
- 2. If the pervious surface of the lot is greater than or equal to the minimum pervious surface ratio in Table 7.202.A., General Pervious Surface Requirements, then drainage plans may be shown on a sketch plan prepared by the applicant. It shall be drawn as accurately as possible and shall clearly show all the stormwater control measures proposed for the site. Arrows may be used to indicate the direction of surface flow. Locations of swales, downspouts and sump pump discharges shall be shown with their direction of flow. However, specific elevations are not required.
- 3. If the pervious surface of the lot is less than the minimum pervious surface ratio in Table 7.202.A., General Pervious Surface Requirements, then complete drainage plans shall be required for single- and two-family development on individual lots.

Table 7.202.A.: General Pervious Surface Requirements	
RU	90%
ER, SR, GR	60%
UR, RT	40%

Section 8.206

Sec. 8.206 Private Streets

- A. **Generally.** Privately owned and/or maintained streets or drives that serve more than one lot or parcel shall not be allowed in any development except as provided in this Section. However, under no circumstance shall a private street be allowed which would compromise public safety.
- B. **Circumstances Where Allowed.** The Board of Public Works and Safety may approve private streets in any of the following circumstances:
 - 1. The private street runs through, to, or between parking areas in commercial, industrial, or multifamily (more than 4 units per building) developments where all property accessed by the street is under single ownership.
 - 2. The private street runs through, to, or between parking areas in commercial or industrial developments where the property is under multiple ownerships and the parcels being served ~~are to be primarily used by national and/or regional corporations or franchises~~ **are subject to a common maintenance agreement or property owner association or similar legal arrangement.**

Section 8.213

Sec. 8.213 Sidewalks

- C. **Modification of Sidewalk Requirements.** Sidewalk requirements may be altered or waived if a sidewalk plan that provides equal or greater pedestrian circulation is submitted to and approved by the Site Review Committee at the time of platting. These trade-offs may be permitted:
 - 1. The parcel proposed for development is located in an Estate Residential (ER) zoning district;
 - 2. Better pedestrian and bicycle access and connectivity is provided through the use of off-street trails or multi-use pathways that connect to sidewalks or other off-street trails or
 - 3. Lot frontages are greater than 150 feet adjacent to residentially zoned or residentially used properties.
- D. **Completion of Sidewalk Networks.** Adequate provisions shall be made to ensure the timely completion of the sidewalk/path network associated with development. For subdivisions, the surety shall not be released until the sidewalk/path network is completed.
- E. Connections shall be provided from all public sidewalks to the entrances to buildings housing non-residential and multiple family uses.

Sec. 8.214 Bicycle Routes, Lanes, Multi-Use Paths Pathways, and Trails

- A. **Bicycle Routes.** Bicycle routes as designated on the Official Intermodal Transportation Plan maps shall be designated on all site plans and primary plats, and shall be posted upon completion of the proposed development.
- B. **Bicycle Lanes.** Bicycle lanes are required along local nonresidential, local multifamily, collector, and arterial streets as shown on the Official Intermodal Transportation Plan, except in locations where a bicycle path provides comparable access and mobility for bicycles.
 - 1. Minimum Width (excluding curbs and gutters):
 - a. Street with no on-street parking: four feet; or
 - b. Street with on-street parking: five feet (located between travel lane and parking).
 - 2. All bicycle lanes shall be designed, posted, marked, and striped according to the requirements of the Standards Manual.
- C. ~~Bicycle Paths~~ **Multi-use pathways.** ~~Bicycle paths~~ Multi-use pathways are required where designated on the Official Intermodal Thoroughfare Plan.
 - 1. All ~~bicycle paths~~ pathways shall be at least eight feet wide, and designed posted, and marked according to the requirements of the Standards Manual.
 - 2. Where a ~~bicycle path~~ pathway crosses an intersection, the ~~bicycle path~~ pathway shall be marked as a bicycle crossing. Right turns at intersections shall be on the shoulder of the intersecting street if the ~~bicycle path~~ pathway or bicycle lane does not continue along the intersecting street.

Sec. 8.215 Sight Distance Requirements

- A. **Street Intersections.** No sign, fence, wall, hedge, or shrub planting which obstructs sight lines shall be placed or permitted to remain on any corner lot in the areas specified by this subsection.

Division 8.400 Development Standards for uses in the CBD District

Sec. 8.401 Streets, Sidewalks, and Parking Areas

A. Design Standards. The following are design standards pertaining to streets, sidewalks, and parking areas within the CBD.

- 1. Pedestrian and vehicular circulation shall comply with the Downtown Valparaiso Streetscape Design Plan ("Streetscape Plan") and the City's adopted *street* standards and standards for improvements.
- 2. Sidewalk design and installation shall comply with the adopted Streetscape Plan.
- 3. Provide obvious pedestrian access onto the site from adjacent *streets*.

4. In multiple-building developments, provide pedestrian paths or walkways connecting all businesses and the entries of multiple buildings to one another and those of adjacent developments and rights of way.
5. In parking areas, pedestrian walkways connecting the parking area with primary building entrances, pedestrian-oriented spaces, adjacent streets and adjacent properties should be provided at least every 150 feet. Pedestrian walkways should be delineated by separate paved routes using a variation in paved texture and/or color, and protected from adjacent vehicle circulation areas with landscaping. Approved methods of delineation include, stone, brick or granite pavers; exposed aggregate; or stamped and colored concrete. Paint striping on asphalt as a method of delineation is discouraged.
6. Creatively designed, clean and functional pedestrian alleys and walkways should provide for pedestrian linkages through mid-blocks and between properties. Low cut-off lighting shall be provided for pedestrian safety. Amenities such as seating and planters should be provided to encourage pedestrian circulation.
7. Pedestrian access shall conform to applicable Federal, State and local codes relating to access for the disabled.
8. Where feasible, provide steps and ramps across retaining walls and slopes to facilitate pedestrian access.
9. If appropriate, based on site design and the land uses involved, fences should allow for pedestrian access by gates or openings to adjacent properties and streets.
10. Landscaping shall not block visibility to and from pedestrian circulation routes, especially where it approaches a street or driveway. A minimum area of between 3 and 8 feet clear as measured from grade is strongly encouraged to allow for proper visibility.
11. Where feasible, paved horizontal surfaces for walks or parking at or near the finish grade of a building should be separated horizontally from any wall of a structure by a minimum four feet for landscaping. Paved surfaces may abut the structure at entrances and service areas. Sidewalks may abut the adjacent structure.
12. Drive-through facilities such as but not limited to banks, cleaners, fast food, drug stores, espresso stands, etc. shall comply with the following:
- a. Drive-through windows and stacking lanes shall not be located along facades of buildings that face a street.
 - b. Drive-through speakers shall not be audible off-site.
 - c. The entrance and exit from the drive-through shall be internal to the site, not a separate entrance and/or exit to or from the street.. The director may allow access directly from a street in special circumstances, i.e. no alley exists.
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Division 8.400 500Standards Manual

Sec. 8.501 Standards Manual

The City Engineer shall promulgate and maintain a manual of engineering standards, however titled, for construction of infrastructure. For the purposes of this UDO, this document or collection of documents shall be known as the "Standards Manual."

Section 9.301

Sec. 9.301 Parking Space, Driveway and Module Standards

- A. **Residential Driveway Design.** Driveways for residential units leading to/from any garage or carport shall be not less than 20 feet in length as measured from the 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 line and any garage or carport shall be 30 feet.

Section 9.403

Sec. 9.403 Access Spacing and Corner Clearance

E. Corner Clearance.

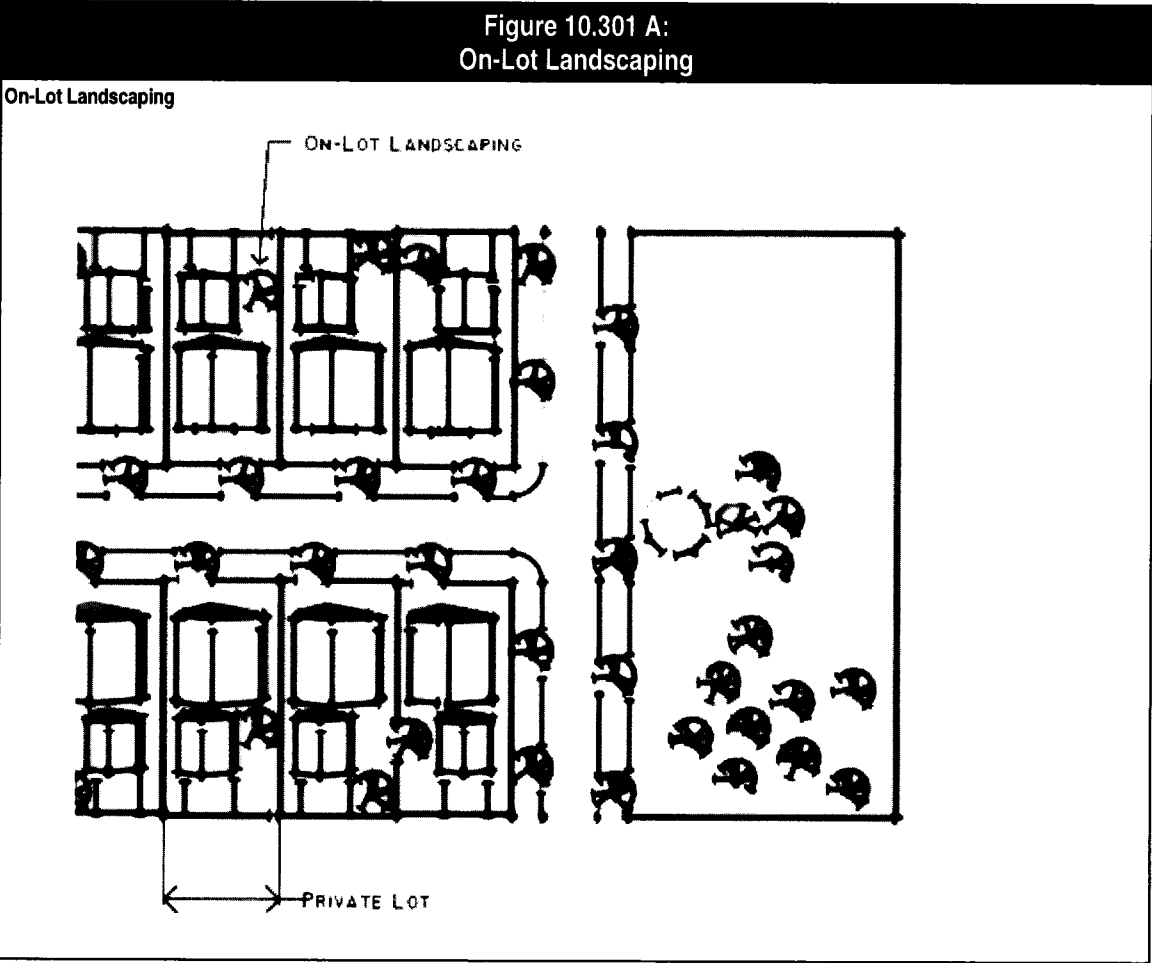
- a. For all uses located on corner lots, there shall be a minimum clearance between the near edge of the nearest access point and the property corner at street intersections. A minimum tangent length of five feet shall be required between the curb return and the property line extended, and no access point shall interfere with fire hydrants, storm inlets, or other curb frontage improvements. The minimum clearances are set out in **Table 9.403 C., Minimum Corner Clearance, City Streets.** The distances shown below are minimums, however, since site and intersection design must be considered on an individual basis, all clearance lengths are subject to review and approval by the City Engineer.

Division 10.300 Development Landscaping

Note to the user: In calculating the required development landscaping, it is recommended that any required bufferyards between districts or developments, parking lot landscaping, street trees, and street bufferyard landscaping be provided prior to calculating on-lot landscaping requirements. Please note that areas of required landscaping do not overlap, and on-lot landscaping refers to that portion of the lot not already occupied by other required landscaping areas or buffers.

Sec. 10.301 On-Lot Landscaping

- A. **General.** On-lot landscaping is that landscaping which is installed on property that is designated for development, such as single-family residential lots, multi-family residential lots, and non-residential lots (in landscape areas that are required pursuant to the applicable landscape surface ratio (LSR)). It does not include landscaping in designated open space areas (e.g., those provided pursuant to the applicable open space ratio (OSR)), which are subject to the landscaping requirements of Section 10.303, **Open Space Landscaping**. See Figure [Figure 10.301A], **On-Lot Landscaping**. Areas where other required landscaping or bufferyards have already been provided are not included in the calculation of required on-lot landscaping.



- B. **Required.** On-lot landscaping shall be provided as described in Table 10.301 A, **On-Lot Landscaping Standards**.

Table 10.301 A On-Lot Landscaping Standards			
Development Type	Large Trees	Small Trees	Shrubs
Rural (RU)			
Agriculture and Farmstead	N/A	N/A	N/A
Residential (except farmstead)	2 per acre	4 per acre	N/A
Non-residential (except agriculture)	3 per acre	6 per acre	40 per acre
Estate Residential (ER)			
Residential (single-family detached)	2 per lot	5 per lot	N/A
Residential (all other)	1 per d.u.	2 per d.u.	17 per d.u.
Non-residential	5 per acre	10 per acre	170 per acre
Suburban Residential (SR)			
Residential (single-family detached)	2 per lot	4 per lot	N/A
Residential (all other)	1 per d.u.	2 per d.u.	17 per d.u.
Non-residential	5 per acre	10 per acre	170 per acre
General Residential (GR)			
Residential (single-family detached)	1 per lot	1 per lot	N/A
Residential (all other)	1 per d.u.	1 per d.u.	10 per d.u.
Non-residential	12 per acre	24 per acre	200 per acre
Urban Residential (UR)			
Residential (single-family detached)	1 per lot	1 per lot	N/A
Residential (all other)	14 per acre	28 per acre	238 per acre
Non-residential	12 per acre	24 per acre	200 per acre
Neighborhood Conservation (NC)			
Residential	1 per d.u.	1 per d.u.	N/A
Non-residential	8 per acre	16 per acre	136 per acre
Residential Transition (RT)			
All uses	12 per acre	24 per acre	200 per acre
Campus (CA)			
<i>per approved campus plan</i>			
Business Park (BP)			
All uses	8 per acre	16 per acre	136 per acre
Central Place (CP)			
Residential	1 per d.u.	1 per d.u.	N/A
Non-residential	8 per acre	16 per acre	136 per acre
Commercial, Neighborhood (CN)			
All uses	16 per acre	32 per acre	270 per acre
Commercial, General (CG)			
All uses	9 per acre	18 per acre	150 per acre
Central Business District (CBD)			
All uses	5 per acre	10 per acre	85 per acre
Light Industrial (IL)			
All uses	2 per acre	4 per acre	35 per acre
Heavy Industrial (IH)			
All uses	4 per acre	8 per acre	75 per acre

C. **Distribution.** In general, on-lot landscaping may be distributed around the lot. For example, shrubs may be used as foundation plantings, as hedges, or planted in groups. Trees must be given adequate room for healthy growth and stability. Foundation plantings shall be used in all

areas between any principal buildings and any parking lots, drives, and public and private streets. The area of foundation planting beds shall be no less than four feet in width for smaller parking lots as described in Section 10.304 F. and not less than six (6) feet in width for all other required parking areas.

G.Active Recreation Areas. The area within play fields and ball fields shall be subtracted from the total on-lot landscaping requirements. However, where the perimeter of an active recreation area is within 30 feet of one or more residential lots, the perimeter shall be planted with a Class C Bufferyard as described in Section 10.201, Bufferyard Classifications.

Sec. 10.304 Parking Lot Landscaping

- A. **General.** Parking lot landscaping is that landscaping which is provided within parking lots that have more than two parking spaces. Farmsteads, single-family dwellings, and two-family dwellings are not required to provide parking lot landscaping.
- B. **Required.** Parking lot landscaping shall be provided as described in **Table 10.304 A, Parking Lot Landscaping Standards.**

Table 10.304 A Parking Lot Landscaping Standards		
Rural (RU)	1 per 8 spaces	1 per 4 spaces
Estate Residential (ER)	1 per 4 spaces	1 per 2 spaces
Suburban Residential (SR)	1 per 4 spaces	1 per 2 spaces
General Residential (GR)	1 per 8 spaces	1 per 4 spaces
Urban Residential (UR)	1 per 8 spaces	1 per 4 spaces
Neighborhood Conservation (NC)	1 per 8 spaces	1 per 4 spaces
Residential Transition (RT)	1 per 6 spaces	1 per 3 spaces
Commercial, Neighborhood (CN)	1 per 5 spaces	2 per 5 spaces
Commercial, General (CG)	1 per 8 spaces	1 per 4 spaces
Central Business District (CBD)	1 per 6 spaces	1 per 3 spaces
Central Place (CP)	1 per 8 spaces	1 per 4 spaces
Campus (CA)	per approved campus plan	
Business Park (BP)	1 per 6 spaces	1 per 4 spaces
Light Industrial (INL)	1 per 8 spaces	1 per 4 spaces
Heavy Industrial (INH)	1 per 4 spaces	1 per 2 spaces

C. Distribution. Parking lot landscaping shall be evenly distributed within interior parking lot islands or within islands in entrance and circulation drives. It may also be located in the perimeter or corners of the lot, as provided in Subsection E., below. Trees must be given adequate room to for healthy growth and stability. At least one shade tree shall be planted in each 9X18 planting island and peninsula or equivalent thereof located in the parking lot area as defined by a simple polygon drawn around the parking area. The remainder of the required trees shall be placed along the perimeter in areas between parking lots and drives and public or private streets with a minimum spacing of no greater than one tree per 60 feet on center. Shrubs shall also be placed along the perimeter of parking areas in order to achieve an opacity of 50% at the lower level (shrubs) according to Figure 10.202 A to a height of three feet in areas outside of the drip line of required parking lot perimeter trees.

Sec. 10.403 District Bufferyard Standards

A. **Generally.** Table 10.403 A, **District Boundary Bufferyard Standards**, sets out the classification of bufferyard that is required between zoning districts that are not separated by a public street. The table is a matrix in which all districts are shown. Rows show the zoning of the parcel proposed for development, and columns show the zoning of the adjoining land. The grey cells indicate where both properties have the same zoning classification. Two letters are shown for each condition (for example, A and C). The bufferyard required for the proposed use is listed first. The letter listed second is the buffer that is required on the adjoining property. A “-” means that no bufferyard is required.

Table 10.403 A District Boundary Bufferyard Standards																
Zoning of Proposed Development	ER	FR	HR	OR	UR	TC	TR	CR	CA	CS	OP	OS	OH	HH	HH'	HH''
Estate Residential/Public Space	B/-		A/A	A/B	A/B	A/-	A/B	A/B	A/B	A/C	A/B	A/B	A/D	A/D	A/E	A/B'

Section 10.405 Street Bufferyard Standards

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 / Proposed Development	Arterial	Collector	Local Street	Railroad
Rural (RU) Agricultural Uses	-	-	-	-
Open Space (OS) All Other Uses	C	B	-	D
Estate Residential (ER)	C	B	A	D
Suburban Residential (SR)	C	B	A	D

Table 10.405 Bufferyard Requirements for Roads and Railroads				
Planning District/Neighborhood	Frontal	Side	Frontal/Back	Back
General Residential (GR)	C	B	A	D
Urban Residential (UR)	B	A	-	D
Neighborhood Conservation (NC)	-	-	-	D
Residential Transition (RT)	B	B	B	B
Campus (CA)	C	B	A	D
Commercial, Neighborhood (CN)	<u>A-B</u>	<u>A-B</u>	<u>A-B</u>	<u>A-B</u>
Commercial, General (CG)	<u>A-B</u>	<u>A-B</u>	<u>A-B</u>	-
Central Business District (CBD)	-	-	-	(?)
Central Place (CP)	<u>A-B</u>	<u>A-B</u>	<u>A-B</u>	<u>A-B</u>
Business Park (BP)	<u>A-B</u>	<u>A-B</u>	<u>A-B</u>	(?)
Light Industrial (INL)	B	B	<u>A-C</u>	(?)
Heavy Industrial (INH)	<u>B-C</u>	<u>B-C</u>	<u>A-B</u>	(?)
(?) Generally, no buffer is required. However, where there is unbuffered residential on the other side of the railroad right-of-way, a Class B buffer is required.				

- 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. **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 Uses.

Sec. 10.407 Constrained Sites and Infill/Redevelopment Sites

- A. **General.** Reduced bufferyard widths are permitted on sites that are constrained or are infill/redevelopment sites, in that compliance with all bufferyard requirements would result in more than 15 percent of the site being used for bufferyards, or it would be impractical or very difficult to meet the required bufferyard standards on lots in infill and redevelopment sites.
- B. **Reduction of Width Permitted.** Bufferyard widths may be reduced during development approval so that no more than 15 percent of the site is used for bufferyards. Bufferyards shall be reduced in the following order of priority:
- First, Class A bufferyards may be reduced from 10 feet in width to 4 feet in width, provided that a five foot high opaque wall is provided with a one foot high hedge (at planting) installed along its outer face, and small trees are planted (on either side of the wall) along the bufferyard, regularly spaced 25 feet on-center. Notwithstanding the permitted reduction, small trees shall be planted so that they have a four-foot radius of permeable soil at their base.
 - Second, Class B bufferyards may be reduced from 15 feet in width to 5 feet in width, provided that a 6 foot high opaque wall is provided with a one foot high hedge (at planting) installed along its outer face, and small trees are planted (on either side of the fence) along the bufferyard, regularly spaced 25 feet on-center. Notwithstanding the

permitted reduction, small trees shall be planted so that they have a four-foot radius of permeable soil at their base.

3. Third, Class C bufferyards may be reduced from 25 feet to 18 feet in width, provided that they include all of the plantings that are required of a Class C bufferyard.
- C. Infill/Redevelopment Sites. With approval of the Planning Director, developments on infill and redevelopment sites may provide for the required bufferyard by substituting a solid, decorative fence, masonry wall or earthen berm (or combination thereof) of not less than 6 feet in height instead of the required buffer described in Sections 10.402 and 10.403 above. The fence, wall, or berm shall be accompanied by evergreen trees or large evergreen shrubs of not less than 6 feet in height upon planting with spacing of not more than 10 feet on center for trees and not less than 6 feet for large evergreen shrubs to be placed on both sides of the fence. Substitution of shade trees may be permitted if it is demonstrated that the placement would result in equal or greater opacity as the use of evergreens.
- D. **Variance.** All other reductions in bufferyard width shall require a variance.

Sec. 10.408 Bufferyard Model

- A. **Generally.** In the alternative to the bufferyards set out in Section 10.403, District Bufferyard Standards, an applicant may use this 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.
- B. **Approval of Modeled Bufferyards.** Alternative bufferyards developed using this Bufferyard Model shall be approved if it is demonstrated that:
 1. Opacity. The opacity of proposed bufferyards that apply the bufferyard model shall be at least that which is required by this UDO.
 2. Width.
 - a. The width of the proposed bufferyard shall be not less than 10 feet, and shall be reduced by not more than 5 feet from the narrowest bufferyard of the same opacity described in Table 10.403, District Bufferyard Standards, unless the site is constrained as defined in Section 10.407, Constrained Sites. If a bufferyard width is mandated by a limited or special use standard, no reductions from the specified width are permitted unless authorized by a variance.
 - 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.
 3. 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 10.402, Bufferyard Classifications.

Secton 11.100

Division 11.100 Purpose and Applicability

Sec. 11.101 Purpose

The purpose of this Article is to establish design standards to ensure that new development, redevelopment, substantial reconstruction, or expansion of existing buildings enhances the overall quality and character of the City.

Sec. 11.102 Applicability

- A. **Division 11.200, Residential Design Standards**, applies to the development, redevelopment, substantial reconstruction, or expansion of residential buildings in any district.
- B. **Division 11.300, Signature Corridor Overlay Standards**, applies to development, redevelopment, substantial reconstruction, or expansion of buildings or uses in signature corridors.
- C. **Division 11.400, Eastgate Overlay District Standards**, applies to development, redevelopment, substantial reconstruction, or expansion of buildings or uses in the Eastgate Overlay District.
- D. **Division 11.500, Nonresidential Design Standards**, applies to the development, redevelopment, substantial reconstruction, or expansion of nonresidential and mixed-use buildings in any district where standards set out in the other divisions of this article are not applicable.
- E. **Division 11.600, Downtown Design Standards**, applies to new development, redevelopment, or improvement of existing buildings in the CBD zoning district.
 - 1. Any expansion of an existing principal building's gross floor area of more than 25% requires the front façade to be renovated in compliance with these standards. Upon the initial expansion of the building a sum will be totaled for that parcel. Once the building has expanded by 50% or greater (whether over a series of expansions or from an initial expansion) the entire building will be subject to meet all standards and requirements of this Ordinance.
 - 2. Any new extension, expansion, or renovation of a principal building façade is subject to all standards of this Ordinance and the approval of the Plan Commission when the improvements exceed 25% of a façade. Improvements effecting less than 25% of the façade may be approved by the Director.
 - 3. Any exterior alteration or renovation of a primary building facade is subject to all requirements of this ordinance.
 - 4. Existing building and site improvements may remain in their current condition as long as no additions are added to the existing building.
 - 5. Use of available economic incentives will require conformance with the standards of this ordinance.
 - 6. The installation of new on-site lighting shall comply with this and other zoning ordinance standards.

7. The standards and requirements of this ordinance may be waived for buildings officially designated as part of a local or national historic district or if they would result in an unacceptable modification of the original, historic appearance of the building as determined by the Plan Commission.
 8. Routine maintenance is exempt from the standards and requirements of this Ordinance.
 9. Any modification of building facades (window replacement, material change, color change, etc.) will require a zoning clearance permit at a minimum.
- F. Division 11.700, Campus Design Standards, applies to new development, redevelopment, or improvement of existing buildings in the CA zoning district.
- G. Division 11.800, PUD Design Standards, applies to new development, redevelopment, or improvement of existing buildings in the PUD zoning district.

Section 11.200

Sec. 11.201 Orientation of Buildings and Entrances, Number per Lot

- H. Maximum Number of Principal Buildings per Lot. There shall be a maximum of one principal building per single family residential lot.

Section 11.400

Sec. 11.407 Parking and Circulation

- E. **Reduced Parking and Loading Requirements.**
- A. ~~The required number of off-street parking spaces may be reduced by up to 50-20 percent, pursuant to any method set out in Division 9.200, Parking and Loading Calculations.~~

Section 13.307

Sec. 13.307 Damage to Nonconforming Uses and Structures

- A. **Generally.**

Should a nonconforming structure or portion of a structure be destroyed by any means, it shall not be rebuilt, restored, or reconstructed, or occupied for any use not permitted in the district in which the property is located unless the structure will then conform to all regulations of this Ordinance. To be destroyed means to suffer damage to the extent of more than fifty percent (50%) of the replacement cost of the structure based on a current appraisal and damage report by a qualified professional, exclusive of foundation.

When a nonconforming structure is damaged to the extent of fifty percent (50%) or less the replacement cost of the structure based on a current appraisal and damage report by a qualified professional, exclusive of foundation based on a current appraisal, the structure may be rebuilt

in the same location, using the same building footprint, provided that rebuilding begins within one (1) year of the event which caused the damage. Rebuilding shall be diligently pursued to completion or the right to restore the structure as a nonconforming structure shall be forfeited. Restoration of a nonconforming structure pursuant to this subsection shall not increase the degree of nonconformance or noncompliance existing prior to such damage.

On any nonconforming structure or portion of a structure, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that a building permit is obtained where necessary. Repairs shall not be permitted if the structure or any portion thereof is declared to be unsafe by any official charged with protecting the public safety.

Section 15.706

Sec. 15.706 Special Uses

A. **General.** The standards of this Section are applicable to all Special Uses. Individual Special Uses shall also comply with the applicable standards of **Division 2.500, Limited and Special Use Standards** or **Division 2.600, Temporary Uses**.

B. **Standards for All Special Uses.** All Special Uses shall comply with the following standards:

1. The special use will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory;
2. There is no practicable alternative location where the use is permitted as-of-right within one-quarter mile of the parcel proposed for development, or, if such a location exists, the proposed location is more favorable in terms of providing a needed community service to a population that has limited mobility;
3. The approval of the special use will not create a critical mass of similar special uses that is likely to tend to discourage permitted uses by making the vicinity less desirable for them; and
4. The special use is conducted in a manner that is not materially more disruptive to adjacent properties than other permitted uses in the district unless the special use is temporary and the duration of the use is limited to minimize the impact. Conditions of approval may be attached to the special use to ensure that this requirement is satisfied.

~~C. Residential and Institutional Residential Special Uses.~~

~~D. C.~~ **Nonresidential Special Uses.** Hours of operation of nonresidential uses shall not be outside of the following ranges:

1. Generally: 8:00 AM to 9:00 PM
2. Places of Public Assembly; Special Events; Restaurants; and Adult Uses: 8:00 AM to 12:00 AM
3. Alcoholic Beverage Sales in CBD, CP, RT, and CA districts: 8:00 AM to 2:00 AM
4. Airports; Utilities, Community; Wireless Communications Facilities; and Bed and Breakfasts: No Restriction

Section 15.801

Sec. 15.801 Types of Plats

- A. **Generally.** There are two types of plats: subdivision plats and minor subdivision plats.
- B. **Subdivision Plat.** A subdivision plat is a subdivision of land that is not a minor subdivision plat.
- C. **Minor Subdivision Plat.** A minor subdivision is a subdivision of land, lot split, or lot combination that:
 - 1. Does not involve the opening of a new public way; and
 - 2. Results in the creation of four lots or less
 - 3. Complies in with the requirements of this UDO.

Section 15.804

Sec. 15.804 Secondary Plat Applications

- A. **Generally.** Applications for approval of a secondary plat shall be filed not less than 14 days before the date of the next regularly scheduled Plan Commission meeting.

Preparation of Plats. The Secondary Plat shall be prepared, signed and sealed by a professional land surveyor licensed to practice in the State of Indiana.

Section 15.807

Sec. 15.806 Amending a Recorded Plat

- A. **Generally.** Once an approved plat has been signed and recorded, it may be amended, or replatted according to the following procedure.
 - 1. After all plats and documents have been recorded, any major amendments to the subdivision will require a public hearing and approval by the Plan Commission. Any minor amendments will require approval by the Plan Commission. Both major and minor approved amendments shall be recorded with the Porter County Recorder. All recorded documents and amendments shall be binding on applicants, their successors, grantees, and assigns, and shall limit and control the use of the subdivided land and location of structures.
 - 2. Major amendment - any change that alters the concept, uses, or intent of the subdivision including increase in density, increase in height of buildings, reduction of open space, changes in sequence of development, changes in road/street standards, and/or changes in covenants and/or the approved Development Plan.
 - 3. Minor amendment - any change that does not alter the concept or intent of the subdivision or the Development Plan and is not defined as a major amendment.

Division 18.400 General Definitions

This Division sets out all of the other definitions that are used in the Code. Definitions for which illustrations are appropriate as an interpretive tool will be illustrated.

B Terms

Building Coverage means the footprint of all buildings (area within exterior walls) on a parcel or lot divided by the total area of the parcel or lot.

Build-to Lines (0' Setbacks) means a line to which a minimum of 70% of the front of the building on a property must be built. The remaining 30% may be set

I Terms

Infill means new development or redevelopment of buildings and structures on vacant or underused lots within areas containing existing structures surrounded by or in close proximity to areas that are substantially or fully developed.

L Terms

Lot. Means A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title.

Lot Line. Means A line, including property line or a lease line, dividing one lot from another or from a street or other public place. There are four types of lot lines -- front, rear, side, and street.

- A. **Front lot line.** The street lot line from which the unit takes access; or, where more than one street yard could safely provide this access, the street serving the smallest traffic volume.
- B. **Rear lot line.** The lot line opposite the front lot line.
- C. **Side lot line.** The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street, or rear lot line.
- D. **Street lot line.** Any lot line that is also a street right-of-way line.

R Terms

Redevelopment means Any proposed expansion, addition, renovation, or major change to an existing building, structure, or aspect of development within areas containing existing structures surrounded by or in close proximity to areas that are substantially or fully developed.

S Terms

Special Use means the process defined as Special Exception in IC 36-7-4- 918.2

Y Terms

Yard, Front means a yard extending the full width of the lot between the street line and the parts of the principal building erected thereon, setting back from and nearest such street line.

								Lot Coverage
Neighborhood Conservation (NC-MH)								
Single-Wide Lot	4,300	45	15	6 / 20	10	20	0.40	0.50
Double-Wide Lot	5,700	60	15	6 / 20	10	20	0.40	0.50
General Residential (GR)								
Double-Wide Lot	5,700	60	15	6 / 20	10	20	0.45	0.55

¹ Street yard refers to front yard of lot.
² Minimum lot area also applies to the area of rented lots in a manufactured home park.
³ The first number is the minimum side yard. The second number is the sum of the two side yards.

Table 3.503 Single-Family Attached Lot and Building Standards								
Zoned District	Minimum							Lot Coverage
	Lot Area (sq. ft.)	Front Yard Setback (ft.)	Side Yard Setback (ft.)	Back Yard Setback (ft.)	Front Yard Setback (ft.)	Side Yard Setback (ft.)	Back Yard Setback (ft.)	
General Residential (GR)	4,500	45	20	15	25	28	0.45	0.60
Urban Residential (UR)	2,500	25	10	12	20	28	0.65	0.70
Central Place (CP)	2,500	25	10	12	20	35	0.65	0.75
Residential Transition (RT)	2,500	25	10	15	20	28	0.65	N/A

¹ Street yard refers to front yard of lot. The minimum street yard setback shall be 15 feet for cul-de-sac and irregular lots.

Section 7.202

Sec. 7.202 Plan Requirements by Type of Development

A. Individual Single- and Two-Family Residential Lots.

- By virtue of applying for a site permit, the applicant acknowledges:
 - Familiarity with the characteristics of the site and the lands adjacent; and
 - That the stormwater control measures proposed are appropriate for those characteristics and the proposed residential building.
- If the pervious surface of the lot is greater than or equal to the minimum pervious surface ratio in **Table 7.202.A., General Pervious Surface Requirements**, then drainage plans may be shown on a sketch plan prepared by the applicant. It shall be drawn as accurately as possible and shall clearly show all the stormwater control measures proposed for the site. Arrows may be used to indicate the direction of surface flow. Locations of swales, downspouts and sump pump discharges shall be shown with their direction of flow. However, specific elevations are not required.
- If the pervious surface of the lot is less than the minimum pervious surface ratio in **Table 7.202.A., General Pervious Surface Requirements**, then complete drainage plans shall be required for single- and two-family development on individual lots.

Table 7.202.A.: General Pervious Surface Requirements	
District	General Pervious Surface Requirement
RU	85%
ER	75%
SR	55%
GR, UR, RT	40%
CP, RT	10%

A. Required. On-lot landscaping shall be provided as described in Table 10.301 A, On-Lot Landscaping Standards.

Table 10.301 A On-Lot Landscaping Standards			
	Large Trees	Medium Trees	Shrubs
Rural (RU)			
Agriculture and Farmstead	N/A	N/A	N/A
Residential (except farmstead)	2 per acre	4 per acre	N/A
Non-residential (except agriculture)	3 per acre	6 per acre	40 per acre
Estate Residential (ER)			
Residential (single-family detached)	2 per lot	5 per lot	N/A
Residential (all other)	1 per d.u.	2 per d.u.	17 per d.u.
Non-residential	5 per acre	10 per acre	170 per acre
Suburban Residential (SR)			
Residential (single-family detached)	2 per lot	4 per lot	N/A
Residential (all other)	1 per d.u.	2 per d.u.	17 per d.u.
Non-residential	5 per acre	10 per acre	170 per acre
General Residential (GR)			
Residential (single-family detached)	1 per lot	1 per lot	N/A
Residential (all other)	1 per d.u.	1 per d.u.	10 per d.u.
Non-residential	12 per acre	24 per acre	200 per acre
Urban Residential (UR)			
Residential (single-family detached)	1 per lot	1 per lot	N/A
Residential (all other)	14 per acre	28 per acre	238 per acre
Non-residential	12 per acre	24 per acre	200 per acre
Neighborhood Conservation (NC)			
Residential	1 per d.u.	1 per d.u.	N/A
Non-residential	8 per acre	16 per acre	136 per acre
Residential Transition (RT)			
All uses	12 per acre	24 per acre	200 per acre
Campus (CA)			
per approved campus plan			
Business Park (BP)			
All uses	8 per acre	16 per acre	136 per acre - 46 per Acre
Central Place (CP)			
Residential	1 per d.u.	1 per d.u.	N/A
Non-residential	8 per acre	16 per acre	136 per acre - 46 per Acre
Commercial, Neighborhood (CN)			
All uses	16 per acre	32 per acre	270 per acre - 90 per acre
Commercial, General (CG)			
All uses	9 per acre	18 per acre	150 per acre - 50 per acre
Central Business District (CBD)			
All uses	5 per acre	10 per acre	85 per acre - N/A

Table 10.301 A On-Lot Landscaping Standards			
Public and Development Types	Land trees	Small trees	Shrubs
Light Industrial (INL)			
All uses	2 per acre	4 per acre	35 per acre -
Heavy Industrial (INH)			
All uses	4 per acre	8 per acre	75 per acre - 25 per acre

C .Distribution. In general, on-lot landscaping may be distributed around the lot. For example, shrubs may be used as foundation plantings, as hedges, or planted in groups. Trees must be given adequate room for healthy growth and stability. Foundation plantings shall be used in all areas between any principal buildings and any parking lots, drives, and public and private streets. The area of foundation planting beds shall be no less than four feet in width for smaller parking lots as described in Section 10.304 F. and not less than six (6) feet in width for all other required parking areas.