

ORDINANCE #10, 2021

**AN ORDINANCE AMENDING TEXT OF THE UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF VALPARAISO**

WHEREAS, a petition to amend the Valparaiso Unified Development Ordinance (UDO), was presented by the Planning Department on behalf of the Valparaiso Plan Commission (the "Plan Commission"); and

WHEREAS, the Plan Commission gave notice and held a public hearing on the proposed amendments on March 9, 2021 according to IC 5-3-1; and

WHEREAS, the general public was given opportunity to comment on the proposed amendments; and

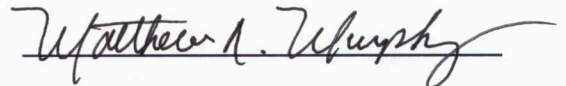
WHEREAS, on April 13, 2021, the Plan Commission voted to recommend the approval of the proposed amendments by a 9-0 vote; and

WHEREAS, the Plan Commission certified its recommendation to the City Common Council on April 20, 2021.

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

1. That text in Article(s) 2, 5, 8, 9, 10, 11, 15 & 18 of the Unified Development Ordinance be amended as described in Exhibit A; and
2. That this ordinance 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 vote of 10 of all members present and voting on this 10th day of May, 2021.



Matthew R. Murphy

City of Valparaiso - Mayor

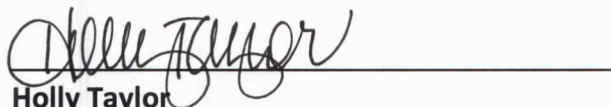
ATTEST:



Holly Taylor

Clerk-Treasurer

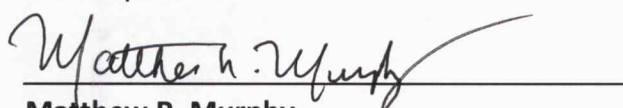
Presented by me to the Mayor of the City of Valparaiso, Indiana, this 10th day of May, 2021, at 6:00 o'clock p.m.



Holly Taylor

Clerk-Treasurer

This Ordinance approved and signed by me this 10th day of May, 2021, at 6:00 o'clock p.m.



Matthew R. Murphy

City of Valparaiso - Mayor

UDO AMENDMENTS - SPRING 2021

ARTICLE

2

Section 2.302 (E)(2) - Fences, Garden Walls, and Hedges

- Allowing Welded Wire Fencing in Interior Side Yards + Rear Yards
 - With Coated Wire, Thick Gauge + Border/Railing Required.

Section 2.303 (D) - Accessory Buildings and Structures

- Clarifying Language Determining Maximum Footprint of Detached Accessory Structure
- Setbacks
 - Front Yard Setback; Behind Principal Building
 - Interior Side Yard Setback; Equal to Side Yard Setback of Zoning District
 - Rear Yard Setback; 6 ft, except where easements require more.
- Remove; Shadow Casting Language
- Language to Clarify Design Compatibility:
 - Detached Carports + Garages w/ Primary Structure; More Specific to Matching Primary Structure
 - Other Detached Accessory Structures; Allow more flexibility with materials, colors and roof style



ARTICLE

5

Section 5.203 (8) - Exempt Signs

- Allowing Window Signage and Creating More Specific Language on Window Signage Requirements

Section 5.310 (A)(B) - Window Signs

- New Language; Specific to Commercial Districts + Eastgate Overlay
- Sign Requirements
 - Cannot Exceed 25% of Window Area
 - Greater than 50% Transparent; Cannot Exceed 33% of Window Area
 - Window Signage not Included in Allowable Sign Area
 - Requires Review by Enforcement Official/Designee

Section 5.303 (2)(d) - Commercial Districts

- Prohibiting Temporary Signs on Exterior of Buildings within the CBD Zoning District

ARTICLE

8

Section 8.204 (D) - Street Standards

- Adding Language on Site Distance Requirements/Standards for New Developments
- Sight Distance Analysis for intersecting Public Streets + Alleys
- Sight Distance Analysis for Driveways and Other Accesses to Public Right-of-Ways; If Required by Enforcement Official
- Sight Distance Analysis; Include Decision and Stopping Sight Distance
- Using American Association of State Highway and Transportation (AASHTO) as Guidance
- Sight Distance Analysis; Submitted with Construction Documents for Review

ARTICLE 9

Section 9.404 - Access Dimensions

- Maximum Access Width; 24 Feet
 - Standards to Meet City of Valparaiso Specifications and Standards for Acceptance of Municipal Improvements

Section 9.408 - Traffic Impact Study

- Gives Enforcement Official or Designee Ability to Require a Traffic Impact Study
- Requirements for Traffic Impact Study
 - Preliminary Meeting; Identify Study Area
 - May need to Assess Existing Intersection Streets Beyond Development
 - Analyze Proposed Intersection Control
 - Written Document by Certified Professional Engineer

Section 9.501 - Nonresidential Lighting Standards

- Parking Lot Illumination
 - Cast Light Downward Toward Parking Area
 - Lighting Reduction Near Adjacent Residential Uses
- Adding Language to Include the Right-of-Way as Adjacent Property
- Creating a Maximum Illumination Table
 - Adding Adjacent Use
 - Allowing Higher Illumination Maximum for Industrial Districts
- Allowing Planning Director Flexibility for Properties with the Same Owner
- Language about Reducing Glare

ARTICLE 10

Section 10.301 On-Lot Landscaping

- Planning Director Flexibility to Reduce/Waive On-Lot Requirements for Lots with Partial Development until there is Additional Development on the Lot.

ARTICLE 11

Section 11. 302 - Applicability

- Creating More Specific Language Determining the 600 Ft. Corridor Location
- Underlying Zoning Districts Applies if Silent
- Fixing Stopping Point for Local Signature St - Silhavy Rd

Section 11. 302 - State Route 49 Standards

- Landscaping; Using Class D Bufferyard as Standard
- Adding Additional Clarifying Language
 - Bufferyard vs. Greenbelt
 - Location of Parking
 - Setback Location; Yard Abutting Corridor

Section 11. 305 US 30 (Morthland Dr) Standards

- Landscaping; Using Class D Bufferyard as Standard

ARTICLE 11

Section 11.305 US 30 (Morthland Dr) Standards (Cont.)

- Adding Clarifying Language
 - Location of Parking; w/ Respect to the Corridor
 - Setback Location; Yard Abutting Corridor
 - Bufferyard vs. Greenbelt

Section 11.503 Architectural Features

- Clarifying Language; Create Visual Interest
- Remove Requirements for Awnings, Arcades or Overhangs

Section 11.505 Building Architecture

- Prohibiting Logo Buildings and Logo Building Elements
- Prohibiting Bubble Awnings

Section 11.506 Transparency

- Allowing Flexibility with Window Graphics

Section 11.507 Building Materials

- Allowing Additional Permitted Materials
 - Fiber Cement Large Format Panels
 - Architectural Composite Metal Siding
 - Glass Curtain Walls
- Limited Materials; More Specific Language on Drain-able EIFs
- Flexibility to Planning Director to Approve Similar Materials on Buildings Adding Additions
- Prohibiting Lap Siding + Stucco; As Predominant Exterior Building Materials

Section 11.508 Roof Structure and Materials

- Removing Roof Element Requirements

Section 11.509 Colors

- Prohibiting String Lights, Rope Lights, or Unshielded Light w/in Public View as Accent Trim, Window Treatment Etc.

Section 11.601 Building Articulation and Architectural Features

- Prohibiting Temporary Signage in CBD

Section 11.604 Building Materials and Finishes

- Allowing more Permitted Materials in CBD
 - Glass Fiber Reinforced Concrete (GFRC); Emulating Historic Trim
 - Fiber Cement Large Format Panels; Historic Trim
- Limited Materials; More Specific Language on Drain-able EIFs
- Flexibility for Planning Director to Continue Use of Existing Building Materials
- Prohibited Materials in CBD
 - Lap or Drop Siding
 - Corrugated/Flat Panel Fiberglass Sheathing
 - Glass Fiber Reinforced Concrete (GRFC); Unless Used for Historic Trim

ARTICLE 15

Section 15.305 Stormwater Management Plans and Permitted Procedures

- Creating a Requirement for As-Built Prior to Release of Occupancy Permit
- As-Built Shall include Finish Floor Elevations + Certification of Lot Corners

Section 15.805 Secondary Plat Approval Procedures

- 2 Year Maintenance Bond per Acceptance of Improvements + Streets
- BOW Written Approval and Acceptance
- Maintenance Bond Release After two (2) Years; If in Satisfactory Condition
- Performance Bond Requirements Clarified
- Acceptable Negotiable Securities Clarified
- Alternatives Employment; As Determined by Improvements and Guarantees

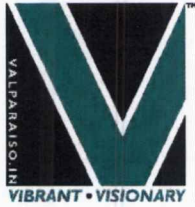
ARTICLE 18

Section 18.205 Commercial Uses

- Adding Art Gallery as a Commercial Use

Section 18.400 General Definitions

- Decision Sight Distance; Adding Definition
- Mural; Adding Definition
- Stopping Sight Distance; Adding Definition
- Traffic Impact Study; Adding Definition
- Window; Adding Definition



City of Valparaiso
Planning Department
166 Lincolnway
Valparaiso, IN 46383
(219) 462-1161
www.valpo.us

April 20, 2021

Mayor Matthew Murphy
Valparaiso Common Council
166 Lincolnway
Valparaiso, IN 46383

RE: Certification of Proposals for Unified Development Ordinance (UDO) Text and Zone Map Amendments

Dear Mayor Murphy,

At their March and April meetings, the Valparaiso Plan Commission considered the attached proposals for UDO Text and Zone Map Amendments. At their April 13 meeting, the Commission voted to favorably recommend these proposals to the Common Council. This letter serves as certification to the Common Council per UDO Sections 15.601 (B)(5) and 15.1201 (B)(5) and IC 36-7-4-602 (b-c).

Please feel free contact me directly with any questions.

Sincerely,

Beth Shrader
Planning Director

Encl.

CC: Matt Evans, Plan Commission President
George Douglas, Common Council President Pro Tempore
Holly Taylor, Clerk-Treasurer
Patrick Lyp, City Attorney
Scott Bozik, Plan Commission Attorney