

ORDINANCE NO. 46-2006

AN ORDINANCE AMENDING ARTICLES IV, V, VII, XVII, XXII, AND XXIV OF THE ZONING ORDINANCE FOR THE CITY OF VALPARAISO

WHEREAS, a petition was presented to amend the Zoning Ordinance Article XXXVI; 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 ordinances and;

WHEREAS, the Plan Commission voted to recommend the approval of proposed amendment changes to Articles IV, VII, XVII, XXII, and XXIV by a 8-0 vote on September 12, 2006, and recommended approval of proposed amendment to Article V by and 7-0 vote on October 10, 2006

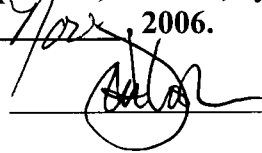
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

1. That the Zoning Ordinance shall be amended as follows:

SEE ATTACHED EXHIBIT A

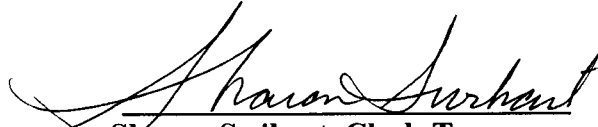
This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 6-0 vote of all members present and voting this 11th day of Nov, 2006.



Jon Costas, Mayor

ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this
13th day of Nov, 2006, at 8:15 o'clock p.m.

Sharon Swihart

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 13th day of
Nov, 2006, at 8:15 o'clock p.m.

Jon Costas

Jon Costas, Mayor

ORDINANCE 46-2005 EXHIBIT A

Proposed Zoning Ordinance Amendments – October 2006

Article IV

Section 405 **Placement, Orientation, and Entrances of Buildings on a Zoning Lot**

1. PLACEMENT OF BUILDINGS ON A ZONING LOT. The placement of a primary building in a perpendicular or sideways orientation on an interior or through lot zoning lot shall be prohibited.
2. ENTRANCES TO RESIDENTIAL UNITS. All single family residences and single building residential developments shall be designed such that a primary entrance faces a public street.
3. **MINIMUM DWELLING UNIT WIDTH. Unless otherwise specified by this ordinance, the minimum width of a residential dwelling as it faces a street shall be 24 feet.**

Section 425 **Bulk Regulations**

8. PROJECTIONS INTO YARDS. The following projections shall be permitted in required yards:

In All Yards: ~~Open terraces not over three (3) feet above the average level of the adjoining ground, but not including a permanently roofed terrace or porch; awnings and canopies;~~ steps four (4) feet or less above grade, which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 24 inches or less into the yard; arbors and trellises; flagpoles; and fences, walls, and hedges subject to applicable height restrictions of this Article.

In Front Yards: One-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting 30 inches (30) or less into the yard; an open unenclosed porch or paved terrace may project into the required front yard for a distance not exceeding ten (10) feet provided the enclosed porch or paved terrace will be at least the same setback from the front lot line as the average setback of similar existing structures on the same side of the block of street on which the proposed structure is located. In the case of paved terraces, it must be shown that stormwater runoff will not affect adjoining properties. An enclosed vestibule containing not more than forty (40) square feet may project into the required front yard a distance not to exceed four (4) feet.

In Rear Yards: Paved open off-street parking spaces; garages; ~~balconies; open porches; patios;~~ one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting thirty inches or less into the yard; residential laundry equipment; air conditioning units.

Section 450

Accessory Buildings

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building or structure is structurally attached to a main building it shall be subject to and must conform to all the regulations of this Ordinance applicable to main buildings.
2. No detached accessory building or buildings shall occupy more than twenty-five (25) percent of the required rear yard plus forty (40) percent of an non-required rear yard area. No accessory building shall be located in the required front yard or exceed the ground floor area of the main building.
3. No detached accessory building shall have more than one (1) story nor exceed seventeen (17) feet in height, unless otherwise permitted as an accessory to business and manufacturing uses.
4. A detached accessory building in residential districts shall be located only in a rear yard except for carports or garages which may be located at the rear or side of row or townhouse dwellings and apartment buildings after review by the Commission and subsequent approval by the Board of Zoning Appeals on findings that adequate light and air is assured to the dwelling units. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot to the rear of such corner lot.
5. Detached accessory building or structure shall be located no closer to any other accessory or principal building than ~~ten (10) feet~~ five (5) feet.
6. Occupancy of temporary garages and accessory buildings is prohibited.
7. The required setback a deck, patio, terrace, or porch that is attached to the primary structure by any means shall be required to maintain the minimum setback of the primary structure for the yard in which it is located.
8. Accessory structures shall not be located in easement areas on a property unless express written permission has been granted by all users or grantors of said easement. A copy of such permission shall be provided to the Planning and Building Department prior to the issuance of permits or clearances for such structures.
9. A gasoline dispensing and service station canopy shall be located no closer to the front lot or corner side yard lot line than 15 feet.
10. Where permitted, outdoor sales shall be located on a paved surface, and shall not encroach upon any required vision clearance area as defined by this ordinance. Applicants must seek a zoning clearance permit to conduct such sales, and shall indicate the time period and location of such sale. A copy of written permission from the property owner shall accompany the application for a zoning clearance permit. The maximum time period for such activity shall not exceed ten weeks per calendar year per zoning lot. In cases where a tent is used for this type of activity, the applicant shall acquire a zoning clearance permit for the placement of such temporary structure. Temporary outdoor sales must be manned by an on-site representative at all times during the business day. Unmanned outdoor sales or sale items used primarily for advertisement purposes is not permitted.

Section 470**Fences, Walls and Other Protective Barriers**

1. APPROVAL BY BUILDING COMMISSIONER. The erection, construction or alteration of any fence, wall, or other type of protective barrier shall be approved by the Building Commissioner for conformance to the requirements of the zoning district in which they are located and for conformance to the requirements of this Section.
2. REQUIREMENTS FOR FENCES, WALLS, AND HEDGES. Fences, wall, or hedges, which are not specifically required under the regulations for the individual zoning district, shall conform to the following requirements:
 - a. No fence, wall, or hedge in excess of six (6) feet, or less than three (3) feet in height shall be erected or maintained along the line dividing two lots or parcels of land or erected within any required side or rear yard. Fences, walls, and hedges of a maximum of eight (8) feet in height are permitted in rear or side yards within manufacturing zoning districts.
 - b. No fence, wall, or hedge shall be erected or maintained in the front yard more than four (4) feet in height or closer than six (6) inches to any public sidewalk.
 - c. All fences erected shall be of an ornamental type such as treated wood, painted wood, treated split rail, ornamental wrought iron, split rail, vinyl, brick, stone, open picket (with 40 % open space between pickets in any front or corner side yard), chain link (not permitted in any front or corner side yard), and similar materials commonly used in urban residential applications as deemed appropriate by the Planning and Building Department. Scrap lumber, plywood, sheet metal, plastic, or fiberglass sheets are expressly prohibited. Barbed wire, spikes, nails, or other sharp point or instrument on top or sides of such fence are prohibited. Welded wire, agricultural fencing, and chicken wire fences are not permitted.
 - d. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings, industrial properties, or wherever, in the opinion of the Building Commissioner, such are necessary or expedient in the interest of public safety or protection of property.
 - e. All fences shall be constructed with the finished side of the fence facing out toward the property line or neighboring property where applicable.

Section 475**Greenbelt or Buffer Strips**

Wherever a greenbelt is required, it shall be made fertile and planted ~~six (6) months from the date of issuance of a permit for use prior to occupancy~~ for use weather permitting, and thereafter reasonably maintained with permanent materials to provide a suitable screen from adjacent properties in conformance with the following standards:

1. Minimum planting width shall be ~~seven (7)~~ Fifteen (15) feet. On lots larger than two acres, the minimum planting width shall be 30 feet.
2. ~~Plant materials shall not be placed closer than four (4) feet from the lot line.~~
3. Plant materials shall be in sufficient density and height to provide for an effective screening of view on a year-round basis from adjacent properties. A mixture of evergreen and deciduous plant materials, which would include between 20% ~~AND 40%~~ 40% and 60% evergreen is ~~suggested~~ required. Plant material shall be installed in alternating rows in order to achieve better coverage and screening.
4. The greenbelt requirements may be modified by the Board of Zoning Appeals, upon hearing, if it appears that there are practical difficulties or unnecessary hardship in the carrying out of the strict letter of such provisions, provided such relief may be granted without substantial detriment to the public good and without

substantially impairing the intent and purpose of this Ordinance.

ARTICLE V Non-Conforming Building and Land Use

Delete the following Section in its entirety

~~Section 575 Nonconforming Residential Uses~~

~~Residential uses which are nonconforming in that they contain more dwelling units than permitted by the residential district in which they are located are not subject the restrictions contained in sections 500 through 565 of this article. However, this section shall not be construed to permit the creation of any additional dwelling units.~~

ARTICLE VII Parking

Section 720 Off-Street Parking Requirements By Use

Professional offices for doctors and dentists	1	100 250 square feet of floor space, or a minimum of not less than 4 spaces, whichever is greater
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ARTICLE XVII

Section 1710 Permitted Uses

1. Uses permitted without special exception in the R-2 District.
2. The following multiple dwellings:
 - a. apartment houses
 - b. row & townhouse dwellings
 - c. dormitories
 - d. ~~rooming house~~
 - e. ~~boarding house~~
 - f. bed and breakfast inn
3. Maintenance & management buildings designed and operated to exclusively serve the multiple dwellings.
4. Dwelling units occupied by cooperative households of unrelated individuals with the provision that there shall be one thousand square feet of lot area per person; and a minimum of two hundred square feet of usable floor area per person. Fraternities and sororities are prohibited in this district.
5. Group homes for developmentally disabled persons.

Section 1725 Permitted Uses as Special Exceptions

The following uses may be permitted by the Board of Zoning Appeals, if the proposed use will constitute a desirable and stable development which will be in harmony with the developments in adjacent areas and will not cause congestion on public streets nor be contrary to the spirit and purpose of this Article or Ordinance.

1. Growing of farm crops in the open, including truck gardens and nurseries, provided that no livestock or poultry are kept and no offensive odors or dusts are created, and further provided that no retail sales are conducted from a store or stand erected or maintained on the premises.

2. Publicly or privately owned and operated hospitals.
3. Institutions for the care of the aged and for children, including municipally operated health centers.
4. Nursing homes and sanitariums, but not for the care of the mentally ill.
5. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, but not including service or storage yards, when operating requirements necessitate their location within the district in order to serve the immediate vicinity.
6. Professional offices such as doctor, lawyer, engineer, architect, dentist, or chiropractor when located on a street designated as an arterial in Article X, but not including the office of a veterinarian.
7. Other uses not specifically noted here when it can be shown that such a use provides a specific need or function, would not alter the character of the adjacent residential areas, and has the approval of at least sixty (60) percent of the residents within three hundred (300) feet of the proposed use.
8. Rooming House
9. Boarding House

ARTICLE XXII

Section 2210 Permitted Uses

36. Auto Repair, Major and Minor
37. Temporary Outdoor Sales. Located on a paved surface, and for retail purposes only.

ARTICLE XXIV

Section 2410 Permitted Uses

6. Any retail or commercial use allowed in the C-4 3 Central Business District, and any use permitted without special exception in the OS, Open Space District.

Proposed Zoning Ordinance Amendments – October 2006

Article IV

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5. Group homes for developmentally disabled persons.

Proposed areas of exemption to Article IV Section 475

Area one

Beginning at the intersection of Sturdy Road and US Highway 30, thence north along Sturdy Road to the Canadian National Railroad tracks, thence westerly along the Canadian National Railroad tracks to Yellowstone Road, thence south along Yellowstone Road to West Lincolnway/State Road 130, thence southeast along SR 130 to Joliet Road, thence Westerly along Joliet Road to the Norfolk Southern Railroad tracks, thence southeasterly along the Norfolk Southern Railroad tracks to US Highway 30, then Easterly along US Highway 30 to the point of beginning at Sturdy Road

Area two

All parcels of land with primary frontage on Calumet Avenue between the Canadian National Railroad Tracks and Bullseye Lake Road

Section 1725

Permitted Uses as Special Exceptions

The following uses may be permitted by the Board of Zoning Appeals, if the proposed use will constitute a desirable and stable development which will be in harmony with the developments in adjacent areas and will not cause congestion on public streets nor be contrary to the spirit and purpose of this Article or Ordinance.

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3. Institutions for the care of the aged and for children, including municipally operated health centers.
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Section 2410

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