

ORDINANCE 37, 2004
As Amended and Passed, May 9, 2005

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR C-4
CENTRAL BUSINESS DISTRICT STANDARDS**

WHEREAS, the City of Valparaiso has Central Business District regulations as specified in this Article are adopted to preserve, protect, and enhance the downtown as the urban center, focal point, and image of the greater Valparaiso community; and

WHEREAS, the City of Valparaiso, Indiana has determined that the existing standards found in both Article 23 of the Zoning Code and Appendix A are either obsolete or lacking in substance to meet the current and future planning needs for our community; and

WHEREAS, it is the intent of this ordinance to replace in full both the existing Article 23 of the Zoning Code and Appendix A as means to promote the cultural, economic, and general welfare of the public through the preservation and protection of structures by establishment of standards within the City of Valparaiso; and

WHEREAS, it is the intent of this ordinance to accomplish this by promoting appropriate retail, and complimentary commercial, residential, cultural, and recreational uses while recognizing and maintaining the downtown's unique character and historical setting. Because of the nature and culture of the existing and desired downtown, its planning and regulation demand special considerations;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso that Article 23 of the Zoning Code of the City of Valparaiso should be and the same is hereby amended to read as outlined in the aforementioned:

APPENDIX A – AMENDMENTS TO ARTICLE 23

This Ordinance shall be in full force and effect immediately upon its adoption by the Common Council and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana on the 9th day of May, 2005 by a 7-0 vote of 7 members present and voting.

ATTEST:

Sharon Swihart
Sharon Swihart, Clerk-Treasurer

Jon Costas
Jon Costas, Mayor

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 9th day of May 2005, at the hour of 9:45 o'clock P.M.

Sharon Swihart
Sharon Swihart, Clerk-Treasurer

This ordinance approved and signed by me this 9th day of May, at the hour of 9:45 o'clock P.M.

Jon Costas
Jon Costas, Mayor

APPENDIX A – Amendments to Article 23

Article 23

C-4, Central Business District

Section 2300 Statement of Purpose

The Central Business District regulations as specified in this Article are adopted to preserve, protect, and enhance the downtown as the urban center, focal point, and image of the greater Valparaiso community. This will be accomplished by promoting appropriate retail, and complimentary commercial, residential, cultural, and recreational uses while recognizing and maintaining the downtown's unique character and historical setting. Because of the nature and culture of the existing and desired downtown, its planning and regulation demand special considerations. The scale and intensity of development, the locations and relationships between the land and building uses, and public safety and comfort are the primary focus. The goal is for the downtown area to be the inviting, vibrant, viable, and aesthetic heart of the Valparaiso community. This ordinance is intended to enhance and foster economic development and does not seek to hinder creativity in the development process.

Decision making impacting the downtown shall be sensitive to:

- Growth Management Plan (Camiro's)
- Downtown Implementation Plan (HyattPalma/Downtown Implementation Board)
- Valparaiso Downtown District Comprehensive Plan
- Design Guidelines for Valparaiso, IN – February 27, 1996
- Valparaiso Comprehensive Plan

Section 2310 Permitted Uses

The following uses are specifically permitted in the C-4, Central Business District:

1. Antique shops
2. Art and school supply stores
3. Art galleries and museums, which may include items for sale
4. Audio recording sales and rental
5. Bakeries (where a minimum of 20% of the total floor area is dedicated to retail sales)
6. Banks and financial institutions
7. Barbershops
8. Bath, bed and/or kitchen specialty stores
9. Beauty parlors
10. Bicycle sales and repair stores (repair activity must be carried out wholly within building and in the rear of building)
11. Business machines, sales and service
12. Camera and photographic supply stores
13. Candy and ice cream stores
14. China and glassware stores
15. Clock sales and repair shops
16. Clothing and apparel stores
17. Clubs and lodges, private, fraternal, or religious
18. Coin and philatelic stores
19. Computer sales and service
20. Consignment and resale shops
21. Cookware stores
22. Cosmetics sales
23. Custom tailoring (dressmaking)
24. Department stores
25. Discount stores
26. Drug stores
27. Dry-cleaning establishments (without processing on site)
28. Electronics (consumer)
29. Employment agencies
30. Engraving services
31. Fabric and sewing supply stores
32. Flower shops
33. Food stores, including grocery stores, meat markets, and delicatessens
34. Furrier shops, including the incidental storage and conditioning of

3. Off-Street parking (open lot), public lot or accessory to a C-4 use, 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 Section 470. 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.
4. Off-Street parking (parking garage), public garage or accessory to a C-4 use. 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.
5. Museums
6. Passenger transportation terminal
7. Certified Massage Therapy Establishment
8. Liquor store (package)
9. Churches

Section 2330 Prohibited Uses

The following uses shall be prohibited within the C-4 District.

1. Sexually-oriented businesses
2. Tattoo and/or body piercing establishments
3. Pawn Shop as per IC Code 28-7-5

Section 2350 Area, Height, and Placement Requirements

- A. Minimum/Maximum lot area: exempt
- B. Minimum/Maximum lot width: exempt
- C. Yard requirements:
 1. Maximum front yard: three (3) feet except around the Courthouse Square and Lincolnway between Michigan Street and Napoleon Street where structures shall be built to the front property line.
 2. Structures shall be built up to side property lines except where a proposed break in building continuity will be developed as a publicly accessible urban park or through-block pedestrian connection; where such a break in continuity is otherwise permitted and necessary as driveway access into a site; where the size and placement of the proposed building cannot be readily changed to occupy the full site frontage; or where phasing of development on a site will eventually result in a continuous building frontage.
 3. Rear yard: exempt
- D. Maximum building height: Not more than seventy-five (75) feet.

No higher than fifty (50) feet for buildings located in the area ½ block north or south of Lincolnway and ½ block in all directions surrounding the Courthouse square. A maximum of seventy-five (75) feet is permitted in this area with a conditional use permit.

- E. Off street parking and loading: The C-4 district is specifically exempt from the off street parking requirements of Article VII of this Ordinance. Off street loading requirements shall be complied with in accordance with the provisions of Sections 780 for all uses.

35. Gift shops
36. Governmental or quasi-governmental offices
37. Hardware stores
38. Hobby shops, for retail
39. Hotels, including dining and meeting areas
40. Interior decorating shops
41. Jewelers
42. Printing/copy shops
43. Libraries
44. Leather goods and luggage stores
45. Loan offices
46. Locksmiths
47. Mail order service stores
48. Medical and dental offices
49. Music instrument sales and repair
50. Newspaper offices, not to include printing
51. Office supply stores
52. Offices, business and professional
53. Opticians and optometrists
54. Paint and wallpaper stores
55. Photography studios
56. Physical fitness and health centers
57. Picture framing
58. Radio broadcasting studios
59. Residential dwelling unit (must be above 1st floor)
60. Restaurants
61. Retail and service uses similar to those listed as long as the establishments deal directly with consumers.
62. Salon, day spas
63. Schools: music, art, dance
64. Sewing machine, sales and services (household machines only)
65. Shoe and hat repair stores
66. Shoe stores
67. Tailor shops
68. Taverns and cocktail lounges
69. Television broadcasting studio
70. Theater, indoor – movies, stage
71. Tobacco Shops
72. Toy shops
73. Travel agencies
74. Utilities offices
75. Variety stores
76. Video recordings, sales and rentals

Section 2325

Permitted Uses as Special Exception

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 development in adjacent areas and will not cause congestion on public streets and not be contrary to the spirit and purpose of this ordinance:

1. Automatic Teller Machines (ATM)
 - A. Vehicular access to such structures shall only be in the rear of the primary structure on the lot or parcel of the subject ATM.
 - B. "Walk-up" structures may be attached to the exterior rear or sidewall of the building or placed in the interior of the primary structure.
 - C. Vehicular service lanes/queuing areas for such uses shall not cross pedestrian sidewalks. Access drives to service/queuing areas may cross public sidewalks with City Engineer's/Traffic and Safety Committee approval.
2. Drive-thru structures

Vehicular access to such structures shall only be in the rear of the primary structure on the lot or parcel of the subject drive-thru structure and a minimum of 10 feet from the property lines.