

ORDINANCE NO. 7, 2011

AN ORDINANCE AMENDING ARTICLES 2, 6, 8, 9, AND 11 OF THE
UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF VALPARAISO

WHEREAS, a petition was presented to amend articles 2, 6, 8, 9, and 11 of the Unified Development Ordinance (UDO); and

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

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

WHEREAS, the Plan Commission voted to recommend the approval of proposed amendments by a 8-0 vote on December 14, 2010.

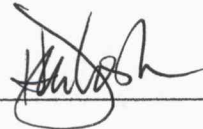
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

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

SEE ATTACHED EXHIBIT A

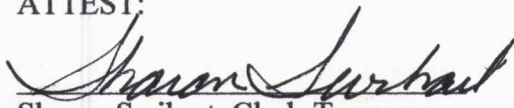
This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 14th day of Feb., 2011.

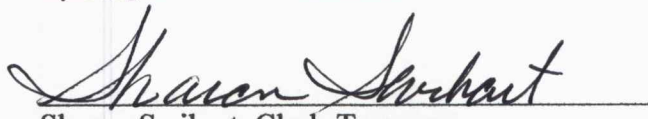


Jon Costas, Mayor

ATTEST:


Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 14th day of Feb., 2011, at 7:20 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 14th day of Feb., 2011, at 7:20 o'clock p.m.



Jon Costas, Mayor

Proposed UDO Amendments – JANUARY 2010

Amend Section 2.201, Table 2.201A to change Kennels from a Prohibited Use to a Limited Use in the BP Business Park District and to correct a typo in the limited/special use standard column for Single Family to show the correct reference of Section 2.555.

Table 2.201.A. Agricultural, Residential, and Institutional Uses																
P = permitted use; L = Limited Use review; S = Special Use review; X = prohibited use																
Zoning District																
Land Use	ER	SR	GR	UR	NC	RU	CN	CG	CBD	CP	RT	CA	BP	INL	INH	Limited / Special Use Standard
Agricultural Uses																
Kennel	X	X	X	X	X	L	S	L	X	X	X	X	L	L	X	Sec. 2.503
Residential Uses																
Single-Family	P	P	P	P	P	P	L	L	X	P	P	X	X	L	S	Sec. 2.555

Amend Section 2.201, Table 2.201B and Sections 2.545 to make Light Industry a limited use in the INH District, Recycling/Salvage a limited instead of permitted use in the INH District, and Warehousing and Transportation a limited use in the BP District and a Special Use in the Campus District.

Table 2.201.B. Nonresidential Uses																
P = permitted use; L = Limited Use review; S = Special Use review; X = prohibited use																
Zoning District																
Land Use	ER	SR	GR	UR	NC	RU	CN	CG	CBD	CP	RT	CA	BP	INL	INH	Limited / Special Use Standard
Industrial Uses																
Light Industry		X	X	X	X	X	X	X	X	X	X	X	L	P	L	Sec. 2.545
Recycling / Salvage		X	X	X	X	X	X	X	X	X	X	X	X	S	L	Sec. 2.546
Warehousing and Transportation		X	X	X	X	X	X	X	X	X	X	S	L	P	P	

Sec. 2.503 Kennel

- A.
- B.
- C. **CN and BP Districts.** Kennels may be permitted as a Special Use in the Commercial, Neighborhood (CN) district and as a Limited Use in the BP Business Park districts if it is demonstrated that:

1. There are no outdoor animal confinement areas ~~dog runs~~; and

2. The building is soundproofed such that no noise generated by the use is perceptible from the property line. This shall be demonstrated to the Planning

Director as part of the development review and permit process.

Sec. 2.545 Light Industry

- A. **Generally.** Light industry shall be permitted as a limited use in the Business Park (BP) district, and a special use in the Heavy Industrial (INH) district, subject to the standards of this Section.
- B. **BP District.** Light industry shall be limited to those light industrial uses that will not interfere with the use of adjoining property for professional office purposes, including product assembly that:
 - 1. Does not require heavy welding or heavy machinery; and
 - 2. Uses parts that are manufactured off-site.
- C. **INH District.** Light Industry shall be permitted as a ~~Special~~ **Limited Use** in the Heavy Industrial (INH) district provided that the total building area used by light industry within any individual INH district shall not exceed 30 percent of the total building area for that district.

Sec. 2.556 Warehousing and Transportation

- A. **Generally.** Warehousing and Transportation shall be permitted as a limited use in the Business Park (BP) district and a special use in the Campus (CA) district, , subject to the standards of this Section.
- B. **CA and BP District.** Warehousing and Transportation uses shall be limited to transportation operations that are supplemental and necessary for warehousing uses that will not interfere with the use of adjoining property and negative impacts are minimized such that:
 - 1. All areas of the site for transportation operations are completely screened from view from neighboring properties by a Class E Bufferyard (without required earthen berm) with a solid fence or masonry wall or combination thereof of at least 8 feet in height and solid entry/exit gates of the same height.

Amend Section 6.309 and various sections in Article 8 to clarify language pertaining to installation of required improvements for all development (proposed and existing)

Sec. 6.309 Required Improvements

- A. **Design and Installation of Improvements.**
 - 1. All improvements required by this UDO within and along the frontage of all development including but not limited to street pavement widening, curb and gutter, sidewalks and/or bicycle routes, lanes, paths, and trails as well as all other related City regulations shall be designed and shown on required plans and drawings and installed in accordance with the Standards Manual prior to the issuance a certificate of occupancy as described in Section 15.202 Administrative Permits.

2. All improvements shall be furnished, installed, and constructed by the applicant at no cost to the City, except as provided in this Division. Escrows or sureties may be permitted or required for off-site improvements that are required by this UDO.
3. The City Engineer may approve a waiver from the requirements as described in item 1 above if it is demonstrated that the proposed development will not result in the installation of additional parking or a perceived increase in traffic volume, or if other extenuating circumstances apply.

Sec. 8.204 Street Standards

B. Right-of-Way and Pavement Widths.

1. For all development, ~~W~~width of street and/or alley pavements shall conform to the widths specified in the Standards Manual, and widths of rights-of-way shall conform to the widths specified in the Standards Manual; **Section 8.203, Functional Classification**; and/or the **Official Intermodal Transportation Plan**.
2. Streets shall be designed within rights-of-way with widths as set out in **Table 8.204, Right-of-Way Width**. Details regarding of lanes, sidewalks, medians, parkways, and other street elements are provided in the Standards Manual.
3. For all development ~~W~~where additional right-of-way is needed comply with the requirements or width as outlined in Section 8.203 Functional Classification, or required to obtain vertical curve, grade, clear sight triangles, turn lanes, or medians, the required right-of-way shall be dedicated to the City or adjusted to the extent necessary in accordance with local needs as determined by the City Engineer.

Sec. 8.212 Curbs

- A. **Generally.** All streets shall be constructed with curb and gutter except as provided for in the Standards Manual. All development shall provide for required curb and gutter improvements as described in Section 6.309 Required Improvements.

Sec. 8.213 Sidewalks

- A. **Generally.** For all development, ~~S~~sidewalks are required along all public and private streets. They shall be constructed of concrete.

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

- A. **Bicycle Routes.** For all development, ~~B~~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.

E. ~~Incentive.~~

- ~~1. Parcels proposed for development of more than 20 dwelling units shall be granted a density bonus of five percent (applicable to both gross density and net density), or one~~

~~additional unit, whichever provides more development rights, for the construction and dedication of the bicycle lanes, paths, and trails described in this Section.~~

- ~~2. Incentive units that are approved pursuant to this subsection may be used on-site or transferred off-site to any parcel that is:~~
- ~~A. Zoned CR, RT, UR, or CP; and~~
 - ~~B. At least five acres in size.~~

Amend Section 9.201 and Table 9.201 to correct a typo in the reference to mixed use and shared parking standards.

Sec. 9.201 Parking and Loading Requirements Table

- A. **Minimum Off-Street Parking and Loading Requirements.** The minimum off-street parking and loading requirements for the uses set out in this Code are set out in **Table 9.201, Minimum Parking and Loading Requirements**, below.

Table 9.201: Minimum Parking and Loading Requirements		
Land Use	Parking	Loading
Commercial Uses		
Mixed Use	See Sec. 9.205, Mixed Uses and Shared Parking	1 / 25,000 sf. of nonresidential uses

Amend Section 9.203 to include the CBD in the list of districts which qualify for use of the on-street parking and public lot credit.

Sec. 9.203 On-Street Parking and Public Lot Credit

- A. **Generally.** In the CBD (residential uses), CP and CA Districts, the applicant may deduct from the required parking its share of on-street parking spaces and any public lot parking as follows:
- B. **Calculation of Credit.** The credit shall be calculated according to the following formula:
- 1. **Parking Credit = 0.8 x (Sa x P)**, where:
 - a. **Sa** is equal to the area of the applicant's parcel divided by the area within 600 feet of the boundaries of the parcel proposed for development that are within the same zoning district in which the parcel is located; and
 - b. **P** is equal to the total number of parking spaces on streets and in public parking lots that are located within 600 feet of the boundaries of the parcel proposed for development that are within the same zoning district in which the parcel is located.
 - 2. The values for **Sa** and **P** shall be demonstrated by a survey.

Amend Section 11.704 to modify required landscaping and landscaping installation standards.

Sec. 11.704 Campus District Landscaping

- A. **Street Trees.** All streets (public or private) shall be landscaped with canopy trees at 2 per 100 linear feet. This may be averaged to avoid problems with curb cuts.
- B. **Parking Lot Landscaping.**
 - 1. There shall be one canopy tree planted for every 12 spaces in the parking lot. The developer is encouraged to integrate parking lot landscaping into the storm water system to assist in cleaning the run-off. Species that are water tolerant must be selected for this purpose.
 - 2. Where parking is visible from perimeter roads or residential areas, a berm, hedge, or wall 4.5 feet in height shall be used to screen the parking from view. A berm with plantings that complete the screening may meet the height in combination with a wall.
 - 3. No parking shall be permitted in required bufferyards.
- C. **Yards and Green Spaces.** Site landscaping of yards or green spaces shall be provided as follows (Excluding areas occupied by other required landscaping or bufferyards):
 - 1. Canopy trees or conifers: 10 per acre of required landscaped area
 - 2. Understory or ornamental trees: 15 per acre of required landscaped area
 - 3. Shrubs: ~~100~~ 50 per acre of required landscape area
- D. ~~Minimum Standards for Landscape Material.~~ Landscaping shall meet the following ~~minimum standards at the time of installation.~~
 - 1. ~~Canopy trees: 3 2 1/2 inch caliper~~
 - 2. ~~Understory trees: 1 1/2 inch caliper or six feet high~~
 - 3. ~~Conifers: 8 feet high~~
 - 4. ~~Shrubs: 3 feet high~~