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# The Lakes of Valparaiso

## AN ORDINANCE ESTABLISHING PLANNED UNIT DEVELOPMENT DISTRICTS

## CITY OF VALPARAISO

**ORDINANCE NO. 8, 2014**

VALPARAISO
VIBRANT · VISIONARY

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# Table of Contents


Section 1. Legislative Intent. ..... 2
Section 2. Applicability of The Lakes of Valparaiso PUD Ordinance. ..... 2
Section 2.1. Official Zoning Map. ..... 2
Section 2.2. Controlling Ordinance. ..... 2
Section 2.3. Platting. ..... 3
Section 2.4. Conflict. ..... 3
Section 3. Construction of Language; Definitions. ..... 3
Section 3.1. Construction of Language. ..... 3
Section 3.2. Definitions. ..... 4
Section 4. General Requirements. ..... 13
Section 4.1. Property Development Standards. ..... 13
Section 4.2. Review and Approval of Development Plans. ..... 13
Section 4.3. Exception for Development Plan Requirements. ..... 13
Section 4.4. Non-Conforming Uses. ..... 14
Section 4.5. Site Permit. ..... 14
Section 4.6. Permits and Procedures. ..... 14
Section 4.7. Administration and Enforcement. ..... 14
Section 4.8. Minimum Open Space. ..... 14
Section 4.9. Multiple Building Tracts. ..... 15
Section 4.10. Water, Sewer and Utilities Facilities. ..... 15
Section 4.11. Districts, and Default Zoning Districts. ..... 15
Section 4.12. Required Bufferyards. ..... 16
Section 4.13. No Access to Bartz Road. ..... 20
Section 5. Business Park District. ..... 20
Section 5.2 Outside Storage of Refuse. ..... 20
Section 5.4 Loading Berths. ..... 21
Section 5.5 Mechanical Equipment. ..... 21
Section 5.6 Setbacks. ..... 22
Section 5.7 Sale or Transfer of Parcel. ..... 22
Section 5.8 Grounds Maintenance. ..... 22
Section 5.9 Permitted Accessory Buildings and Structures. ..... 23

Section 5.10 Maximum Lot Coverage..... 24
Section 5.11 Trailer Staging..... 25
Section 5.13 Performance Standards..... 26
Section 5.14 Structured Parking Garages..... 28
Section 5.15 Minor Alterations..... 33
Section 6. Permitted Primary Uses..... 34
Section 6.1. Business Park District Permitted Primary Uses..... 34
Section 6.2. Business Park District – Commercial Area Lots Permitted Primary Uses..... 35
Section 6.3. Multi-Family Residential District - Permitted Primary Uses..... 36
Section 6.4. Determination of Permitted Primary Uses..... 36
Section 7. Permitted Temporary Uses..... 36
Section 8. Multi-Family Residential District..... 37
Section 8.1. Multi-Family Residential District..... 37
Section 8.2. Parking..... 39
Section 8.3. Conditions and Stipulations for Multi-Family Residential District..... 39
Section 9. Business Park District..... 40
Section 9.1. Purpose..... 40
Section 9.2. General Requirements..... 40
Section 9.3. Architectural Design Standards..... 40
Section 9.4 Parking Lot Landscaping – Business Park District Only..... 42
Section 9.5. Covenants..... 43
Section 9.6. Consolidation of Lots..... 43
Section 9.7. Parking..... 43
Section 9.8. Commercial Area..... 44
Section 9.9. Pedestrian and Bicycle Circulation..... 47
Section 10. Conformity with Plans..... 47
Section 11. Public Streets..... 47
Section 11.1..... 48
Section 11.2..... 48
Section 11.3..... 48
Section 11.4..... 48
Section 11.5..... 48
Section 12. Sidewalks and Pathways..... 48
Section 12.1..... 48

Section 12.2. ..... 49
Section 13. Streets. ..... 49
Section 14. Streetscape. ..... 49
Section 15. Landscaping. ..... 50
Section 15.1. Developer's Landscape Program. ..... 50
Section 15.2. On-Lot Landscaping Standards. ..... 50
Section 15.3. Multi-Family Residential District Buildings. ..... 52
Section 15.4. Business Park District Buildings. ..... 53
Section 16. Lighting. ..... 54
Section 16.1. Developer's Lighting Plan. ..... 54
Section 16.2. Individual Lot Lighting Standards. ..... 54
Section 17. Signs. ..... 55
Section 19. Preliminary Development Plan Approval. ..... 55
Section 20. Secondary Development Plan Approval. ..... 56
Section 21. Change in Development Standards or Approval of Alternate Plans. ..... 57
Section 22. Alterations. ..... 57
Section 23. Appeals. ..... 57
Section 24. Park Impact Fees. ..... 58
Section 25. Development Schedule. ..... 58
Section 26. Recordation. ..... 59
Section 27. Other Ordinances. ..... 59
Section 28. Severability. ..... 59
Section 29. Effective Date. ..... 59

**ORDINANCE NO.**

**AN ORDINANCE ESTABLISHING PLANNED UNIT DEVELOPMENT DISTRICTS**

**The Lakes of Valparaiso**

AN ORDINANCE of the City of Valparaiso, Indiana amending portions of Official Zoning Map and establishing a Planned Unit Development pursuant to the Unified Development Ordinance for the City of Valparaiso, Indiana.

WHEREAS, Article 15, Division 15.500 of the Unified Development Ordinance entitled "Procedures and Administration for Planned Unit Development Approval" permits the establishment in the City of Valparaiso of planned unit developments ("PUDs"), in which an area of land is developed as a single scheme which combines a mixture of uses, including residential, business, professional and/or light industrial, and which may not correspond to the development standards otherwise required for such uses by other provisions of the zoning and planning ordinances of the City of Valparaiso; and

WHEREAS, Article 15, Division 15.500 of the Unified Development Ordinance authorizes the Common Council of the City of Valparaiso, by ordinance, to establish PUD Districts and to specify the uses and development requirements that apply in such PUD District; and

WHEREAS, an application for approval of The Lakes of Valparaiso PUD District has been filed by SJBZ Porter Holdings, LLC (hereinafter sometimes referred to as "Developer") and considered by the Valparaiso Plan Commission and the Common Council for the City of Valparaiso, and all of the notice, public hearing and other procedural requirements of the Indiana Code and the Unified Development Ordinance for the City of Valparaiso for the consideration of the application and the establishment of the PUD District have been fulfilled; and

WHEREAS, in preparing and considering proposals under the Ind. Code 36-7-4-600 *et seq.*, the Plan Commission and the legislative body shall pay reasonable regard to (1) the comprehensive plan; (2) current conditions and the character of current structures and uses in each district; (3) the most desirable use for which the land in each district is adapted; (4) the conservation of property values throughout the jurisdiction; and, (5) responsible development and growth; and

WHEREAS, the advisory Plan Commission has sent a favorable recommendation relating to such Application to the Valparaiso Common Council dated the 14th day of January, 2014; and

WHEREAS, contemporaneously with this Ordinance, the Common Council has adopted an ordinance annexing Parcel #1 hereinafter described into the corporate boundaries and within the zoning jurisdiction of the City of Valparaiso, Indiana.

NOW, THEREFORE, BE IT, AND IT HEREBY IS, ordained by the Common Council of the City of Valparaiso, Indiana, under authority granted by Ind. Code 36-7-4-600 *et seq.* and Ind. Code 36-7-4-1500 *et seq.* and Article 15, Division 15.500 of the Unified Development Ordinance entitled "Procedures and Administration for Planned Unit Development Approval" that The Lakes of Valparaiso PUD District is established as an amendment to the Unified Development Ordinance, pursuant to and subject to the terms, conditions, stipulations and requirements of this Ordinance.

**Section 1. Legislative Intent.** Having given reasonable regard to the Comprehensive Plan and the other matters specified in Article 15, Division 15.500 of the Unified Development Ordinance, the intent of the Common Council in adopting this Ordinance is (i) to determine that the plan community being proposed which combines multi-family residences adjacent to or near State Highway 49 and assorted commercial and light industrial uses generally found within the Business Park zoning district is a good land use believed to be in the best interest of the City of Valparaiso; (ii) to encourage the use of innovative and unique land development techniques in the design of the District; (iii) to insure that the increased flexibility and design regulations over the land development authorized herein are carried out under administrative standards and procedures in a matter consistent with the goals and policies of the City of Valparaiso; and (iv) define that this Ordinance and the project proposed to be developed here under satisfies all Indiana statutes and the Valparaiso ordinances relating to planned unit developments. Developer shall have the right to seek joinder of additional parcels of land contiguous to the District as part of the District, which such joinder shall occur only upon the approval by the Common Council on such terms and conditions as the Common Council may establish following the written application by Developer and review and recommendation of the Valparaiso Plan Commission.

**Section 2. Applicability of The Lakes of Valparaiso PUD Ordinance.**

Section 2.1. Official Zoning Map. The Official Zoning Map, a part of the Unified Development Ordinance, is hereby amended to designate the Property as a Planned Unit Development District ("PUD") known as The Lakes of Valparaiso Planned Unit Development District.

Section 2.2. Controlling Ordinance. Development of the Property shall be governed entirely by the provisions of this The Lakes of Valparaiso PUD Ordinance except to the extent reference is made to the Unified Development Ordinance. When there is reference to the Unified Development Ordinance in this The Lakes of Valparaiso PUD Ordinance, then only the provisions of the Unified Development Ordinance so referenced, as are in effect under the Unified Development Ordinance (as defined in Section 3.2 as the UDO exists on the date of this PUD Ordinance (a copy of which is attached hereto and incorporated herein as Exhibit "E"), not including any subsequent amendment or revision) shall be applicable to the Property. After the enactment of this

The Lakes of Valparaiso PUD Ordinance, development of the Property shall not be governed, in whole or in part, by any future overlay district regulations that may include any part of the Property.

Section 2.3. Platting. This The Lakes of Valparaiso PUD Ordinance shall control whether or not any land within a District shall be required to be platted and under what circumstances the approval of subdivision plats are required. The approval of subdivision plats, when required by this The Lakes of Valparaiso PUD Ordinance, shall be in compliance with the provisions of this The Lakes of Valparaiso PUD Ordinance. The Districts shall be platted pursuant to the provisions of the Subdivision Regulations, with the Multi-Family Residential District being laid out as one or more larger lots without placing buildings on individual lots. Condominium development shall be governed by Indiana Code Section 32-25. Land not required by this The Lakes of Valparaiso PUD Ordinance to be approved as a subdivision plat may be subdivided through the recording of a metes and bounds legal description; however, at the option and discretion of the owner, such lands may nonetheless be platted, even though they are not required to be platted under this The Lakes of Valparaiso PUD Ordinance.

Section 2.4. Conflict. In the event of a conflict between this The Lakes of Valparaiso PUD Ordinance and the Unified Development Ordinance or the Subdivision Regulations, the provisions of this The Lakes of Valparaiso PUD Ordinance shall apply. Any conflict between the narrative terms of this The Lakes of Valparaiso PUD Ordinance and Exhibit B, the Site Improvement Plans, the Site Improvement Plans shall govern and control.

**Section 3. Construction of Language; Definitions.**

Section 3.1. Construction of Language. The language of this The Lakes of Valparaiso PUD Ordinance shall be interpreted in accordance with the following regulations:

a. The particular shall control the general.
b. In the case of any difference of meaning or implication between the text of this The Lakes of Valparaiso PUD Ordinance and any illustration or diagram, the text shall control.
c. The word "shall" is always mandatory and not discretionary.
d. The word "may" is permissive and at the discretion or option of the Developer.
e. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
f. A "building" or "structure" includes any part thereof, unless otherwise specifically stated.
g. The phrase "used for," includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

h. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either…or," the conjunction shall be interpreted as follows:

1) "And" indicates that all the connected items, conditions, provisions or events shall apply.

2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3) "Either…or" indicates that all the connected items, conditions, provisions or events shall apply singly but not in combination.

Section 3.2. Definitions. Unless otherwise stated, the following words shall, for the purpose of this The Lakes of Valparaiso PUD Ordinance, have the meaning herein indicated. Any word used in this The Lakes of Valparaiso PUD Ordinance which is not defined herein and which is defined in of the Unified Development Ordinance shall, for purposes of this The Lakes of Valparaiso PUD Ordinance, have the meaning ascribed to such word in the Unified Development Ordinance, unless the context otherwise requires.

a. "Plan Commission" shall mean the advisory Plan Commission for the City of Valparaiso.

b. "Access Drive" shall mean that area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property.

c. "Accessory Building" or "Accessory Structure" shall mean a structure that is located on the same parcel of property as the principal building or structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential.

d. "Accessory Use" shall mean a use of land, structure, or building, or portion thereof, that is commonly associated with, incidental, and subordinate to a principal use, and located on the same lot or parcel with such principal use.

e. "Administrator" shall mean the official in charge of the Plan Commission Staff or the Executive Director of the Plan Commission and authorized to administer and enforce the Unified Development Ordinance.

f. "Alley" shall mean any privately-held right-of-way, with the exception of private streets, open for the purposes of affording a secondary means of

vehicular access to abutting property which otherwise abuts upon a street and which is not intended for traffic other than public services and circulation to and from said property. An alley may be comprised of pavement, parking space, and the like.

g. "Application" shall mean the application filed with the Executive Director of the Valparaiso Plan Commission to establish a Planned Unit Development District for the Property and includes all plans, documents, and supporting information filed therewith.

h. "Area" shall mean a tract within a District that is designated by an approved Development Plan for development with Multi-Family Residential District or Business Park District permitted uses.

i. "Architectural Design Requirements" shall mean the criteria and guidelines outlining the architectural character of the proposed Multi-Family Residential District or Business Park District permitted uses to be developed in the Districts on the Property.

j. "Association" shall mean any and all not-for-profit corporation(s) established under Indiana law, by Developer of all or a portion of the Property, to maintain any Open Space or Easements on all or any portion of the Property and to carry out all other lawful purposes. An Association's members shall be the owners of all or a specific portion of the Property, including owners of lots or owners of the Business Park District, including the Commercial Area portion of the Property, as provided in any declaration of covenants, conditions and restrictions, code of by-laws or similar documents establishing such Association. Developer of the Property, with the consent of the owners of the Property to be included under such Association, may establish (i) a master Association for the entire Property or any common or shared Open Space, Easements and related improvements and (ii) one or more Associations whose responsibilities shall include, without limitation, the maintenance of Open Space, easements and related improvements for a defined portion of the Property. Such Association(s) shall be established and operated under the relevant Controlling Document(s).

k. "Builder" shall mean the entity performing construction activity on a Lot.

l. "Building Height" shall mean the vertical distance from the grade level at the main entrance to the top of the parapet that comprises the majority of the perimeter of the building for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

m. "Business Park District" shall mean that portion of the Property that is designated for business and light industrial development pursuant to this The Lakes at Valparaiso PUD Ordinance and described on Exhibit A as Parcel #2.

n. "BZA" shall mean the Board of Zoning Appeals of the City of Valparaiso, Indiana.

o. "City" shall mean the City of Valparaiso, Indiana.

p. "Commercial" shall mean all uses permitted and described in Section 6.2 of this Ordinance.

q. "Commercial Area" shall mean Lots 1, 2 and 3 of the Business Park District of the Property, or any reconfiguration of Lots 1, 2 and 3 shown on the Site Improvement Plan.

r. "Developer" shall mean SJBZ Porter Holdings, LLC ("SJBZ"), its successors and assigns, until such time as SJBZ transfers its rights as Developer. Such rights may be transferred in whole or in part. To transfer all or any portion of its rights as Developer, SJBZ may (i) name each individual owner of real estate within the Property as Developer solely with respect to the real estate owned by each such individual owner; (ii) establish a committee of individual owners of the real estate within the Property to act as Developer with respect to the real estate owned by all such owners, or (iii) use either method described in (i) and (ii) above with respect to different Districts or an Area within the Property.

s. "Development Guidelines" shall mean the criteria and development standards requirements in this The Lakes of Valparaiso PUD Ordinance which establish the guidelines for the proposed Multi-Family Residential District, Business Park District, and the Commercial Area to be developed on the Property.

t. "Development Plan" shall mean one or both of the Preliminary Development Plan and/or the Secondary Development Plan.

u. "Districts" shall mean the two (2) Districts; consisting of the Multi-Family Residential District and the Business Park District; identified on the Site Improvement Plans.

v. "Driveway" shall mean the access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the required front setback line.

w. "Family" shall mean one or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

x. "Fenestration" shall mean the arrangement of windows in a wall of a building. From the Latin word, "fenestra", meaning window.

y. "Financial Institution" shall mean any building wherein the primary occupation is concerned with such Federal or State regulated businesses as banking, savings and loans, loan companies and investment companies.

z. "Front Yard" shall mean a yard extending across the full width of the Lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the street right-of-way line and the front setback line.

aa. "Grade Level" (adjacent ground elevation) shall mean the level of the ground adjoining a structure or building. Where "grade level" refers to a street or road, it is the existing grade at that point.

bb. "Gross Acre" shall mean 43,560 square feet of horizontal area within the perimeter boundaries of a District. A "gross acre" may include the area of half of any street rights-of-way abutting the District.

cc. "Gross Acreage" shall mean the total aggregate horizontal area within the perimeter boundaries of a District, plus the area of half of any abutting street rights-of-way.

dd. "Herein" shall mean and refer to the entirety of, and anywhere within, this The Lakes of Valparaiso PUD Ordinance, including all exhibits, schedules and attachments and shall not be restricted to a particular paragraph or section in which the word "herein" appears.

ee. "The Lakes of Valparaiso PUD Ordinance" shall mean this ordinance establishing The Lakes of Valparaiso Planned Unit Development District.

ff. "Interior Access Drive" shall mean access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels.

gg. "Interior Access Driveway" shall mean a minor, private street providing access within the boundaries of a project beginning at the required setback line.

hh. "Landscape Easement" shall mean an area that may be privately owned, but is reserved to provide open space and buffer yards.

ii. "Lot" shall mean a discrete platted or un-platted piece, parcel, plot or tract of land designated by its owner to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted in The Lakes of Valparaiso PUD Ordinance, including one (1) or more main buildings, accessory uses thereto and the required yards as provided for in The Lakes of Valparaiso PUD Ordinance and may consist of:

a. A single Lot of Record; or

b. A portion of a Lot of Record; or

c. A combination of complete Lots of Record, or complete Lots of Record and portions of Lots of Record, or of portions of Lots of Record.

A lot may or may not coincide with a Lot of Record. For the purposes of this definition, the ownership of a lot is further defined to include:

a. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the Auditor of Porter County, Indiana;

b. A contract vendee;

c. A long-term lessee (but only if the lease is recorded among the records of the Recorder of Porter County, Indiana, and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit).

jj. "Lot Coverage" shall mean the total ground area, within the lot or project, covered by the primary structures plus garages and carports and other accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to the roof.

kk. "Lot of Record" shall mean a lot which is platted as a part of a subdivision or a lot or a parcel which is un-platted and described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Porter County, Indiana.

ll. "Materials Alteration" shall mean any change to an approved plan of any type that involves the substitution of one material, species, element, etc., for another.

mm. "Maximum Density" shall mean a unit of measurement which represents the maximum number of dwelling units permitted to be developed on a particular area of land.

nn. "Medical Professional" shall mean chiropractors, dentists, optometrists, osteopathic physicians, physicians (M.D.), podiatrists and similar medical professionals.

oo. "Memorial Parkway" shall mean the public thoroughfare extending in a general north-south direction through the Property from Vale Park Road to Evans Avenue generally located as depicted on the Site Improvement Plans.

pp. "Minor Alteration" shall mean any change to the Site Improvement Plans or the approved Preliminary Development Plan of any type that involves the revision of less than ten percent (10%) of the plan's total area, building size/dimensions or approved materials. The change or modification of lot lines within the Business Park District may also be permitted as a Minor Alteration pursuant to the terms of §5.15 of this PUD Ordinance.

qq. "Multi-Family Residential District" shall mean that portion of the Property that is designated for multi-family residential development pursuant to this The Lakes of Valparaiso PUD Ordinance and described on Exhibit A as Parcel #1.

rr. "Office" shall mean a place of business used exclusively for services involving predominantly administrative, professional or clerical operations not involving any equipment other than furniture and document processing and storage facilities and from which no product or commodity is located or sold, including but not limited to, business, personal or social service offices, sales offices, real estate offices, Financial Institution offices, governmental offices and professional offices.

ss. "Open Space" shall mean areas that provide light and air and are designed for environmental, scenic, or recreational purposes. Cropland, forested areas, or pastureland qualifies as open space. Open space may include turf areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, wooded areas, and wetlands. Open space may include conservation areas, buffer yards, green-space areas, lakes, ponds, water retention areas, water detention areas, natural environmental features, and landscape easements. Open space shall not include areas devoted to parking lots, Parking Areas or public or private streets or rights-of-way,

except for that portion of any right-of-way devoted to a pedestrian pathway/walkway system. Except for Buffer Yards, open space shall be dedicated to the public and accepted, owned by a public or semi-public entity, owned by a controlling Association, owned by the project owners, or be in a similar type of ownership control; for the benefit of the public, members of the Association or residents of the project.

tt. "Parent Tract" shall mean a tract of land described by metes and bounds, the description of which has been recorded in the Office of the Recorder of Porter County, Indiana, and describes a District, or a portion of a District.

uu. "Parking Area" shall mean an area of paving other than an open exhibition or display area; not inclusive of interior access drives, driveways, interior access driveways and access drives; intended for the temporary storage of automobile vehicles, including parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space.

vv. "Parking Space" shall mean a rectangular area permanently reserved for the temporary storage of one automobile, motorcycle or truck.

ww. "Preliminary Development Plan" shall mean a specific plan for the development of a District, or a portion of a District, that is submitted for Plan Commission approval.

xx. "Prior Zoning" shall mean the zoning classifications, as identified in and defined by the Zoning Ordinance and Zone Map, applicable to a discrete piece, parcel, plot or tract of land immediately prior to the enactment of this The Lakes of Valparaiso PUD Ordinance.

yy. "Private Street" shall mean a privately-held right-of-way, with the exception of alleys, open for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

zz. "Primary Structure" shall mean a structure in which the primary or principal use of the lot or parcel on which it is located is conducted.

aaa. "Property" shall mean certain property located in the City of Valparaiso, Washington Township, Porter County, Indiana, as described in Exhibit A attached hereto and incorporated herein.

bbb. "Public Street" shall mean a publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, open to the general public for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

ccc. "Rear Yard" shall mean a yard extending across the full width of the lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the rear lot line and the rear setback line.

ddd. "Secondary Development Plan" shall mean a specific plan for the development of a District(s), or a portion of a District, that is submitted for Plan Commission approval.

eee. "Side Yard" shall mean a yard extending across the full length of the lot, unoccupied other than by steps, sidewalks, pathways, walkways, trails, terraces, interior access driveways, lampposts, and similar structures, the depth of which is the perpendicular distance between the side lot line and the side setback line.

fff. "Sign Program" shall mean Exhibit D of this The Lakes of Valparaiso PUD Ordinance, which creates a legal framework for sign regulations in each District and which may vary from those standards contained in the Unified Development Ordinance.

ggg. "Site Improvement Plans" shall mean all sheets and drawings of the conceptual and detailed plans and specifications for the Property prepared by Abonmarche dated July 11, 2013 and last revised January 9, 2014 together with the drawings prepared by BSB Design dated January 8, 2014 as follows:

<u>ABONMARCHE</u>

1 Title Sheet
2 ALTA Vandertol Property (Apartments and South Half of Business Park)
3 ALTA Vandertol Property (Seconds Sheet)
4 ALTA Paulson Property (North Half of Business Park)
5-6 Overall Topography/Existing Condition Drawing
7 Business Park Plat
8 Apartment Plat
9 Utility Drawing – North Half

10 Utility Drawing – South Half
11 Tree Survey
12 Details
13 Stormwater Pollution Prevention Plan
14 Stormwater Pollution Prevention Plan Details

BSB DESIGN

Sheet L1.1 Rental MF Development Plan
Sheet LS-2.1 Rental MF Concept Landscape Plan
Sheet LS2.2 Business Park Concept Landscape Plan
Sheet LS2.3 Concept Landscape Plan – Typical Building Landscape
Sheet LS2.4 Concept Landscape Plan Details – Club Area/Rain Gardens
Sheet LS2.5 Type C Monument Signage Landscape Plans
Sheet LS2.6 Memorial Parkway Landscape – Area One
Sheet LS2.7 Memorial Parkway Landscape – Area One
Sheet LS2.8 Memorial Parkway Landscape – Area One
Sheet LS2.9 Memorial Parkway Landscape – Area One
Sheet LS2.10 Memorial Parkway Landscape – Area One
Sheet LS2.11 Memorial Parkway Landscape – Area One
Sheet LS2.12 Memorial Parkway Landscape – Area One
Sheet LS2.13 Memorial Parkway Landscape – Area One
Sheet LS2.14 Memorial Parkway Landscape – Area One
Sheet LS2.15 Memorial Parkway Landscape – Area One
Sheet LS2.16 Memorial Parkway Landscape – Area One
Sheet LS2.17 Memorial Parkway Landscape – Area One
Sheet LS2.18 Memorial Parkway Landscape – Area One
Sheet LS2.19 Memorial Parkway Landscape – Area One
Sheet LS2.20 Memorial Parkway Landscape – Area One
Sheet LS2.21 Memorial Parkway Landscape – Area One
Sheet LS3.1 Concept Signage Plan

all of which are attached hereto as Exhibit B.

hhh. "Street" shall mean a right-of-way; either privately-held or publicly dedicated, accepted, and maintained; established for the purposes of vehicular and pedestrian travel, which may also afford access to abutting property, whether referred to as a street, road or any other term commonly applied to a right-of-way for said purposes. A street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

iii. "Subdivision" shall mean the division of any parcel of land shown, as a unit as part of a unit, or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots for the purpose, whether immediate or future, of transfer of ownership or building development; provided, however, the transfer or exchange of parcels between adjoining land owners shall not constitute a subdivision for purposes of this PUD Ordinance.

jjj. "Subdivision Regulations" shall mean the Article 6 and Division 15.800 of the Unified Development Ordinance, as such existed on the date of this Ordinance.

kkk. "Substantial Alteration" shall mean any change to an approved plan of any type that involves the revision of ten percent (10%) or more of the plan's total area or approved materials.

lll. "Trailer Staging" shall be construed to be the parking of the trailer and/or cab of a semi-trailer/truck on the same site for a consecutive time period in excess of 48-hours.

mmm. "Unacquired Parcel" shall mean any portion or parcel of the Property not yet acquired by the Developer.

nnn. "Zone Map" shall mean and refer to the official zone map corresponding to the Unified Development Ordinance.

ooo. "Zoning Ordinance" or "UDO" or "Unified Development Ordinance" shall mean the Unified Development Ordinance of the City of Valparaiso, Indiana in existence on the date of this Ordinance, not including any subsequent amendment or revision.

## Section 4. General Requirements.

Section 4.1. Property Development Standards. Uses in all Districts shall comply exclusively with this PUD Ordinance.

Section 4.2. Review and Approval of Development Plans. The approval process for Development Plan shall be governed by the Unified Development Ordinance and by this The Lakes of Valparaiso PUD Ordinance.

Section 4.3. Exception for Development Plan Requirements. Except as provided for herein and in the Unified Development Ordinance, the documents and information required to be submitted for the Preliminary Development Plan approval process and the Secondary Development Plan approval process shall generally comply with Article 15 of the Unified Development Ordinance. It is the intent that the storm water management shall comply with Porter County release rates standards. The

Administrator or Plan Commission may waive any other requirement for Development Plan approval required in the Unified Development Ordinance upon a determination that the intent of the review and requirements are otherwise satisfied.

Section 4.4. Non-Conforming Uses. Uses in all Districts shall comply with Section 13.201of the Unified Development Ordinance.

Section 4.5. Site Permit. Development in all Districts shall comply with Section 15.202 of the Unified Development Ordinance.

Section 4.6. Permits and Procedures. Development in all Districts shall be governed by Article 15 of the Unified Development Ordinance.

Section 4.7. Administration and Enforcement. Development in all Districts shall be governed by Division 17.200 of the Unified Development Ordinance.

Section 4.8. Minimum Open Space. The minimum total aggregate Open Space shall be 27.3% of the Property, including any park donation which may be made. The Multi-Family Residential District shall be approximately 35% percent green space (which is as shown on the Site Improvement Plans) and the Business Park District shall be no less than 20% Open Space. Open Space areas shall be designated during the Preliminary Development Plan approval process and approved during the Secondary Development Plan approval process.

a. No residential or commercial development shall be permitted in the Open Space as identified on the Development Plan. All wetlands will be preserved except for a small portion for roadway purposes. Wetland disturbance will be limited to less than one tenth (0.1) of an acre. With the exception of the delineated wetlands, there are no significant environmentally significant features or areas within the District.

b. Open Space shall be used for social, recreational, and/or environmental preservation purposes. The use authorized must be appropriate to the character of the Open Space, including its topography, size, and vegetation.

c. Open Space containing existing attractive or unique natural features, such as streams, creeks, ponds, woodlands, specimen trees, and other areas of mature vegetation worthy of preservation shall generally be left unimproved and in a natural state. The Developer may make improvements such as the cutting of trails for walking or jogging, the provision of picnic areas, removal of dead or diseased trees, thinning of trees or other vegetation to encourage more desirable growth, and grading and seeding.

d. Open Space may be used for public and semi-public recreation, social and educational purposes.

e. The Open Space parcel located along the east property line of the multi-family portion of the District containing approximately 5.7 acres is proposed to be conveyed and dedicated to the City of Valparaiso for the exclusive use as a park under the control of the Valparaiso Parks and Recreation Department, subject to a drainage easement to allow storm water to be detained upon the Open Space generally in the area shown on the Development Plan. Developer shall seek the approval of the Parks and Recreation Board for acceptance of this area.

Section 4.9. Multiple Building Tracts. No requirement within The Lakes of Valparaiso PUD Ordinance, the Unified Development Ordinance, or the Subdivision Regulations shall preclude the construction of more than one primary structure on any parcel of land within the Property.

Section 4.10. Water, Sewer and Utilities Facilities. No construction shall be permitted in any District that relies on well water for potable water and a private septic system for sewage disposal. Water, sewer and utilities facilities may be located within buffer yards, landscape easements, sidewalk or pathway/walkway system easements and other similar required landscape yards or reserved areas. All new utility facilities, including sanitary sewer, water, telephone, cable and electrical systems, but excluding high voltage electrical transmission lines which are impracticable to be underground (as determined by the applicable service provider and approved by the City Engineer), constructed within the Property after the effective date of The Lakes of Valparaiso PUD Ordinance are required to be underground. This includes distribution as well as transmission systems. Appurtenances to these systems that can be screened may be excepted from this requirement if the Plan Commission finds that such exemption will not violate the intent or character of The Lakes of Valparaiso PUD District.

Section 4.11. Districts, and Default Zoning Districts. The two (2) Districts established herein shall be generally located on the Site Improvement Plans. The size of these Districts may increase or decrease a maximum of 10% during the Preliminary Development Plan and Secondary Development Plan approval process. However, in no event shall the Maximum Density for the Multi-Family Residential Area dwelling units exceed the amount established by Section 8.3(a) herein. To the extent this The Lakes of Valparaiso PUD Ordinance does not specifically control or does not vary or exclude a standard or requirement set forth in the corresponding default zoning district indicated below, the Districts shall default to the standards of the below indicated zoning district and the omitted standard and/or requirement in the default zoning district shall control. The default zoning district, which is contained in the Unified Development Ordinance, and which corresponds to each particular District, shall be as follows:

| Table 4.11<br>Default Zoning Districts | |
|---|---|
| **Use Area Within A District** | **Default Zoning District Within UDO** |
| Business Park District | BP |
| Commercial Area within the Business Park District | CN |
| Multi-Family Residential District | UR |

Section 4.12. Required Bufferyards.

a. General. Bufferyards are required between the Districts and along Memorial Parkway within the Business Park District.

b. Requirements. Bufferyards are required within the Business Park District, including the Commercial Area. Buffering Memorial Parkway and adjacent uses within the Multi-Family Residential District is specifically set forth on the Site Improvement Plans, therefore, no general requirements for Bufferyards set forth in this section shall apply to the Multi-Family Residential District. All bufferyard requirements, screening, street trees, on-lot landscaping, plantings and other general landscaping in the Multi-Family Residential District is specifically shown on the Site Improvement Plans.

c. Bufferyard Classifications. Bufferyards are described by classifications, from less opaque ("Class A") to more opaque ("Class C"). For the purposes of this PUD Ordinance, each successive classification is one "level" more opaque than the previous classification, that is, a Class C bufferyard is one level more opaque than a Class B bufferyard. The width and composition of bufferyards shall be as set out in Table 4.12C, Bufferyard Classifications.

| Table 4.12C<br>Bufferyard Classifications | | | | |
|---|---|---|---|---|
| **Classification (% opacity)** | **Width** | **Large trees** | **Small trees** | **Shrubs** |
| Class A (10%) | 10 ft. | 1 / 100 linear ft. | 2 / 100 linear ft. | 17 / 100 linear ft. |
| Class B (25%) | 15 ft. | 2 / 100 linear ft. | 4 / 100 linear ft. | 34 / 100 linear ft. |
| Class C (50%) | 25 ft. | 5 / 200 linear ft. | 5 / 100 linear ft. | 45 / 100 linear ft. |
| Class D (75%) | 40 ft. | 3 /100 linear ft. | 6 / 100 linear ft. | 60 / 100 linear ft. |

d. District Bufferyard Standards.

1. A Class A Bufferyard shall be required for Lot lines within the interior of the Business Park District abutting another Lot within the Business Park District.

2. A Class C Bufferyard shall be required for Lot lines within the interior of the Business Park District abutting single family residential property.

e. Existing Trees and Plant Material.

1. Use of Existing Trees. Developer may document the existing plant material that is within twenty-five feet (25') of the property line with ground-level and aerial photographs. Such existing material, if in good condition, may be counted towards the landscaping that is required of the adjoining property.

2. Bufferyards Shall be Provided on Site. In no case shall any plant material from the adjoining property count towards the requirements for the applicant's site.

f. Street Bufferyard Standards.

1. General. The bufferyard standards in Table 4.12F, Bufferyard Requirements for Roads, address the classification of the bufferyard that is required along State Highway 49, Bartz Road and Vale Park Road (for classifications, *see* Table 4.12C, Bufferyard Classifications). The standards are in addition to the street tree requirements in Section 4.12g below.

| Table 4.12F<br>Bufferyard Requirements for Roads | | | |
|---|---|---|---|
| **Zoning of Proposed Development** | **Adjoining Road** | | |
| | **Route 49** | **Bartz Rd** | **Vale Park Road** |
| Business Park District | C | B | A |
| Commercial Area within the Business Park | C | B | A |

2. Reduction in Required Bufferyard. The Administrator 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.

g. Street Trees. Within the Business Park District, a street tree shall be located every sixty feet (60') on center along the right-of-way of all public and private streets. All street trees planted shall have single-stemmed trunks and be branched no lower than six (6) feet above ground level (for visibility purposes). No trees selected shall have a caliper less than two inches (2") DBH. Street trees shall be installed prior to the first certificate of occupancy of an affected lot. The City may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits. The Site Improvement Plans depict the general location of street trees to be planted with clustering permitted and encouraged within parkways and medians of public and private rights-of-way.

h. Constrained Sites and Infill Sites.

1. General. Reduced bufferyard widths are permitted on sites that are constrained or are infill sites, in that compliance with all bufferyard requirements would result in more than fifteen percent (15%) 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 sites.

2. 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:

a) First, Class A bufferyards may be reduced from ten feet (10') in width to six feet (6') in width or not more than 15% of the site being used for bufferyard, whichever is greater, and provided that a three foot continuous high hedge (at planting) is installed, and small trees are planted along the bufferyard, with appropriate spacing. Notwithstanding the permitted reduction, small trees shall

be planted so that they have a four-foot radius of permeable soil at their base.

b) Second, Class B bufferyards may be reduced from fifteen feet (15') in width to eight feet (8') in width, or not more than 15% of the site being used for Bufferyard, whichever is greater, and provided that a three foot high continuous hedge (at planting) is installed, and small trees are planted along the bufferyard, with appropriate spacing. Notwithstanding the permitted reduction, small trees shall be planted so that they have a four-foot radius of permeable soil at their base.

c) Third, Class C bufferyards may be reduced from twenty-five feet (25') to eighteen feet (18') in width, provided that they include all of the plantings that are required of a Class C bufferyard.

No reduction of the bufferyard shall be permitted pursuant to this section which abuts an existing single family home. Hedges used to reduce the bufferyard shall not be counted toward any other landscape standards, including on-lot landscaping requirements. Walls shall be constructed of materials that match the primary structure.

3. Variance. All other reductions in bufferyard width shall require a variance from the BZA.

i. Landscape Plan Approval.

1. General. Landscape plans shall show all plant material and provide tables indicating the planting of each type required by this The Lakes of Valparaiso PUD Ordinance. Plans meeting minimum standards shall be approved by the City. However, in reviewing the plans, adjustments in the location of plants used may be required where the City finds such alterations would better serve the purposes for which they are intended.

2. Timing of Approval. Landscape plans containing site features, bufferyards and required landscaping shall be submitted for approval by the City at the building permit stage.

j. Bufferyard Model.

1. Generally. In the alternative to the bufferyards set out in this Section, an applicant may use a 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.

2. Approval of Modeled Bufferyards. Alternative bufferyards developed using this bufferyard model shall be approved by the Administrator if it is demonstrated that:

a) *Opacity.* The opacity of proposed bufferyards that apply the bufferyard model shall be at least that which is required by this The Lakes of Valparaiso PUD Ordinance.

b) *Width.*

a. The width of the proposed bufferyard shall be not less than 10 feet (10'), and shall be reduced by not more than four feet (4') from the narrowest bufferyard of the same or similar opacity, unless the site is constrained as defined in Section 4.12h, Constrained Sites.

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.

c) *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 4.12, Bufferyard Classifications.

Section 4.13. No Access to Bartz Road. There shall be no access from any lot or parcel within any District to Bartz Road, unless approved by the Administrator and the City Engineer.

**Section 5. Business Park District.** Development within Business Park District shall also be in accordance with the following:

Section 5.1 Outdoor Storage Prohibited. No outside storage shall be permitted. No outdoor storage, enclosed storage or display of merchandize shall be permitted on any lot. All vending machines must be placed inside buildings. No exceptions will be allowed for any type of vending machines to be placed at the exterior of buildings.

Section 5.2 Outside Storage of Refuse. All refuse shall be contained completely within the building(s) or in separate accessory structure(s) or enclosure(s), except for containers located in the depressed loading berth area adjacent to the side or rear of the building. Any separate accessory structure or enclosure designed for refuse storage shall comply with Section 9.8(c) or in the alternative be architecturally compatible with the principal building(s) on the Lot and approved by the Architectural Control Committee.

Section 5.3 Outdoor Employee Areas: If provided, any structures or enclosures erected for outdoor employee areas not located within a loading or service area shall be of the same or similar materials as the building and shall be similarly or compatibly detailed.

Section 5.4 Loading Berths. Loading docks, solid waste facilities, and other service areas shall be placed to the rear or side of buildings, except that no loading docks or solid waste facilities shall be located between the principal building and the rights-of-way for State Highway 49, Memorial Parkway or Bartz Road. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the other public rights-of-way. Screening and buffering shall be achieved through walls constructed of pre-cast concrete masonry (or similar or equivalent material), shall be a minimum of five feet tall, and shall be visually impervious, with appropriate landscaping. Recesses in the building, or depressed access ramps may be used. A loading berth designed as a non drive-in type berth (a) shall be designed with a minimum 60 foot concrete apron area immediately adjacent to the structure and shall provide for a minimum total depth of 130 feet of clear area pavement (no parking included). A drive–in type berth shall be designed with a minimum twelve (12) foot by sixty (60) foot clear area dedicated for ingress- egress to the loading berth.

Section 5.5 Mechanical Equipment. Any ground level mechanical equipment which is clearly visible from any residential area or Memorial Parkway and State Highway 49 shall be screened with suitable decorative fencing, landscaping or walls, which in general shall be architecturally compatible with the building(s) with which it is associated.

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Section 5.6 Setbacks. The setbacks and building height requirements set forth in Table 5.6 shall be met:

**Table 5.6:**
**Business Park District**

| District and Use | Minimum | | | Maximum |
|---|---|---|---|---|
| | Front Yard (ft.)[1] | Side Yard Single / Total(ft.)[1,2] | Rear Yard (ft.)[1] | Height (ft.) |
| **Commercial Area within the Business Park District** | | | | |
| Commercial Retail | 40 | 10 / 20 | 10 | 28 |
| Office / Service | 40 | 10 / 20 | 10 | 35 |
| All other uses | 40 | 10 / 20 | 25 | 35 |
| **Business Park District** | | | | |
| Offices and Lodging | 40 | 15 / 35 | 50 | 45 to 100[3] |
| All Other Uses | 40 | 20 / 45 | 50 | 45 |

[1]If a larger bufferyard is required, the setback shall be the width of the bufferyard
[2] The first number is the minimum side yard. The second number is the sum of the two side yards.
[3]For each one foot of height over 45', the setback along yards facing State Highway 49, Memorial Parkway or Bartz Road shall be increased by one additional lineal foot.

Section 5.7 Sale or Transfer of Parcel. No requirement within The Lakes of Valparaiso PUD Ordinance, the Zoning Ordinance, or the Subdivision Regulations shall preclude the sale or transfer of any parcel of land within a Parent Tract after the approval of a Secondary Development Plan for the Parent Tract. However, the development of the parcel must still conform to the Secondary Development Plan for the Parent Tract as approved or amended by the Plan Commission, and the creation of a new property line within a Parent Tract shall not impose new development standards on the tract beyond those applicable to the Parent Tract.

Section 5.8 Grounds Maintenance. The Declaration of Restrictive Covenants shall provide for the shared maintenance of the following between lot owners and the Association:

a. Maintain the entire site in a safe, neat and clean condition; free from litter, trash, debris, junk and reasonably free of weeds;

b. Maintain all public and private sidewalks, pedestrian ways, interior streets, interior access drives, and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow;

c. Maintain the landscaping located within common areas by keeping turf grass mowed, all plants properly pruned and maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets and wetlands; and

d. Replace any required planting(s) located within common areas, which are removed or no longer living, except those in naturally occurring vegetation areas, such as thickets or wetlands.

e. Prohibit the placement or maintenance of any landscaping or fencing within any legal drain easement, unless otherwise approved by the Porter County Surveyor or City Engineer.

f. The Parks and Recreation Department shall maintain the Path/Ped-way located adjacent to Memorial Parkway.

Section 5.9 Permitted Accessory Buildings and Structures. Permitted accessory uses, buildings and structures in the Business Park District shall be subject to the following applicable standards:

a. Timing of Construction. No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.

b. Attached Accessory Buildings. Accessory buildings that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building.

c. Maximum Number of Accessory Buildings. There is no limit to the number of accessory buildings that may be constructed on a lot in the Business Park District.

d. Detached Accessory Buildings or Structures, Except Small Sheds.

1. Height: Maximum 17 feet.

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.

3. Setbacks:

a. Front: Behind principal building.

b. Street Side: 50 feet.

c. Interior Side: 25 feet from the lot line.

d. Rear: 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.

e. Buildings on the same lot: Six feet.

4. Easements: Accessory structures shall not be located within access or utility easements unless the easement expressly allows the encroachment. A copy of the easement shall be provided to the Administrator prior to the issuance of permits or clearances for such structures.

5. Accessory buildings shall be designed to be compatible with the principal building in terms of:

a. Color, which shall be the same as the principal building or which shall compliment the principal building;

b. Materials, which shall be the same as those used on the principal building, and in the case of siding or brick, shall be installed with the same patterns as on the principal building.

c. Roof pitch, which shall be the same as the principal building;

d. Roof materials and color, which shall be the same as the principal building;

e. Fenestration, if windows are provided, they should be of a type and aspect ratio that is similar to those on the principal building.

e. Accessory uses shall be operated and maintained under the same ownership and on the same lot or contiguous lot as the primary use.

Section 5.10 Maximum Lot Coverage. Each lot in the Business Park District shall be limited to amount of development in the amount of lot coverage area of the parcel proposed for development and allow for a ratio to be set aside as open or landscaped area. No lot in the Business Park District shall exceed eighty percent (80%) Lot Coverage. "Lot Coverage" means the percentage of a total lot or parcel that is (a) occupied by a structure, accessory structure, parking area, driveway, walkway, roadway; or (b) covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material. Lot coverage does not include a fence or wall that

is less than one foot in width that has not been constructed with a footer, a wood mulch pathway; or a deck with gaps to allow water to pass freely.

Section 5.11 Trailer Staging.

a. Trailer staging shall be designed and shown on the development plans for each individual lot at the time of site plan approval or building permit application. Appropriate areas adjacent to or in close proximity to the loading areas shall be used and trailer staging areas shall be screened from public street rights-of-way using a Class "D" bufferyard (see Section 4.12(c)). Trailer staging shall (i) be prohibited within seventy-five feet (75') of a residential property line or the Multi-Family Residential District; and (ii) be located behind the façade of the building that is opposite from residential uses within seventy-five feet (75') of residential property line or the Multi-Family Residential District except, however, where such trailer staging areas are screened by an existing building.

b. In no instance shall trailer staging areas be permitted between the public rights-of-way and the building (front or side yard) or in the rear yard of Lots 3, 4, 8, 9, 10 or 11, or any part of said lots as shown on the Site Improvement Plans (being the lots immediately adjacent to State Highway 49).

c. Trailer staging shall mean or refer to the short term placement or parking of over the road trailers waiting to be loaded or unloaded in the normal course of business. Trailer staging areas shall not be construed as, or used as, outside storage areas. Any material or product storage in a trailer staging area must be contained within a trailer and readily mobile.

Section 5.12 Light Automobile Service. Pursuant to Section 6.2, Light Automotive Service is a permitted use; however, such use shall be subject to the following conditions, limitations and restrictions:

a. No mechanical repair work shall be performed on any lot. However, nothing in this PUD Ordinance shall limit or prohibit the ancillary activity of mechanical repair to automobiles and trucks by other permitted uses.

b. Gasoline dispensing pumps station canopies shall be set back fifteen (15) feet from all street frontages.

c. Canopies shall use a similar architectural style, materials, and roofing as the principal building.

d. Canopies shall not be used as an extension of signage beyond that which is allowed. The trim of the canopy shall not be internally or externally illuminated.

e. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors.

f. A single-bay car wash accessory to a gas convenience mart is permitted when the activity constitutes less than 20 percent of total floor area, and is either (1) integrated into the principal building; or (2) is a separate accessory building with comparable design and materials to the principal building.

Section 5.13 Performance Standards. No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining lots, or neighboring property owners. Uses in Business Park District, where permitted, shall comply with the following performance requirements:

a. Noise. Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement. No use shall exceed the noise level of 75 dBA from 9:00 am to 11:00 pm and 65 dBA from 11:00 pm to 9:00 am for a sustained period of three hours or more. Noises emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature, transient noises from moving vehicles, such as trucks and automobiles or trains, or noises resulting from actions of an emergency nature or response shall be excepted from the standards of this section. The interruption of any public utility shall be deemed an emergency for the purposes of this section.

b. Vibration. No vibration shall be permitted which is discernable without instruments on any adjoining lot or property. The maximum vibration standard is maximum peak particle velocity. This standard is measured as the maximum displacement vector sums of three mutually perpendicular directions, recorded simultaneously, multiplied by the frequency in cycles per second. Where these standards are not met five feet beyond the building walls or the generator, if it is located outside, then barriers, structures, or dampening measures shall be used to ensure that all uses meet these standards at the property line. The standards of Table 5.13b, Vibration Standards, shall be met, except as provided:

| Table 5.13b<br>Vibration Standards [1] | | | | |
|---|---|---|---|---|
| Frequency in Cycles per second | Adjoining Zoning | | | Impact Vibration[2] |
| | SR, GR, UR, NC, CN | CG, CBD, CP, RT, BP, CA | RU, INL, INH | |
| Less than 10 | 0.0004 | 0.002 | 0.0039 | 0.0098 |
| 10-19 | 0.0002 | 0.0011 | 0.0022 | 0.0055 |
| 20-29 | 0.0001 | 0.0006 | 0.0011 | 0.0028 |
| 30-39 | 0.0001 | 0.0004 | 0.0007 | 0.0018 |
| 40-49 | 0.0001 | 0.0003 | 0.0005 | 0.0013 |
| 50 or more | 0.0001 | 0.0002 | 0.0002 | 0.0010 |

[1] Vibrations that do not exceed 60 per minute may be twice this value.
[2] Vibrations occurring no more than eight times in a 24-hour period with a minimum separation of one minute.

The following are excepted from these standards:

- Vibrations emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.
- Transient vibrations of moving vehicles, such as trucks and automobiles or trains.
- Extraction activities may be granted limited exceptions to impact vibration standards during the Limited or Special Use approval process, and those conditions shall be controlling.

An operator trained to measure vibrations shall make all such measurements and shall submit and certify them to the City.

c. Smoke. Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one (1) per hour when a density of not more than No. 2 is permitted.

d. Odor. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property. Objectionable odors that are noticeable at any point beyond the property line are prohibited. The test for objectionable odors shall be conducted as follows:

i. A panel of five people, selected by the Planning Director, shall be convened. The panel shall consist of one member of the Planning Department staff, two people from the business community, and two residents of nearby residential areas. One member of the business community and one nearby resident shall be from the zoning district in

which the use is located, but shall not include the owner of the site nor a complainant.

ii. The panel shall visit the site and determine if the use is emitting an odor that is considered offensive to adjoining uses. The odor is considered offensive if a majority of the panel so determines; or if any panel member experiences eye irritation or other allergic reaction.

e. Air Pollution. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

f. Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

g. Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

Section 5.14 Structured Parking Garages.

a. Introduction. All development and redevelopment within The Lakes of Valparaiso PUD is required to satisfy on-site and off-site parking regulations, required by this PUD Ordinance. This Section should be referenced for additional guidance for parking structure design and placement. Parking structures are an efficient economical option to providing parking without acquiring additional land for surface parking. Parking structure design must consider architectural compatibility size, scale, and bulk as it relates to adjacent properties and the overall design of the project.

b. General Guidelines
   i. Parking structures shall meet the minimum landscape and setback standards applicable to the District in which the structure is located.
   ii. Complete and uninterrupted vehicle circulation is required on all levels of the parking structure.
   iii. Parking structure design shall utilize horizontal beam construction that avoids column supports adjacent to parking spaces and aisle areas.
   iv. For public protection, parking structures shall provide natural surveillance by providing maximum visibility into the structure from adjacent activity and public areas.

v. Exterior elevations shall incorporate design components and materials utilized and compatible with the primary building(s).

vi. Retail or other uses are encouraged at the ground level of the parking structure where appropriate.

c. Site Organization.

i. Parking structure design shall consider architectural compatibility size, scale and bulk and its relationship to adjacent structures.

ii. Parking structures should generally not be located adjacent to sensitive receptors such as residential property lines, the Multi-Family Residential District, schools, or parks, unless appropriate setback, massing, screening and other mitigation is incorporated.

d. Setbacks.

i. Parking structures shall maintain the established setback for the area and all of the following applicable setbacks, whichever is greater:

- The minimum setbacks required in the zoning district where the structure is located.
- The prevailing setback.
- Structures adjacent to a street shall provide an additional 5-foot setback for each parking level above
- Setbacks for side and rear yards shall be a minimum of 10 feet wide.

ii. Structures that abut property zoned, used or designated on the General Plan for residential purposes shall provide a 15-foot minimum landscape setback adjacent to that use.

iii. All setbacks shall be landscaped. Berms and slopes may be used to give more dimensions to the setback.

iv. Structures with staggered setbacks shall provide landscape planters at each level with sufficient width and depth to support shrubs, groundcovers and vines.

v. Any subterranean levels shall use offset sloping ramps to allow for open and unobstructed visibility for floor surveillance.

e. Screening. All appurtenances (i.e., transformers, ventilation shafts, etc.) shall be located outside any required setback and shall be screened from public view.

f. Parking Structure Design Exterior

i. Exterior walls of parking structures should have an open-air design with the first floor (ground level) walls being a maximum of three (3) feet high (except for sheer panels). Decorative grillwork should be placed between such a wall and the flooring for the second parking level.

ii. The exterior elevations of the parking structure should exhibit horizontal rather than sloping design elements.

iii. Exterior elevations should be designed to minimize untreated facades. Long expanses of shear walls are not permitted.

iv. Exterior walls of parking structures should be finished with the same material to match the architectural character of the principal building.

v. Exterior elevations should replicate the window pattern and other architectural elements of adjacent buildings.

g. Parking Structure Design Interior

i. Interior walls and ceilings should be painted a light color to improve illumination.

ii. Parking structures should provide a minimum floor to ceiling height of 8'-0" exclusive of structural elements and appurtenances. Additional heights should be considered based on unique site conditions.

iii. All mechanical equipment and piping must be painted to match the interior of the structure.

iv. Elevators shall be located where the door and open cab are visible to the public using the facility. The shaft and elevator cab should have glass facing the public view. Any glass tinting should be minimal to ensure daytime and nighttime visibility.

v. Where possible, elevators and stairs should be located on the perimeter of the structure to provide natural surveillance from exterior public areas.

vi. Stairwells must be integrated into the design and footprint of the parking structure and shall be more than just open-air railings attached to the exterior of the structure.

vii. All solid stairwell doors shall provide viewing panels. Blind corners in stairwells shall be eliminated through the use of convex mirrors.

viii. Garage stairwells at ground level should be fully enclosed and designed to provide maximum interior visibility of the stairwell. The enclosure should be equipped with a control in/free out form of access control.

ix. To provide maximum visibility, stairwells must be open to the interior and at least partially open at the exterior of the structure.

x. Stairwells should exit out to the street.

xi. A minimum of five (5) foot-candles of illumination shall be provided inside the structure and a minimum of three (3) foot-candles for exterior parking areas. Higher levels are recommended for remote areas subject to security considerations *(e.g.*, stairways, elevators, and other pedestrian access points). Minimum illumination, levels measured from the adjacent finished floor, shall be as follows:

| Table 5.14<br>Parking Structure Illumination | |
|---|---|
| **Location** | **Illumination Level** |
| Stairways and exits | 5 ft.-candles |
| Interior drive aisles | 5 ft.-candles |
| Interior parking at barrier railings | 0.5 ft.-candles |
| Roof parking areas | 0.5 ft.-candles |

h. Landscaping and Amenities.

i. A five (5) to ten (10)-foot landscape planter should be provided around the base of the parking structure.

ii. Landscaping should not obstruct ventilation or other required openings on the exterior of the structure. Where the landscaping is adjacent to ventilation openings, shrubs should be maintained at a height of no greater than three (3) feet. Trees placed in front of ventilation openings should be trimmed up to a height of six (6) feet.

iii. A plaza/courtyard area should be provided and should include amenities that encourage pedestrian use such as seating areas, objects of art, water features, decorative lighting, and landscape planters providing annual color.

iv. The area of the plaza/courtyard should be at least 1/3 of the area of the parking structure footprint calculated at the ground level. Additional plaza/courtyard area should be provided if the structure is 4 levels or higher. The minimum width of the plaza/courtyard shall be 50% of the parking structure dimension measured adjacent to the plaza/courtyard.

v. If landscaping is provided on various levels of the parking structure, the minimum planter dimensions should be equal to or greater than four (4) feet wide and four (4) feet deep. An internal drainage system and waterproofing of the planters should be provided along with a drip-type irrigation system. A proper soil planter mix should be specified on the landscape plan.

vi. A trellis may be incorporated into the building design where blank walls occur on the structure. The trellis material should be constructed of decorative and durable materials to enable vines to

attach themselves for support. The trellis area should cover a minimum of 60% of the blank wall.

i. Circulation

i. Interior function and appearance are as important as facade compatibility. The following standards apply to circulation design: All vehicle travel aisles should be designed so that all turning movements can be made by a large passenger vehicle without crossing over the centerline of any travel aisle.

- Pedestrian paths should be visible (site lines) and delineated from vehicle travel aisles.
- Maximum vehicle ramp grade should be 12 percent with minimum 12-foot long transitions at the top and bottom of the ramp.
- A maximum ramp grade of 5 percent when parking on the ramp is permitted
- Avoid designs that require queuing on slopes.

ii. Entrances and exits should be located so that vehicles do not enter or exit onto residential streets or busy intersections.

iii Vehicle circulation within the parking structure shall be continuous and uninterrupted at all levels. Dead-end parking aisles or "hammerhead" type parking is not an acceptable solution to parking circulation. Fully integrated parking and/or a turning radius are acceptable methods to achieve proper circulation.

iv. Elevator and stair shafts, mechanical rooms and similar visual disruptions located on the interior of parking levels shall be minimized. Pedestrian and vehicle vertical circulation elements should be placed on the periphery of the floor area to obtain the maximum amount of level floor areas.

v. The number of pedestrian and vehicular access points shall be minimized. A minimum 4-foot wide pedestrian sidewalk shall be provided alongside every vehicular access location. All entrances and exits should be capable of closure after hours.

vi. Pedestrian circulation should be clearly delineated and separated from automobile circulation. The use of landscaping, walkways and decorative hardscape is encouraged to emphasize pedestrian areas.

vii. Pedestrian routes from the parking structure lobby to the principal building should provide an aesthetic transition compatible with the quality of the building.

viii. Trash enclosures should not be placed adjacent to points of pedestrian or vehicular access. Any trash enclosures located within the footprint of the parking structure should be fully enclosed and lockable.

ix. Subterranean levels should use offset sloping ramps to allow for open and unobstructed visibility for floor surveillance.

j. Signage

i. All signage must comply with The Lakes of Valparaiso PUD Ordinance sign program.

ii. Signs and graphics for parking structures should be consistent, harmonious and visually related through the incorporation of common design elements.

iii. Exterior signs shall be consistent and match to main building's signage.

iv. Directional arrows and signage indicating exits, elevators, and emergency buzzers/telephones should be visibly displayed on walls.

v. Directional signage should be provided at the egress to parking structures indicating directions to primary transportation routes.

vi. Directional signage in stairwells should be provided to orient the pedestrian to adjacent activities and facilities.

k. Miscellaneous

i. Parking structures shall be equipped with lighting devices that will provide a minimum maintained one foot-candle of light on the parking surface during hours of darkness. Subterranean parking lots should maintain lighting 24 hours a day. Vandal-resistant covers shall protect lighting devices.

ii. Public or semi-private bathrooms are prohibited in parking structures. Private bathrooms for the parking attendant shall be located where the doors are immediately adjacent to the parking attendant office or station and where they are visible to the attendant on duty.

Section 5.15 Minor Alterations. Developer may change, alter, modify and amend the Site Improvement Plan and any approved Preliminary Development Plan at any time so as to change the lot lines; however, there can be no material change to the location or configuration of streets, easements, utilities locations, or a reduction to the Open Space. Any Minor Alteration must be made on a Secondary Development Plan and approved by the Plan Commission or plat committee. Any changes to lot lines that materially change the configuration of streets, easements, utilities locations, or a reduction to the Open Space may be a Minor Alteration; provided that the City Engineer approves the change. Any changes after the approval of the Secondary Development Plan shall be referred to the plat committee or Plan Commission. .Any such modifications shall be a Minor Alteration provided that all new lots conform to the following requirements:

| Table 5.15<br>Business Park District Lot Standards | |
|---|---|
| **Minimum Lot Area** | **Minimum Lot Width** |
| 1 acre | 150' |

Lot area is the area within the lot lines. Lot width is the distance from one side lot line to the opposite side lot line at the front setback line. For corner lots, lot width is the distance from the interior side lot line to the side street lot line, minus the difference between the street yard setback and the side yard setback.

**Section 6. Permitted Primary Uses.** The uses permitted in the two (2) use Areas established by this The Lakes of Valparaiso PUD Ordinance are set forth hereinafter as Permitted Primary Uses.

Section 6.1. Business Park District Permitted Primary Uses. Uses permitted by right in the Business Park District portion of the Property shown on the Site Improvement Plans shall include the following:

Conference Center
Cultural or Arts Center
Child Care Centers
Colleges or Universities
Public or private schools
Professional Trade, Language, or Business Schools
Advanced or Continuing Education Facilities
Post Office
Hospitals
Wholesale Sales (sales only to buyers who are not the consumers of the goods sold and meet the definition of a tax exempt wholesale transaction under rules promulgated by the Indiana Department of Revenue).
Warehouse (not to exceed 200,000 sq. ft. unless a Limited Use is approved pursuant to the Unified Development Ordinance)
Drive-in/Drive Through Facility (provided the Drive-in or Drive Through is not located in the front yard)
Mixed Use (a development in which a combination of business and commercial uses are located on the same parcel proposed for development).
Office

Restaurant (provided such use is not an independent or a stand alone restaurant but is a shared or mixed use in the same structure with another permitted use.)
Veterinarian without an outdoor kennel
Recreation, Indoor
Light Industry
Utilities, Community
Contractor's Office (and warehouse for contractor's owned equipment and supplies)
Sales Office
Fitness Center (provided such use is not an independent or a stand alone fitness center but is a shared or mixed use in the same structure with another permitted use.)

Section 6.2. Business Park District – Commercial Area Lots Permitted Primary Uses. Uses permitted by right only on the three (3) lots immediately south of Vale Park Road (Lots 1, 2 and 3) in the Business Park District shown on the Site Improvement Plans, shall include the uses listed in Section 6.1 above and in addition thereto, the following:

Commercial Lodging
Commercial Retail[1]
Copy Centers
Social assistance
Repair Services and Shops, except Automobile, Truck, and Heavy Equipment Repair
Health, exercise, martial arts, yoga, or dance studios
Parcel service drop-off locations and mailbox services
Nail Salons, Beauty and Barber Shops, Skin Care, and Day Spas
Funeral Homes;
Laundry and Dry-Cleaning Services;
Light Automobile Service (subject to restrictions set forth in Section 5.12)
Car Wash as an Accessory Use with Automobile Service
Restaurant

[1] All Commercial Retail shall be community based retail sales with only one business per lot (Lots 1 and 2), except that Lot 3 may have multiple tenants (businesses) provided that there is no more than 15,000 sq. ft. of retail space and there shall be no more than five (5) tenants or businesses on Lot 3. See §9.8 for additional restrictions relating to the Commercial Area generally, and other specific restrictions for Lot 3.

Section 6.3. Multi-Family Residential District - Permitted Primary Uses. Uses permitted by right in the multi-family residential portion of the District as shown on the Development Plan shall include the following:

Multifamily Residential

Section 6.4. Determination of Permitted Primary Uses. If a proposed use is not listed hereinabove or if the classification of the use is ambiguous, then the Administrator shall decide whether the proposed use is either a subcategory of a permitted use, or a use that is functionally similar to a permitted use. A proposed use that is either not listed or ambiguous shall be considered a subcategory of a permitted use if:

(i) its North American Industrial Classification System (NAICS) code is a subset of an NAICS code for a permitted use; and

(ii) with regard to each of the decision criteria enumerated in subsection B., the proposed use's impacts are not materially greater than the permitted use with the more general NAICS code.

A proposed use that is either not listed or ambiguous shall be considered a functionally similar use to a permitted use if with regard to each of the decision criteria enumerated in subsection (ii), the proposed use has no greater impacts than the permitted use with which it is functionally similar. In case of uncertainty, the Administrator may refer the request for clarification or classification to the BZA for consideration in accordance with the provisions of this paragraph.

**Section 7. Permitted Temporary Uses.** The following temporary uses shall be permitted in all Districts:

a. Temporary office, model home or unit, signs, or equipment storage, each incidental and necessary for the sale, rental, lease of, or construction of real property or premises in the District and located on the same lot or project.

b. Temporary structures, including fences, walls, buildings, signs, barricades and similar temporary structures incidental and necessary to the development of land or the erection of structures, provided said temporary structures shall be removed at the termination of development or construction.

## Section 8. Multi-Family Residential District.

Section 8.1. Multi-Family Residential District. Development within the Multi-Family Residential District shall be in accordance with the following:

a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the multi-family dwellings.

b. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified. No Secondary Development Plan Approval request shall be accepted for filing prior to the plans being stamped "Approved" by the Developer.

c. Architectural Design Standards. All multi-family dwellings shall be in accordance with the following standards and specifications:

1. Sixty percent (60%) of the first floor of all elevations, excluding windows, doors and similar appurtenances, shall be brick, stone or cast or cultured stone. In no case shall concrete block be permitted as an exterior finish material.

2. Sloped roofs shall be clad with either standing-seam metal, clay or concrete tiles or architectural dimensional asphalt/fiberglass shingles.

3. Rooftop equipment shall be fully screened on all sides using parapets, penthouse screens or other similar methods which are integrated into the overall building design.

4. Chimney chases shall be enclosed.

5. Cement-Fiber board siding (Hardi-Board or similar product), no vinyl siding shall be permitted. Stucco and EIFS are permitted as an accent material only. If used, stucco and EIFS shall be detailed to look like traditional wall cornices, soffits, window trim, and similar features. EIFS may be installed only above the floor level of the second story.

6. All utility panels and meters shall be screened or located in an area not visible from a public street right-of-way.

7. In addition, each building may have at least two (2) of the items below:

- Dormers
- Reverse gable or hip roof
- Decorative door surround, trim molding or header
- Accent siding, decorative vents, or accents in gable peak or face
- All front entry doors include sidelights or a transom
- Shutters on all operable windows
- Bay or "boxed-out" windows
- A keystone or decorative brick or wood surround provided on one or more windows or doors on the front elevation
- Decorative columns
- Decorative trim molding at gutter height

8. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the pedestrian pathway/walkway system within the Property.

9. All trash collection facilities shall be screened in discrete but accessible areas. The Site Improvement Plan anticipates dumpster enclosures to be located on in the Multi-Family District in multiple methods, including integrated into other structures or freestanding. Trash collection facilities shall be enclosed on three sides and screening shall be achieved through walls constructed of pre-cast concrete masonry (or similar or equivalent material). See §15.3 for landscaping requirements of trash collection facilities within the Multifamily Residential District

10. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Exterior lighting shall be "Dark Sky" compliant.

d. Impervious surface/lot coverage within the Multi-Family Residential District as shown on the Site Improvement Plans shall be allowed pursuant to the Preliminary Development Plan and Secondary Development Plan.

e. Height of buildings within the Multi-Family Residential District shall allow forty-eight feet (48') building height (as defined and determined in Division 3.200 of the Unified Development Ordinance).

Section 8.2. Parking. Within the Multi-Family Residential District, a parking space shall be 9' X 20' except for handicap accessible spaces which will be per ADA standards. Any parking space overhanging a grass or landscaped area may be reduced no more than 2' for a size of 9' X 18'. Developer shall provide for no less than 904 parking spaces or a ratio of 2.2 parking spaces for each apartment unit.

Section 8.3. Conditions and Stipulations for Multi-Family Residential District.

a. Limitation on Density. The Multi-Family Residential Area District shall be developed with no more than 408 dwelling units.

b. Landscaping and Bufferyard Standards. The Multi-Family Residential District shall consist of the buffering, screening, street trees, on-lot landscaping, plantings and other general landscaping shown on the Site Improvement Plans (see also §15.3 herein). The previous requirement for a five foot (5') berm and plantings set forth in the Agreement for Written Commitments (and depicted on Sheet 11 of 14 in the Site Improvement Plan) is relaxed and removed in favor of maintaining the existing tree line which would otherwise be eliminated in order to install the berm. The detailed Alternative Screening Plan is attached hereto and incorporated herein as Exhibit F. The bufferyard and landscaping standards incorporating a combination of preservation of existing trees with new trees and other plantings as shown and described on the Alternative Screening Plan shall be installed and implemented by Developer.

c. Scope of Proposal and Quality of Construction. The development of the residential community and each building within the District shall be constructed substantially consistent with Developer's original proposal presented to the Common Council on or about December 14, 2012, relating to (1) the general type and style of the buildings, (2) the range of rental prices and targeted tenants within Developer's presentation as to "luxury" and "high-end" housing (or better), (3) open spaces; and (4) amenities for the residents thereof.

d. Market Rent. In order to maintain the character and standard of residency, and to facilitate the single-family residential character of the surrounding areas, Developer shall only lease residential apartments at the market rate. Specifically, Developer shall not (1) accept rental vouchers from tenants or otherwise participate in the Housing Choice Voucher Program (Section 8 Housing); or (2) seek, apply for or accept tax credits pursuant to the Low-Income Housing Tax Credit program (Section 42 Housing); and (3) upon the request of the City, Developer of the District shall provide the City with

written confirmation, signed under oath, that Developer is in compliance with the agreement not to accept said vouchers or tax credits.

**Section 9. Business Park District.** Development within the Business Park District shall be in accordance with the following:

Section 9.1. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the commercial or business park buildings.

Section 9.2. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified.

Section 9.3. Architectural Design Standards. All commercial or business buildings located within the Business Park District shall be in accordance with the following standards and specifications:

1. A minimum of three (3) materials shall be used or building exteriors from the following list: stone, brick, architectural pre-cast (panels or detailing), structural concrete panels, exterior insulation finish system (EIFS), architectural metal panels, glass and ornamental metal. Except for the screened interior service court façade, concrete block is not a permitted exterior finish material. EIFS shall be used as an accent material and only eight (8) feet above grade.

2. Buildings with continuous facades in excess of 80 feet shall provide architectural details or relief in the façade that break up the monotony of the continuous façade in a fashion that provides good scale and provides harmonious conformance with permanent neighboring facilities. Utility features of the facility, such as loading docks, shall be not be construed to be an architectural feature providing this relief.

3. The height limit for commercial and industrial buildings shall not apply to:

    - Parapet walls not exceeding two (2) feet in height from the roof line;

- Roof structures for the housing of elevators, stairways, air conditioning apparatus, ventilating fans, sky lights, or similar equipment to operate and maintain the building or structure; or

- Chimneys, flag poles, radio and television antennae, satellite dishes, and other similar structures, not exceeding twenty-five (25) feet in height from the roof line.

4. Building and mechanical penthouses must be incorporated into the building façade design, if necessitated by building design, including exterior material specifications.

5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

6. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Exterior lighting shall be "Dark Sky" compliant.

7. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials consistent with the building design, or placed within a loading or service area that achieves the same goal.

8. All facades of buildings on the same lot shall be of the same materials, palette and similarly detailed.

9. For parking within the Business Park District, all provisions and requirements of the Unified Development Ordinance relating to design, location, dimensions, surface, and number of parking spaces are expressly incorporated into this Ordinance. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system.

10. There shall be no Logo Buildings in the Property. A Logo Building means a building that has a design that is obviously and readily associated with the brand image of a particular company.

Section 9.4 Parking Lot Landscaping – Business Park District Only.

a. General. Parking lot landscaping is that landscaping which is provided within parking lots that have more than ten (10) parking spaces within the Business Park District.

b. Required. Parking lot landscaping shall be provided as described in Table 9.4, Parking Lot Landscaping Standards.

**Table 9.4**
**Parking Lot Landscaping Standards**

| District | Large Trees | Shrubs, Perennials, or Ornamental Grasses |
|---|---|---|
| Commercial Area (within Business Park District) | 1 per 5 spaces | 2 per 5 spaces |
| Business Park District | 1 per 6 spaces | 1 per 4 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 9' X 18' planting island, peninsula, or equivalent thereof located in the parking lot area as defined by a polygon drawn around the parking area. The remainder of the required trees shall be placed along the perimeter of the Parking Area between parking lots and drives and public or private streets, with a minimum spacing of no greater than one tree per sixty (60) feet on center. Shrubs shall also be placed along the perimeter of parking areas in order to achieve an opacity of fifty percent (50%) at the lower level (shrubs) to a height of three (3) feet in areas outside of the drip line of required parking lot perimeter trees.

d. Use of Islands for Stormwater Treatment. Wherever possible, landscape islands shall be designed to incorporate storm water runoff best management practices (BMPs), by incorporating vegetated swales, bio-infiltration, and other types of water quality measures.

e. Area of Planting Islands. One planting island of at least 324 square feet in area shall be provided for each sixteen (16) spaces in the parking lot. No planting island shall be less than eighteen feet (18') in depth, and no

endcap landscape islands for double-loaded parking spaces shall be less than thirty-six feet (36') in depth and no less than nine feet (9') in width as measured from the outside of the curb to the outside of the opposite curb.

f. Small Parking Lots. Parking lot landscape islands that meet the requirement of subsection 9.4, above, may be designated at the corners or along the perimeter of parking lots that are interior to a site and have fewer than 15 parking spaces; or require five or fewer canopy trees.

g. Groundcovers. Landscape islands shall not utilize turf as groundcover. Instead, a combination of mulch and drought-tolerant groundcovers or shrubs shall be installed.

h. Timing of Installation. Required landscaping shall be installed prior to the issuance of the first certificate of occupancy. The City may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits.

i. Parking Lot Plantings Clear Zone. In order to avoid potential hazards associated with tree limbs at common pedestrian heights and impacts with car doors, trees and plantings in parking lots shall be installed to maintain a clear zone free of material such as limbs, overgrowth, etc. between three and eight feet in height.

j. Minimum required Spacing and Landscaping between Parking Lots. Unless otherwise connected, a Class A bufferyard shall be provided between parking areas.

Section 9.5. Covenants. The Business Park District of The Lakes of Valparaiso PUD District shall be developed in accordance with and shall be subject to the covenants, conditions and restrictions set forth in the Declaration of Restrictive Covenants for The Lakes of Valparaiso a draft and preliminary version of which is attached hereto as Exhibit "C" and incorporated herein by reference. Developer reserves the right and opportunity to amend, modify and alter the Declaration of Restrictive Covenants in its sole and absolute discretion.

Section 9.6. Consolidation of Lots. Lots may be consolidated as building sites, in which event the yard dimensions shall be applied to the consolidated building site and setbacks measured from the exterior lot lines of the consolidated building site.

Section 9.7. Parking. Within the Business Park, all provisions and requirements of the Unified Development Ordinance relating to design, location, dimensions, surface, and number of parking spaces are expressly incorporated into this PUD Ordinance. Where opportunities exist for shared parking between users with staggering peak parking demands, the Developer and owners shall make every possible effort to take advantage of this opportunity to reduce the total number of parking spaces within the District.

Section 9.8. Commercial Area. Development within the Commercial Area shall be in accordance with the following:

a. Purpose. The purpose of these Architectural Guidelines is to establish the character, value, look, and style of the neighborhood commercial buildings.

b. Lot 3 Requirements. The following restrictions shall apply to Lot 3 only. In the event of a conflict with the provisions of this subsection (b) with other terms of this PUD Ordinance, this subsection (b) shall control and govern.

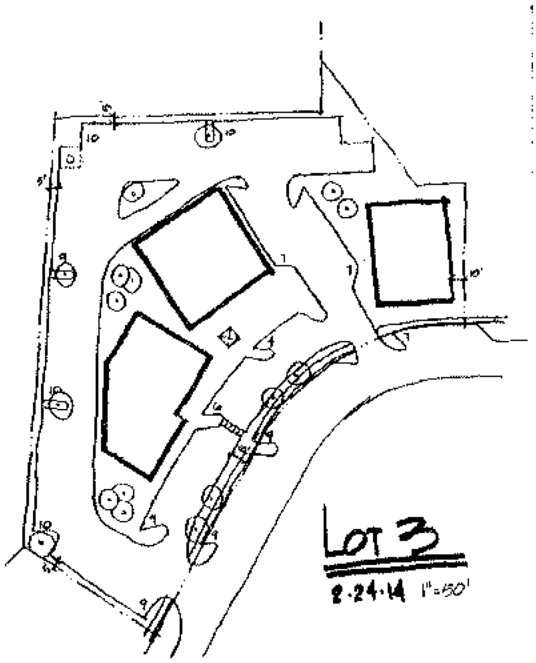
1. Timing. No building permit issued and no development shall be allowed or made for or on Lot 3 until such time as Developer has initiated construction of Phase 2 of the Multi-Family Residential District.

2. Commercial Retail. Any Commercial Retail use of Lot 3 must be community based retail sales with no more than 15,000 sq. ft. of retail space and no more than five (5) tenants or businesses on Lot 3. (see §6.2 and Footnote 1).

3. Massing Details. In the event that Lot 3 shall have multiple tenants or businesses, the use of two or three buildings is encouraged. If a single building is erected, architectural treatment of the single building shall include additional massing variations in order to reduce the scale of the structure and provide multiple plane views of the front elevation.

4. Parking Locations. All buildings shall be allowed a row of diagonal or perpendicular parking up to sidewalks on the front and/or sides of the building. Diagonal or perpendicular parking may also be provided on public streets, immediately adjacent to the buildings, but separated by a landscaped five foot wide buffer connected to the neighboring parking with a sidewalk.

5. Conceptual Illustration. The following illustration is an example of the innovative design encouraged for Lot 3 consistent with the requirements of this subsection (b). Alternative or final designs for development of Lot 3 must be submitted to the City for final approval pursuant to §4.6 (incorporating Article 15 of the Unified Development Ordinance).




c. General Requirements. Any building, structure or use of land, when erected or enlarged, shall provide architectural elements within the following provisions of this Section. The Builder shall submit to the Developer for review and approval all proposed building elevations with all exterior materials specified.

d. Design Standards. All buildings in the Commercial Area shall be in accordance with the following standards and specifications:

1. All elevations shall be brick, stone, cast or cultured stone, or a cement/wood based siding product, exterior insulation finish system (EIFS), glass, architectural metal panel, excluding windows, doors and similar appurtenances. Concrete block is not a permitted exterior finish material. EIFS shall be used as an accent material and only eight (8) feet above grade. A glass curtain wall may only be incorporated into the materials and design of a building in the Commercial Area, unless a dramatic architectural feature of the building design.

2. Front, rear and side façades shall be of the same materials, palette and similarly detailed.

3. All entrances shall be defined by architectural elements such as lintels, pediments, pilasters, columns, awnings and other design elements appropriate to the architectural style and details of the building as a whole or shall project or recess by not less than four (4) feet. All entrances shall be covered.

4. The exposed roofs of buildings shall be gabled, hip, full or parapet and shall be clad in, slate, clay or concrete tile, dimensional "shaped" asphalt/fiberglass or composite shingles, or standing-seam metal. No black paper or rubber roof systems shall be visible from any elevation.

5. Dormers shall be designed with the correct details, proportion and style consistent with the overall building composition and roofed with symmetrical gable, hip or barrel roofs. Belvederes, cupolas, and pergolas shall be permitted if appropriate to the style, well proportioned, and fully detailed.

6. All vents, attic ventilators, turbines, flues and other roof penetrations shall be hidden as much as practical and painted to match the color of the roof or flat black.

7. Rooftop equipment shall be fully screened on all sides using parapets, penthouse screens or other similar methods and which are integrated into the overall building design.

8. Gutters and downspouts shall be appropriate to or visually integrated with the architectural style of the structure.

9. All trash collection facilities shall be screened in discrete but accessible areas. Trash collection facilities within the Commercial Area shall be enclosed on three sides and screening shall be achieved through walls constructed of pre-cast concrete masonry (or similar or equivalent material). See Section 15.4 for landscaping requirements of trash collection facilities within the Business Park District

10. Exterior walks, steps, and ramps shall be masonry, stone or brick pavers, or poured or pre-cast concrete.

11. Parking lots shall be concrete, asphalt paving or brick pavers, or any combination thereof.

12. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design. Exterior lighting shall be "Dark Sky" compliant.

13. Parking areas shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement and connection to the District pedestrian pathway/walkway system. Parking shall be distributed on the site. Parking shall be clustered to avoid expansive uninterrupted asphalt areas.

Section 9.9. Pedestrian and Bicycle Circulation. Building and site design shall accommodate pedestrian circulation onsite from parking areas to open space, transit stops, pedestrian and bicycle paths, sidewalks and adjoining buildings. Pedestrian systems should be physically separated from vehicular circulation as much as possible. Minimizing the areas where the two systems cross or are physically adjacent reduces traffic hazards and makes the pedestrian system more efficient, pleasant, and visually attractive. Where pedestrian routes intersect with vehicular circulation, these areas are critical and should be clearly marked for visual identification by both motorists and pedestrians. Sidewalks shall be located along all streets. At least one sidewalk connection between the building and sidewalk is required. Large parking areas must have sidewalk connections to the building entries.

**Section 10. Conformity with Plans.** The Lakes of Valparaiso PUD District shall be developed in accordance with all sheets and drawings of the conceptual and detailed plans and specifications for the Property prepared by Abonmarche dated July 11, 2013 and last revised January 9, 2014 together with the drawings prepared by BSB Design dated January 8, 2014 and defined herein as the Site Improvement Plans and attached hereto as Exhibit B and incorporated herein by reference. Any conflict between this PUD Ordinance and the Site Improvement Plans, the Site Improvement Plans shall control and be superior to the narrative PUD Ordinance.

**Section 11. Public Streets.** All streets in The Lakes of Valparaiso PUD District shall be dedicated as public streets, and shall be laid out as shown on the Site Improvement Plans, except as follows: Within the Multi-Family Residential District, all parking areas and associated driveways shall remain private and not dedicated to the public. Memorial Parkway from Evans Avenue to Vale Park Road, the spur road to Bartz Road and all roadways and streets within the Business Park shall be publicly dedicated roads and streets.

Section 11.1. The street layout and type (including right-of-way and curbing) within the each District shall be as indicated on the Site Improvement Plans, adapted as appropriate to the topography, unique natural features and environmental constraints of the site. The street layout shall take into consideration the location of the community areas, Open Space areas and recreational areas. Streets shown on the Preliminary Development Plan may be eliminated or relocated as part of an approved Secondary Development Plan to consolidate blocks for development as long as there is no materially adverse impact on the flow of traffic within the District, no elimination of required Open Space, and no interference with the proper functioning of drainage easements.

Section 11.2. All public streets within the each District are to be constructed to the standards of the City of Valparaiso as applicable at the time of construction, for depth and materials and thereafter dedicated for public use following inspection and acceptance by City of Valparaiso officials. No construction of building improvements on any lot may occur prior to approval of the Development Plan by the Plan Commission and issuance of all other required permits or approvals from any governmental authority.

Section 11.3. The private street improvements within the multi-family area shall have a minimum of a 26-foot drive aisle.

Section 11.4. Acceleration and deceleration lanes and tapers, passing blisters together with entrance details and features shall be provided to the District from Vale Park Road, Bartz Road and Evans Avenue, if required, in a manner approved by the City Engineer. If there is no access to Bartz Road, no improvement to the right-of-way will be required on Bartz Road. In the event that a road cut is made to Bartz Road as shown on the Site Improvement Plans, only acceleration and deceleration lanes and tapers will be required. If individual lots are granted direct access to Bartz Road, improvements to Bartz Road will be required of the lot developer. Improvements may include pavement widening, curb and gutter, sidewalks, and any other elements necessary to bring the road into compliance with City standards.

Section 11.5. The Preliminary Development Plan shall provide for the location of no more than two (2) blisters on the east side of Memorial Parkway for a bus or transit stop to be dedicated to the City on the Secondary Development Plan(s).

**Section 12. Sidewalks and Pathways.**

Section 12.1. Sidewalks will be no less than five feet (5') wide and constructed in accordance with ADA standards. Sidewalks shall be provided on both sides of all streets in all Districts, unless otherwise shown on the Site Improvement Plan and further excepting Memorial Parkway where the path and ped-way shall be located in Open Space or right-of-way which may be substituted for a sidewalk on the same side of the street.

Section 12.2. Paths for pedestrians and non-motorized vehicles shall be provided within the frontage along Evans Avenue, Vale Park Road and within the Memorial Parkway right-of-way. Paths shall be a minimum of eight feet (8') wide and shall be surfaced, paved or improved with materials approved by the City Engineer.

**Section 13. Streets.** The street layout and type (including rights-of-way) shall be determined by the Plan Commission during the Preliminary Development Plan approval process and approved during the Secondary Development Plan approval process. The streets shall conform to the following requirements:

**Table 13a, MULTI-FAMILY RESIDENTIAL DISTRICT STREET STANDARDS**

| Street Type | ROW Width | Pavement Width | Design Speed | Centerline Radius | Curb Return Radius | Tangent between Reverse Curves |
|---|---|---|---|---|---|---|
| Memorial Parkway | 100' | 64' [1] | 30 | 200' | 30' | 50' |

**Table 13b, COMMERCIAL AREA and BUSINESS PARK DISTRICT STREET STANDARDS**

| Street Type | ROW Width | Pavement Width | Design Speed | Centerline Radius | Curb Return Radius | Tangent between Reverse Curves |
|---|---|---|---|---|---|---|
| Memorial Parkway | 100' | 64' [1] | 30 | 200' | 30' | 50' |
| Minor Collector | 60' | 36' | 30 | 150' | 30' | 50' |

**NOTES:** 1) includes 12' median
2) all pavement widths are back of curb to back of curb

All street types as designated in Tables 13a and 13b, except alleys or private drives, shall be dedicated to the public and accepted; provided, however, maintenance of all street types shall be as determined by the Plan Commission on the applicable Secondary Development Plan. All streets; including private streets and frontage roads shall be constructed, as a minimum, to the depth and materials standards of the City of Valparaiso.

**Section 14. Streetscape.** A streetscape program for each District in The Lakes of Valparaiso PUD shall be submitted to, and approved by, the Plan Commission and shall be consistent with the intent of the cross-sections and details shown on Site Improvement Plans. Within the Multi-Family Residential District all street trees shall be located behind the sidewalk and shall not be located between the sidewalk and the curb; and, the area between the curb and sidewalk shall be reserved for utility lines. In the Business Park Districts, the location of street trees and utility lines shall be denoted on the applicable Secondary Development Plan; provided, however, no tree shall be planted within five (5) feet of the back of curb, except within the center

median of a public street. After approval by the Plan Commission, Minor Alterations to a District streetscape program may be submitted to, and shall be approved by, the Administrator. Any alteration which alters the concept or the intent of the original District streetscape program shall not be construed to be a Minor Alteration and shall be referred by the Administrator to the Plan Commission for review and approval.

**Section 15. Landscaping.**

Section 15.1. Developer's Landscape Program. The Site Improvement Plans detail and show all landscaping required within the Multi-Family Residential District and the street trees and other requirements within the right-of-way and public areas within the Business Park District. After approval by the Plan Commission, Minor Alterations to a Developer's landscape program may be submitted to, and shall be approved by, the Administrator. Any alteration which alters the concept or the intent of the original District landscape program shall not be construed to be a Minor Alteration and shall be referred by the Administrator to the Plan Commission for review and approval.

Section 15.2. On-Lot Landscaping Standards. A landscape plan shall be developed for each Lot in the Business Park District in The Lakes of Valparaiso PUD which shall be submitted to and approved by the Administrator. Landscape programs submitted for approval shall be consistent with the landscape concepts contained herein, but in no event shall each lot provide for less than following number of plantings per acre:

Large Trees - 8
Small Trees - 16
Shrubs - 46

On-lot landscaping is that landscaping which is installed on property that is designated for development does not include landscaping requirements in other sections of this PUD Ordinance. On-lot landscaping. where other required landscaping or bufferyards have already been provided are not included in the area for calculation of required on-lot landscaping. Where the number of large trees, small trees, and shrubs are computed by multiplying the number of large trees, small trees, and shrubs required per acre by the number of acres (to the nearest 1/100th acre) of land in the lot. All fractions are rounded up to the nearest whole number. The area within bufferyards, open space, shall be subtracted from the total on-lot landscaping requirements.

a. Selection and Installation of Plant Materials.

1. Plant Selection. Species of plant material utilized shall be from the approved list adopted by the City of Valparaiso Parks and Recreation Department in effect from time to time.

2. Species Diversity. In order to avoid large monocultures of trees and shrubs:

For projects that require fewer than 10 large trees:

- No more than 20 percent of each category of required landscaping (large trees, small trees and medium to large shrubs) on a site shall be of any one species; and
- No more than 40 percent of each category shall be of any one genera.

For projects that require 10 large trees or more:

- No more than 10 percent of each category of required landscaping (large trees, small trees and and medium to large shrubs) on a site shall be of any one species; and
- No more than 40 percent of each category shall be of any one genera.

3. 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 street rights of way and private streets. The area of foundation planting beds shall be no less than four (4) feet in width for smaller parking lots, and not less than six (6) feet in width for all other required parking areas. Lots that include buildings that are more than 60 feet wide or two stories tall shall be landscaped with trees that are arranged to break up the appearance of building mass, so that the building is perceived to be divided into widths of no greater than 50 feet when viewed from street-level vantage points along public street rights-of-way.

2. Installation and Timing. All landscaping material used by any person shall be installed in accordance with planting procedures which shall be established and made available by the City of Valparaiso Parks and Recreation Department. Required trees, shrubs, and sod shall be installed on each lot prior to the issuance

of a certificate of occupancy for that lot. The City may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits.

3. The scale and nature of landscape material should conform at maturity to the site and structures. For example, larger scaled buildings should ordinarily be complemented by larger scaled plants.

3. Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where parking lots are otherwise required by law to be screened.

b. Size and Quality of Plant Materials.

1. Plant materials shall be of good quality.

2. Large trees shall be 2.5 inch caliper at 4' at the time of planting.

3. Small trees shall be 1.5 inch caliper at 4' at the time of planting.

4. Vertical Evergreens shall be six feet tall at the time of planting.

5. Perennials, grasses and small shrubs shall conform to the current issue of the American Standard for Nursery Stock published by the American Nursery & Landscape Association (ANLA), available via website www.anla.org.

Section 15.3. Multi-Family Residential District Buildings. All landscaping for buildings and improvements within the Multi-Family Residential District shall be in accordance the Site Improvement Plans and the following standards and specifications:

a. Screening.

1. Dumpsters and Trash containers: All dumpsters or other trash containers shall:

i. be completely screened on three sides with a solid wall and buffered by landscaping with small trees and no less than three (3) scrubs on the outside of each wall of the enclosure where allowed on sides not improved with pavement, sidewalks or hardscape; and

ii. be accessible only from an interior access drive of the project.

Sheet LS 2.5 of the Site Improvement Plan depicts a sample illustrative plan for landscaping a trash enclosure.

b. Landscaping.

1. All requirements for buffering (bufferyard requirements) screening, street trees, on-lot landscaping, plantings, or other general landscaping within the Multi-Family Residential District is shown and depicted on the Site Improvement Plans.

Section 15.4. Business Park District Buildings. All landscaping for buildings within the Business Park District, including the Commercial Area shall be in accordance with the following standards and specifications:

a. Screening.

1. Dumpster and Trash containers: All dumpsters or other trash containers shall:

i. be completely screened on three sides with a solid wall and buffered by landscaping with small trees and no less than three (3) scrubs on the outside of each wall of the enclosure where allowed on sides not improved with pavement, sidewalks or hardscape; and

ii. be accessible only from the parking lot, driveway or other interior access drive on the Lot.

b. Landscaping. All landscaping shall conform to applicable ordinances of the City of Valparaiso in effect at the time of this Declaration. In addition to compliance with said ordinances, every Lot on which a building is constructed in the Subdivision shall be landscaped by the owner in accordance with a landscaping plan designed pursuant to the following landscaping plan guidelines ("Landscape Plan") which shall be a necessary part of the submittal of the plans for review by the Committee or Developer, in the manner provided herein.

1. Grass Areas. All front, side or rear yards of Lots improved with a building, including any easement areas for utilities, etc., exclusive of driveway, sidewalks, parking areas, patios and plazas or other

landscaped areas, shall be seeded or sodded with blue grass predominant seed or sod mixtures.

2. Trees and Shrubs. Trees and shrubs shall be grouped in clusters and oriented to harmonize with adjacent landscaping in place or with any proposed Landscape Plan previously approved for improvements under construction.

**Section 16. Lighting.**

Section 16.1. Developer's Lighting Plan. Developer shall propose a detailed street lighting plan within the right-of-way and public areas of the PUD, together with the street lighting and all other site lighting within the Multi-Family Residential District. The design and location of all street and site lighting shall be subject to the reasonable approval of the City Engineer. Street lighting shall be LED technology and the Developer shall provide to the City, at Developer's cost, one spare pole and two fixtures prior to acceptance of the improvements for Memorial Parkway.

Section 16.2. Individual Lot Lighting Standards. All exterior on-site area pole lighting fixtures shall direct light downward. Other on-site area pole lighting fixture types may be permitted by the Administrator, if the Administrator determines that the alternate fixtures are consistent and compatible with the streetscape guidelines shown in the Site Improvement Plans.

All on-site lighting shall conform to the following design standards:

1. In General. Light sources shall be located in such a way that minimizes light spilling over onto contiguous properties. Covers shall be installed on lighting fixtures. Lamps shall not extend below the bottom of such covers. Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths foot-candle, measured vertically, and three-tenths foot-candle, measured horizontally, on adjacent properties.

2. Maximum Illumination.

    a. Outdoor lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to such adjacent properties.

    b. The ground-level luminance ratio (the ratio between the luminance of the brightest point on the property and the darkest point on the property) shall not exceed 12 to 1.

3. Free-standing Lighting. All pole lights shall be of the directional/cut-off, down-light style fixture and shall not exceed twenty-five feet (25') in height.

4. Glare Abatement. Reflected glare on nearby buildings, streets, or pedestrian areas shall be mitigated by utilizing overhangs and awnings; using non-reflective building materials for exterior walls and roof surfaces; controlling angles of reflection; and placing landscaping and screening in appropriate locations.

5. Canopy Lighting. Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall meet the standards of this PUD Ordinance. All luminaires shall be recessed into the canopy so that they cannot be viewed from off-site from an eye height of four feet (to protect automobile drivers from glare).

6. Outside Wall-Mounted Lighting. Outside wall-mounted lighting shall also comply with the standards of this PUD Ordinance; except that lighting that is required by the Federal Aviation Administration shall comply with Federal standards.

**Section 17. Signs.** A sign program for each District in The Lakes of Valparaiso PUD is attached hereto and incorporated as Exhibit D. Off-premise signs shall not be allowed in any District. This off-premise sign prohibition shall not prohibit incidental signs located at the entrances to the Property. Signs proposed for each District shall be architecturally compatible with regard to color, materials and design. All alterations to a District sign program shall be submitted to the Administrator for consideration and approval. Individual signs which conform to the Sign Program (Exhibit D) shall not require further approval; provided, however, such signs shall require a sign permit. Initial project marketing and project construction signs along Highway 49, Vale Park Road, Bartz Road and/or Evans Avenue shall be exempt from the provisions of the Unified Development Ordinance and shall be subject to the approval of the Administrator as to materials, size, height, number and location which approval shall not be unreasonably withheld or delayed.

**Section 18. Storm Water Maintenance**. Developer shall maintain or provide for the private maintenance of all drainage improvements, including, but not limited to pipes, structures, basins located within drainage easements to allow storm water to be detained upon the Open Space. In the event that the Open Space or any portion of the Open Space is owned, maintained or used by the City of Valparaiso Department of Parks and Recreation, nothing shall modify or change Developer's obligation to maintain the drainage improvements or provide for alternative private maintenance.

**Section 19. Preliminary Development Plan Approval.** A Preliminary Development Plan approval request for any District (or any part thereof) within the Property shall be made to the Plan Commission in accordance with the procedure established in this The Lakes of Valparaiso PUD Ordinance, or as otherwise established by the Plan Commission. This plan review includes general landscaping, parking, drainage, erosion control, signage, lighting, screening and multi-family residential, commercial, industrial or non-residential building

information for a site. Plan Commission approval of the Preliminary Development Plan for such District (or any part thereof) shall be provided upon a determination by the Plan Commission that (i) the Preliminary Development Plan is in accord with the Site Improvement Plans; and, (ii) the Preliminary Development Plan is otherwise in compliance with this The Lakes of Valparaiso PUD Ordinance. Preliminary Development Plan approval and Secondary Development Plan approval may be sought simultaneously. If the Plan Commission determines that the Preliminary Development Plan is not in accord with the Site Improvement Plans or is not otherwise in compliance with this The Lakes of Valparaiso PUD Ordinance and denies the application for approval, the Plan Commission shall specifically detail in writing the basis for its belief that (i) the Preliminary Development Plan is not in accord with the Site Improvement Plans; or (ii) the Preliminary Development Plan is not otherwise in compliance with this The Lakes of Valparaiso PUD Ordinance. An applicant who has been denied by the Plan Commission may immediately apply for approval of a new or amended Preliminary Development Plan. If the Plan Commission denies the Preliminary Development Plan, the Common Council may review and affirm, revise, modify or reverse that decision.

If the Common Council revise, modify or reverse the denial by the Plan Commission of a Preliminary Development Plan, the Preliminary Development Plan shall be approved as revised, modified or reversed. If the Common Council affirms the denial by the Plan Commission of a Preliminary Development Plan, the Common Council shall specifically detail in writing its basis for its belief that (i) the Preliminary Development Plan is not in accord with the Site Improvement Plans or (ii) the Preliminary Development Plan is not otherwise in compliance with this The Lakes of Valparaiso PUD Ordinance. An applicant who has been denied by the Common Council may immediately reapply for approval of a new or amended Preliminary Development Plan.

**Section 20. Secondary Development Plan Approval.** A Secondary Development Plan approval request for any District (or any part thereof) within the Property shall be made to the Plan Commission in accordance with the procedure established in this The Lakes of Valparaiso PUD Ordinance, or as otherwise established by the Plan Commission. This plan review includes final landscaping, parking, drainage, erosion control, signage, lighting, screening and multi-family residential, commercial, industrial or non- residential building information for a site. Approval by the Plan Commission of the Secondary Development Plan for any District (or any part thereof) within the Property, including architectural design, lighting and landscaping, shall be necessary prior to the issuance of any building permit for a structure. Plan Commission approval of the Secondary Development Plan for such District (or any part thereof) shall be provided upon a determination by the Plan Commission that (i) the Secondary Development Plan is in substantial compliance with the approved Preliminary Development Plan; and, (ii) the Secondary Development Plan is in compliance with this The Lakes of Valparaiso PUD Ordinance. If the Plan Commission determines that the Secondary Development Plan is not in substantial compliance with the approved Preliminary Development Plan or is not in compliance with this The Lakes of Valparaiso PUD Ordinance and denies the application for approval, the Plan Commission shall specifically detail in writing the basis for its belief that (i) the Secondary Development Plan is not in substantial compliance with the approved Preliminary

Development Plan or (ii) the Secondary Development Plan is not in compliance with this The Lakes of Valparaiso PUD Ordinance. An applicant who has been denied by the Plan Commission may immediately apply for approval of a new or amended Secondary Development Plan. If the Plan Commission denies the Secondary Development Plan, the Common Council may review and affirm, revise, modify or reverse that decision.

If the Common Council revise, modify or reverse the denial by the Plan Commission of a Secondary Development Plan, the Secondary Development Plan shall be approved as revised, modified or reversed. If the Common Council affirm the denial by the Plan Commission of a Secondary Development Plan, the Common Council shall specifically detail in writing its basis for its belief that (i) the Secondary Development Plan is not in substantial compliance with the Preliminary Development Plan or (ii) the Secondary Development Plan is not in compliance with this The Lakes of Valparaiso PUD Ordinance. An applicant who has been denied by the Common Council may immediately reapply for approval of a new or amended Secondary Development Plan.

**Section 21. Change in Development Standards or Approval of Alternate Plans.** The Plan Commission, upon petition of a Developer at a public hearing conducted per the rules of the Plan Commission, may approve a development standard or an alternate plan that is not included in, or is different from, those set forth in this The Lakes of Valparaiso PUD Ordinance or which is different than previously approved by the Plan Commission, so long as the Plan Commission determines that such addition or modification (i) would not substantially affect the integrity of the Site Improvement Plans for the Property, (ii) is appropriate for the site and its surrounding and (iii) is compatible and consistent with the intent of the stated standards or Site Improvement Plans; provided, however, that any change in any uses permitted within a District, or any Substantial Alteration in the location of any District, must be accomplished through an amendment to this The Lakes of Valparaiso PUD Ordinance approved by the Common Council.

**Section 22. Alterations.** After conferring with the President of the Plan Commission, any Minor Alteration to an approved plan may be reviewed and approved by the Administrator. Minor Alterations are limited to approvals governed by Section 8, Multi-Family Residential District-Architectural Design Standards; Section 9, Business Park District – Architectural Design Standards; Section 15 Landscaping; and Section 16, Lighting, unless otherwise designated by the Plan Commission. All Minor Alterations approved by the Administrator must be in compliance with the standards contained in this The Lakes of Valparaiso PUD Ordinance. Any Substantial Alteration to an approved plan must be reviewed and approved by the Plan Commission. The denial by the Plan Commission of a Substantial Alteration may be appealed to the City's Common Council.

**Section 23. Appeals.** Appeals from the denial of a Development Plan by the Plan Commission shall be governed by Sections 21 and 22. An applicant whose request has been denied by the Administrator may appeal the decision of the Administrator to the Plan Commission. An applicant whose appeal of an Administrator's denial has been denied by the

Plan Commission may appeal the decision of the Plan Commission to the City's Common Council. An Applicant who has been denied any approval may immediately appeal such decision as a zoning decision pursuant to IC 36-7-4-1600 *et seq.* without exhausting consideration by all or any other remaining administrative or legislative bodies.

**Section 24. Park Impact Fees.** It is the intent of Developer that the park and recreational amenities shall be dedicated to the Valparaiso Parks and Recreation Department, including pathways and Open Space within the Property. Developer shall seek approval for such dedication from the Park and Recreation Board as well as a full and complete credit in lieu of payment of fees required by the development of the Multi-Family Residential District and otherwise imposed by Ordinance 35-2010, the Park and Recreational Infrastructure Impact Fee Ordinance adopted December 13, 2010 or other commitments.

**Section 25. Development Schedule.** The tentative and preliminary schedule of development for when construction of the infrastructure and building improvements is likely to begin is as follows:

Multi-Family Residential District

Phase 1 - September, 2014 (or approximately ninety days following the issuance of all necessary permits and approvals, weather permitting). Phase 1 will include approximately 200 units on the north end of the development.

Phase 2 - March, 2016. Phase 2 shall be an additional 100 units immediately south of Phase 1.

Phase 3 - March, 2017. Phase 3 shall be an additional 108 units immediately south of Phase 2.

Business Park District

Phase A - September, 2014 (or approximately ninety days following the issuance of all necessary permits and approvals, weather permitting). Phase A will include the three (3) lots and detention pond parcel along Vale Park Road, subject to the condition relating to Lot 3 set forth in Section 9.8(b).

Phase B - September, 2014 (simultaneous with Phase A). Phase B shall include the northern portion of the Business Park District adjacent to Phase A.

Phase C - September, 2017. Phase C shall include the southern portion of the Business Park District.

See Sheet 1 of 16 of the Site Improvement Plans (Exhibit B) prepared by Abonmarche for Site Plan/Phasing Diagram.

Nothing in this section shall create an obligation or duty of Developer to commence construction or maintain an agreed upon schedule, but this estimate is provided to inform the City of the Developer's expectations of needs for services from the City during the development and construction of the projects. This schedule is subject to changes and modifications of Developer's sole and absolute discretion.

**Section 26. Recordation.** Before any improvement location permit or Site Permit can be issued for any improvement to be located in The Lakes of Valparaiso PUD District, and/or before any construction or development of any kind can be commenced by The Lakes of Valparaiso PUD District, the owner shall first record in the Office of the Recorder of Porter County the final secondary plat of subdivision for the real estate upon which development is proposed.

**Section 27. Other Ordinances.** Any Ordinance of the City of Valparaiso in conflict with the provisions of any Ordinance is hereby superseded by this Ordinance. Subject to the foregoing, the passage and approval of this Ordinance shall not in any way except the owner of any land in The Lakes of Valparaiso PUD District from compliance with the provisions of any and all other applicable ordinances of the City of Valparaiso, including without limitation, the Unified Development Ordinance not superseded by this Ordinance. Specifically, that certain Agreement for Written Commitments shall be superseded and made null and void in all respects by the adoption of this Ordinance.

**Section 28. Severability.** The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

**Section 29. Effective Date.** This Ordinance shall be in full force and effect after its passage and approval by the Common Council for the City of Valparaiso and publication as may be required by law.

PASSED AND ADOPTED by the Common Council for the City of Valparaiso, Indiana, on the 24th day of February, 2014.

CITY OF VALPARAISO, INDIANA

Jon Costas, Mayor

ATTEST:

Sharon Swihart
Clerk-Treasurer

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. *Todd A. Leeth*

This Instrument Prepared By:

Todd A. Leeth
Hoeppner Wagner & Evans LLP
103 E. Lincolnway
P.O. Box 2357
Valparaiso, Indiana 46384-2357

HOEPPNER WAGNER & EVANS LLP
ATTORNEYS AT LAW

## Exhibits

A - Legal Description of the Property
B - Site Improvement Plans (See §3.2 ggg for list)
C - Declaration of Restrictive Covenants
D - Sign Program
E - Unified Development Ordinance (pursuant to §2.2)
F - Alternative Screening Plan

**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR THE PROPERTY**

**PARCEL #1** Legal Description:

A parcel of land being the West 1/2 of the Northwest Quarter of the Northeast Quarter and part of the Northeast Quarter of the Northwest Quarter of Section 17, Township 35 North Range 5 West of the Second Principal Meridian, Porter County, Indiana, described as commencing at the Northeast corner of the Northwest Quarter, being the Point of Beginning; thence South 89 degrees 15 minutes 12 seconds East along the North Section line 668.42 feet; thence South 0 degrees 18 minutes 50 seconds West along the East line of the West 1/2 of the Northwest Quarter of the Northeast Quarter 1330.78 feet; thence North 89 degrees 20 minutes 28 seconds West along the South line of the Northwest Quarter of the Northeast Quarter 664.62 feet; thence North 89 degrees 29 minutes 07 seconds West along the South line of the Northeast Quarter of the Northwest Quarter 716.70 feet; thence 311.53 feet along a curve, being the East right-of-way line of Indiana Highway 49, having a radius of 8739.37 feet and a chord bearing North 7 degrees 42 minutes 43 seconds West 311.51 feet; thence North 5 degrees 11 minutes 06 seconds West along said right-of-way 204.10 feet; thence North 14 degrees 32 minutes 07 seconds West along said right-of-way 201.14 feet; thence North 10 degrees 16 minutes 30 seconds West along said right-of-way 550.00 feet; thence North 39 degrees 22 minutes 36 seconds East along said right-of-way 57.80 feet; thence South 89 degrees 32 minutes 30 seconds East along said right-of-way 100.00 feet; thence North 68 degrees 39 minutes 25 seconds East along said right-of-way 53.85 feet; thence North 0 degrees 27 minutes 30 seconds East 20.00 feet; thence South 89 degrees 32 minutes 30 seconds East along the North second line 485.64 feet; thence South 0 degrees 27 minutes 30 seconds West with the North Section line 214.53 feet; thence North 0 degrees 27 minutes 30 seconds East 203.05 feet; thence South 89 degrees 32 minutes 30 seconds East along the North section line 41.51 feet to the point of beginning.

Subject to all rights-of-way and easements of record and containing 43.759 acres after allowing for said right-of-way.

EXCEPTING THEREFROM:

A part of the Northeast Quarter of the Northwest Quarter of Section 17, Township 35 North, Range 5 West, Porter County, Indiana, described as follows: Commencing at the Northeast corner of said Quarter Section; thence North 89 degrees 32 minutes 30 seconds West 256.04 feet along the North line of said Section to a corner of the owner's land; thence South 0 degrees 27 minutes 30 seconds West 20.00 feet to the South boundary of County Road 400 North and the point of beginning of this description; thence South 0 degrees 27 minutes 30 seconds West 183.05 feet along an East line of the owner's and; thence South 6 degrees 19 minutes 24 seconds

West 348.78 feet; thence South 42 degrees 41 minutes 45 seconds West 292.65 feet; thence South 34 degrees 12 minutes 36 seconds West 216.80 feet; thence South 11 degrees 02 minutes 13 seconds West 272.69 feet; thence South 4 degrees 16 minutes 02 seconds East 130.93 feet to the South line of said Quarter-Quarter Section; thence North 89 degrees 27 minutes 30 seconds West 59.27 feet along said South line to the Eastern boundary of S.R. 49; thence along the boundary of S.R. 49 Northwesterly 325.92 feet along an arc to the left and having a radius of 8,739.37 feet and subtended by a long chord having a bearing of North 7 degrees 39 minutes 52 seconds West and a length of 335.90 feet; thence North 5 degrees 11 minutes 06 seconds West 204.10 feet along said boundary; thence North 14 degrees 32 minutes 07 seconds West 201.14 feet along said boundary; thence North 10 degrees 16 minutes 30 second West 550.00 feet along said boundary to the Southeastern boundary of the intersection of said S.R. 49 and said County Road 400 North; thence North 39 degrees 22 minutes 36 seconds East 57.80 feet along the boundary of the intersection of said S.R. 49 and said County Road 400 North to the South boundary of said County Road 400 North; thence South 88 degrees 32 minutes 30 seconds East 100.00 feet along the boundary of said County Road 400 North; thence North 68 degrees 39 minutes 25 seconds East 53.85 feet along said boundary; thence South 88 degrees 32 minutes 30 seconds East 485.64 feet along said boundary to the point of beginning and containing 11.372 acres, more or less.

A part of the Northeast Quarter of the Northwest Quarter and a part of the Northwest Quarter of the Northeast Quarter of Section 17, Township 35 North, Range 5 West, Porter County, Indiana, described as follows: Beginning at a point on the South boundary of County Road 400 North South 0 degrees 27 minutes 30 seconds West 20.00 feet from the Northwest corner of the Northeast Quarter of said Section; thence South 89 degrees 15 minutes 12 seconds East 458.27 feet along the boundary of said County Road 400 North; thence South 66 degrees 31 minutes 08 seconds West 109.66 feet; thence South 86 degrees 31 minutes 22 seconds West 400.44 feet to a West line of the owner's land; thence North 0 degrees 27 minutes 30 seconds East 74.29 feet along said West line to the South boundary of said County Road 400 North; thence South 89 degrees 32 minutes 30 seconds East 41.46 feet along the boundary of said County Road 400 North to the point of beginning and containing 0.600 acres, more or less.

Together with the permanent extinguishment of all rights and easements of ingress and egress to, from and across the limited access facility (to be known as S.R. 49 and County Road 400 N. and as Project STP-089-1(001), to and from the owner's remaining lands where they abut the above-described real estate. This restriction shall be a covenant running with the land and shall be binding on all successors in title to the said abutting lands.

**PARCEL #2** Legal Description:

A part of Parcel 2 and part of Parcel 3 as per Vansland, LLC, property described in Quit Claim Deed recorded as Document Number 2009-034179 on December 30, 2009 in the Porter County Recorder's Office being located in Section 17, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana, more particularly described as follows:

A parcel of land in Section 17, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana. More particularly described as follows: Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 17; Thence North 89°28'50" West, along the South line of said Quarter - Quarter, 440.0 feet; Thence continuing North 89°28'50" West, along said South line, 253.63 feet; Thence North 00°15'49" East, 208.0 feet; Thence North 89°28'50" West, 420.0 feet; Thence North 00°15'49" East, 95.0 feet; Thence North 89°28'50" West, 210.0 feet, to the Eastern line of Pine Creek Estates Subdivision, as per the plats of phase A, B and C, recorded in Documents 42-D-3, 42-D-3B and 42-D-3C, respectively, said line also being the East line of the Southwest Quarter of said Section 17; Thence North 00°15'49" East along said line, 2337.72 feet, to the Northern line of said Pine Creek Estates Subdivision, said Northern line also being the Northern line of the Southwest Quarter of said Section 17; Thence North 89°07'37" West 153.14 feet, along said North line to the Point of Beginning; Thence continuing North 89°07'37" West 511.78 feet to the Eastern right of way of State Road # 49; Thence North 00°18'53" East, 280.74 feet, along said Eastern right of way to the beginning of a curve, said curve being concave to the West, with a radius of 8594.37 feet and a chord distance of 1060.32 feet; Thence North and West along the length of said curve 1060.99 feet to the North line of the Southeast Quarter of the Northwest Quarter of Section 17, Township 35 North, Range 5 West; Thence South 89°22'23"East, 719.45 feet, along said North line to the Northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 17; Thence South 89°31'09" East 1328.79 feet, along said North line to the Northeast corner of the Southwest Quarter of said Northeast Quarter; Thence South 00°30'40" West, 876.54 feet; thence North 89°31'43" West 1472.58 feet; thence South 00°00'00" West 463.88 feet to the Point of Beginning, containing 45.849 acres more or less.

Urban Residential Parcel

Parcel 1, Parcel 5, part of Parcel 2 and part of Parcel 3 as per Vansland, LLC, property described in Quit Claim Deed recorded as Document Number 2009-034179 on December 30, 2009 in the Porter County Recorder's Office being located in Section 17, Township 35 North, Range 5 West of the Second Principal Meridian in Porter County, Indiana, more particularly described as follows:

Commencing at the Southeast corner of the Southwest Quarter of the Southeast Quarter of said Section 17; Thence North 89°28'50" West, along the South line of said Quarter - Quarter, 440.0 feet, to the Point of Beginning; Thence continuing North 89°28'50" West, along said South line, 253.63 feet; Thence North 00°15'49" East, 208.0 feet; Thence North 89°28'50" West, 420.0 feet; Thence North 00°15'49" East, 95.0 feet; Thence North 89°28'50" West, 210.0 feet, to the Eastern line of Pine Creek Estates Subdivision, as per the plats of phase A, B and C, recorded in Documents 42-D-3, 42-D-3B and 42-D-3C, respectively, said line also being the East line of the Southwest Quarter of said Section 17;

Thence North 00°15'49" East along said line, 2337.72 feet, to the Northern line of said Pine Creek Estates Subdivision, said Northern line also being the Northern line of the Southwest Quarter of said Section 17; Thence North 89°07'37" West 153.14 feet; thence North 00°00'00 East 463.88 feet; thence South 89°31'43" East 1472.58 feet; Thence South 00°30'40" West, 453.17 feet to the Southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 17; Thence South 00°04'46"West, 403.77 feet, along the east line of the Northwest quarter of the Southwest quarter of said section 17; Thence North 89°28'50" West, 220.0 feet; Thence South 00°04'46" East, 260.0 feet; Thence North 89°28'50" West 22.0 feet; Thence South 00°04'46"West 180.0 feet; Thence North 89°28'50" West, 198.0 feet; Thence South 00°04'46" West, 486.89 feet; Thence South 00°05'24" West, 1099.45; thence to the south line of property conveyed to Spencer by quit-claim deed recorded as Document Number 1993-011163 in said Recorder's Office; thence North 90°00'00" East along said Spencer property 202.0 feet; thence South 00°26'00" East 16 feet; thence South 90°00'00" West 202.0 feet; Thence South 00°05'24" West, 224.0 feet to the Point of Beginning, containing 71.720 acres more or less.

# THE LAKES OF VALPARAISO P.U.D.

## MULTIFAMILY RESIDENTIAL - BUSINESS - COMMERCIAL DEVELOPMENT

## (EAST OF STATE ROAD 49 BETWEEN EVANS AVE. CR. 300 N. AND VALE PARK RD. CR. 400 N. )

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA




**SITE PLAN/PHASING DIAGRAM**

SCALE 1" = 300'

**DEVELOPER**

SJBZ MANAGEMENT, LLC
9101 TAFT STREET
MERRILLVILLE, IN 46410
(219) 650-6012

**CIVIL ENGINEER / LAND SURVEYOR**

ABONMARCHE CONSULTANTS, INC.
3177 WILLOWCREEK ROAD
PORTAGE, INDIANA (219) 850-4624

**ARCHITECT**

BSB DESIGN, INC.
1540 EAST DUNDEE ROAD SUITE 310
PALATINE, ILLINOIS 60074
PH: 847-705-2200 EXT: 847-776-3294
FAX: 877-283-0404




**PROJECT SITE VICINITY MAP**

(NOT TO SCALE)

**TABLE OF CONTENTS**


| | | | |
|---|---|---|---|
| 1 | TITLE SHEET | LS-2.13 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 2 | ALTA VANDERTOL PROPERTY (APARTMENTS AND SOUTH HALF OF BUSINESS PARK) | LS-2.14 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 3 | ALTA VANDERTOL PROPERTY (SECONDS SHEET) | LS-2.15 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 4 | ALTA PAULSON PROPERTY (NORTH HALF OF BUSINESS PARK) | LS-2.16 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 5 | OVERALL TOPOGRAPHIC/EXISTING CONDITION DRAWING | LS-2.17 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 6 | OVERALL TOPOGRAPHIC/EXISTING CONDITION DRAWING | LS-2.18 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 7 | BUSINESS PARK PLAT | LS-2.19 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 8 | APARTMENT PLAT | LS-2.2 | ARCHITECTURAL BUSINESS PARK LANDSCAPE PLAN |
| 9 | UTILITY DRAWING - NORTH HALF | LS-2.20 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 10 | UTILITY DRAWING - SOUTH HALF | LS-2.21 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| 11 | TREE SURVEY | LS-2.3 | ARCHITECTURAL CONCEPTUAL LANDSCAPE PLAN - TYPICAL BUILDING LANDSCAPE |
| 12 | DETAILS | LS-2.4 | ARCHITECTURAL CONCEPTUAL LANDSCAPE PLAN - CLUB AREA / RAIN GARDENS |
| 13 | STORMWATER POLLUTION PREVENTION PLAN | LS-2.5 | ARCHITECTURAL CONCEPTUAL LANDSCAPE PLAN - COLLECTOR STREET BUFFER |
| 14 | STORMWATER POLLUTION PREVENTION PLAN DETAILS | LS-2.6 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| L1.1 | RENTAL MF DEVELOPMENTAL PLAN | LS-2.7 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| LS-2.1 | RENTAL MF CONCEPT LANDSCAPE PLAN | LS-2.8 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| LS-2.10 | MEMORIAL PARKWAY LANDSCAPE - DETAILS | LS-2.9 | MEMORIAL PARKWAY LANDSCAPE - DETAILS |
| LS-2.11 | MEMORIAL PARKWAY LANDSCAPE - DETAILS | LS-3.1 | CONCEPT SIGNAGE PLAN |
| LS-2.12 | MEMORIAL PARKWAY LANDSCAPE - DETAILS | | |


| | | | |
|---|---|---|---|
| 1 | RESPONSE TO CITY COMMENTS | RSP | 07-09-2013 |
| 0 | RESPONSE TO CITY COMMENTS | RSP | 06-11-2013 |

ABONMARCHE

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
TITLE SHEET

DRAWN BY: CMR
CHECKED BY: RSP
APPROVED BY: RSP
DATE: 07-11-2013
SCALE: HORZ: VERT:
PROJECT NO: 13-0135
SHEET NO: 1 of 14

SEC. 17-T35N-R5W

Exhibit "B"
Page 000001

# ALTA / ACSM LAND TITLE SURVEY

**RECORD DESCRIPTIONS (DOCUMENT NUMBER 2019-014179)**

PARCEL 1 - 25-34-15-17-451-001.000-029

THE WEST 40 RODS OF THE SOUTH 80 ACRES OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA

EXCEPTING THEREFROM THE SOUTH 208 FEET OF SAID WEST 40 RODS, AND ALSO EXCEPTING THEREFROM THE NORTH 165 FEET OF THE SOUTH 333 FEET OF THE WEST 210 FEET OF SAID WEST 40 RODS.

PARCEL 2 - 25-34-15-17-177-001.000-029

THE PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, LYING EAST OF THE WEST LINE OF INDIANA STATE ROAD 49 AND SAID LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 89 DEGREES 59 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION 660.54 FEET TO THE EAST BOUNDARY OF INDIANA STATE ROAD 49 AND THE POINT OF BEGINNING OF SAID DESCRIBED LINE;
THENCE NORTH 00 DEGREES 17 MINUTES 00 SECONDS EAST ALONG SAID BOUNDARY OF INDIANA STATE ROAD 49, 1322.31 FEET;
THENCE NORTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG SAID BOUNDARY 273.11 FEET; THENCE NORTH 04 DEGREES 16 MINUTES 00 SECONDS WEST ALONG SAID BOUNDARY 749.84 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE POINT OF TERMINATION OF SAID LINE.

PARCEL 3 - 25-34-15-17-100-021.000-029

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

PARCEL 4 - 25-34-15-17-451.001.000-029

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA

EXCEPTING THEREFROM THAT PART A AND B OF THE TWO PARCELS OF REAL ESTATE DESCRIBED AS FOLLOWS, LYING WITHIN SAID NORTH HALF:

A) THE NORTH 162.0 FEET OF THE SOUTH 2244.0 FEET OF THE WEST 208.0 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

B) THE NORTH 162.0 FEET OF THE SOUTH 1998.0 FEET OF THE WEST 240.0 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

PARCEL 5 - 25-34-10-17-400-002.000-029

THE PART OF THE REAL ESTATE DESCRIBED AS FOLLOWS LYING WITHIN THE SOUTH 160 ACRES OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA:

THE NORTH 1400.0 FEET OF THE SOUTH 1998.0 FEET OF THE WEST 1208.7 FEET OF THE EAST 440 FEET OF THE WEST HALF OF THE EAST 880 FEET OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

PARCEL 6 - 25-34-10-17-402.000-029

A PARCEL OF REAL ESTATE IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 660 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE NORTH 208 FEET; THENCE EAST 218 FEET; THENCE SOUTH 208 FEET; THENCE WEST 218 FEET TO THE POINT OF BEGINNING.

PARCEL 7 - 25-34-10-17-400-028.000-029

THE SOUTH 208 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN IN PORTER COUNTY, INDIANA

EXCEPTING THEREFROM THE WEST AND EAST 30 FEET AND ALSO EXCEPTING THEREFROM THE EAST 440 FEET OF THE SOUTH 208 FEET.

**NOTES**

1. THIS IS AN ALTA / ACSM LAND TITLE SURVEY AND SHALL NOT BE USED FOR ANY UNDERLYING RELATED PURPOSES INCLUDING SUBDIVISION DESIGN, ROADWAYS OR UTILITIES.
2. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. OTHER INSTRUMENTS MAY EXIST THAT WOULD AFFECT THESE PARCELS.
3. ENVIRONMENTAL AND ENVIRONMENTAL CONDITIONS, IF ANY, NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY UNLESS NOTED OTHERWISE. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF OVERHEAD OR UNDERGROUND CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
4. THE LOCATION OF THE 15-FOOT LEGAL DRAIN (AS PLAT) IS BASED ON THE PLAT OF MARK LB 116, DRAIN DITCH AND THE LOCATION OF THE TILE. THE PORTER COUNTY SURVEYOR WAS CONSULTED FOR A LEGAL DESCRIPTION OF THE EASEMENT (BOUNDARY) BUT NONE EXISTED TO PROVIDED.
5. RECORD PUBLIC RIGHTS-OF-WAY HAVE BEEN DEPICTED ON THE ATTACHED PLAT WHERE THE CORRESPONDING RIGHT-OF-WAY EXPIRY OR RIGHT-OF-WAY DEDICATION WAS PROVIDED OR OTHERWISE AVAILABLE. RIGHTS-OF-WAY MAY EXIST BEYOND THOSE SHOWN ON THE ATTACHED PLAT INCLUDING POSSIBLE PRESCRIPTIVE RIGHTS-OF-WAY UP TO THE LIMIT OF THE EXISTING ROADWAY SURFACE PER INDIANA CASE LAW.
6. FROM THE OF THESE A - THE WETLANDS SHOWN HEREON ARE TAKEN FROM A WETLAND DELINEATION BY SES SOLUTIONS, INC. IN 2020. THIS WETLAND DELINEATION HAS EACH EXPIRED AND A NEW DELINEATION MUST BE PERFORMED PRIOR TO ANY DEVELOPMENTAL WORK. THESE LIMITATIONS SHOWN HEREON ARE INTENDED TO DISPLAY THE PRESENCE OF WETLANDS AND THEIR BOUNDARIES MAY CHANGE SIGNIFICANTLY WITH A NEW DELINEATION.
7. SINCE THE DATE OF THIS SURVEY EXPEDITIONS MAY HAVE OCCURRED THAT ARE BEYOND THE KNOWLEDGE OR CONTROL OF MCMAHON ASSOCIATES, INC. OR THE UNDERSIGNED SURVEYOR AND MAY HAVE ALTERED THE VALIDITY AND CIRCUMSTANCES SHOWN OR NOTED HEREON.
8. PARCELS 1 THROUGH 7 AS DESCRIBED HEREON ARE CONTIGUOUS.




VICINITY MAP

FLOOD STATEMENT:

BASED UPON A SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 18127C0135E WITH DATES OF EFFECTIVE DATE OF APRIL 17, 1990, THIS PARCEL APPEARS WITHIN DESIGNATED AREA: ZONE X (UNSHADED) WITHIN ZONE "X" AREA OF MINIMAL FLOODING. FLOOD PLAIN CLASSIFICATION IS HYDROLOGICALLY TO A REVIEW OF THE FLOOD INSURANCE RATE MAPS (FIRM), AND SHALL NOT BE CONSTRUED AS A DEFINITION ON DEGREE OF FLOODABLE PROPERTIES.

WETLAND STATEMENT:

ACCORDING TO THE NATIONAL WETLAND INVENTORY MAP THERE ARE WETLANDS ON SITE. SEE NOTE 6

TITLE COMMITMENT INFORMATION:

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR (E.G. INFORMATION REGARDING RECORD EASEMENTS, AND OTHER ENCUMBRANCES THAT MIGHT AFFECT THE QUALITY OF TITLE TO THE TRACT SHOWN HERE ON WAS GAINED FROM TITLE COMMITMENT NO. 7201870643, PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY DATED SEPTEMBER 24, 2012. THE LAND DESCRIPTION CITED HEREIN IS THE RECORD DESCRIPTION IS THE SAME AS THAT DESCRIBED UNDER EXHIBIT A OF SAID TITLE COMMITMENT. THE FOLLOWING COMMENTS CORRESPOND TO THE ITEMS NUMBERED IN SCHEDULE B, SECTION 1 (SPECIAL EXCEPTIONS) OF THE ABOVE REFERENCED COMMITMENT. WHEN CLARIFICATION REGARDING SURVEY MATTERS IS NEEDED, THOSE STATEMENTS HAVE BEEN PROVIDED WITHIN BRACKETS.

WHERE SUSCEPTIBLE TO GRAPHIC DEPICTION, EASEMENTS DISCLOSED IN THE ABOVE TITLE COMMITMENT THAT CROSS OR ADJOIN THE SURVEYED PREMISES HAVE BEEN SHOWN ON THE ACCOMPANYING PLAT OF SURVEY.

ITEMS 1-10 - NOT SURVEY RELATED AND ARE NOT ADDRESSED HEREIN
ITEM 11 - AS SHOWN ON THE SURVEY
ITEM 12 - AS SHOWN ON THE SURVEY
ITEM 13 - NOT SHOWN ON THE SURVEY
ITEM 14 - AS SHOWN ON THE SURVEY
ITEM 15 - AS SHOWN ON THE SURVEY
ITEM 16 - AS SHOWN ON THE SURVEY
ITEM 17 - AS SHOWN ON THE SURVEY
ITEMS 18-21 - NOT SURVEY RELATED AND ARE NOT ADDRESSED HEREIN

**SURVEYORS REPORT**

SURVEY DATA UTILIZED FROM THE FOLLOWING SOURCES:

COPIES OF RELEVANT SURVEYS, PLATS, AND OTHER RECORD DOCUMENTS WERE OBTAINED BY AND WERE RETRIEVED 'ON OR ONLINE SOURCES) FROM THE PUBLIC COUNTY OFFICES, OR WERE KNOWN TO EXIST AND COULD BE LOCATED FOR COMPILATION PURPOSES. THE DOCUMENTS UTILIZED IN THIS SURVEY ARE DETAILED BELOW:

1. ALTA/ACSM LAND TITLE SURVEY OF THE NORTH ADJOINER BY KRUG, DAVIES AND ASSOCIATES, CERTIFIED BY ANTHONY M KOLLACK, DATED MAY 25, 2005, RECORDED AS DOCUMENT NUMBER 29-2-027808
2. SURVEY OF ORIGINAL PROPERTY OF PINE CREEK ESTATES, CERTIFIED BY DONALD J. EMMELS, DATED OCTOBER 17, 2001, RECORDED AS DOCUMENT NUMBER 2001-031295
3. PLAT OF PINE CREEK ESTATES, PHASE A, RECORDED IN PLAT FILE 42-B-2
4. PLAT OF PINE CREEK ESTATES, PHASE B, RECORDED IN PLAT FILE 42-D-20
5. PLAT OF PINE CREEK ESTATES, PHASE C, RECORDED IN PLAT FILE 42-D-30
6. SURVEY FOR STERLING DEVELOPMENT, LLC, PREPARED BY LARC IN SWASCHENOK, DATED FEBRUARY 15, 2001, RECORDED AS DOCUMENT NUMBER 2001-006378
7. SURVEYOR LOCATION REPORT BY TENNIS LAND SURVEYING OF SPENCER PROPERTY, CERTIFIED BY DAVID J. TENNIS, DATED MAY 2, 2007, RECORDED AS DOCUMENT NUMBER 2008-015077
8. PLAT OF SURVEY BY EARL BEES OF YOUNG PROPERTY, DATED FEBRUARY 27, 1998
9. SECTION CORNER TIES AS PER THE PORTER COUNTY SURVEYOR'S RECORDS

PURPOSE - THE PURPOSE OF THIS PROJECT WAS TO PREPARE AN ALTA/ACSM LAND TITLE SURVEY OF THE DESCRIBED PROPERTY. THIS UNDEVELOPED LAND HAS NO COMMON STREET ADDRESS.

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SECTIONS 1 THROUGH 31 OF THE INDIANA ADMINISTRATIVE CODE (IAC), I'VE THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED THIS SURVEY AS A RESULT OF UNCERTAINTIES IN: (A) RECORD MONUMENTATION, (B) RECORD DESCRIPTIONS AND PLATS, (C) LINES OF OCCUPATION, AND (D) THE RELATIVE POSITIONAL ACCURACY OF THE SURVEY MEASUREMENTS. THESE MAY BE UNWRITTEN RIGHTS ASSOCIATED WITH THESE UNCERTAINTIES. THE CLIENT SHOULD RECOGNIZE THERE IS AN AMOUNT OF UNCERTAINTY ALONG ANY LINE EQUAL IN MAGNITUDE TO ANY DISCREPANCY IN THE LOCATION OF THE LINES OF POSSESSION FROM THE SURVEYED LINES. ALL SURVEY MONUMENTS SET OR FOUND THIS SURVEY ARE FLUSH WITH THE ORIGINAL GRADE UNLESS OTHERWISE NOTED.

DEGREE OF ACCURACY - THE RECORD OR LOCATION ANALYSIS, THE DIVISION OF LAND BY ALIQUOT PARTS AND METES AND BOUNDS DESCRIPTION THERE ARE IN TOTAL 17 PARCELS DESCRIBED BY BOTH MEANS. THE DESCRIPTIVE FOUNDATION TO THIS SURVEY WAS TO ESTABLISH THE EXTERIOR SECTION LINES AND THE LINES THAT CREATE THE QUARTERS, AND QUARTER-QUARTERS. THIS WAS ACCOMPLISHED BY LOCATING THE SECTION CORNER MONUMENTS AS PER THE PORTER COUNTY SURVEYOR RECORDS AND ALSO UTILIZING THE SECTION BREAKDOWNS FROM OTHER SURVEYS AS LISTED ABOVE. ONCE THE SECTION WAS ESTABLISHED THE METES AND BOUNDS DESCRIPTIONS WERE PLOTTED. WHERE MONUMENTS WERE FOUND, IT WAS COMPARED WITH THE RELATIVE LOCATION OF THE METES AND BOUNDS DESCRIPTIONS AND DETERMINED IF THE MONUMENT SHOULD CONTROL OR THE RECORD BEARINGS AND DISTANCES SHOULD CONTROL.

REFERENCE MONUMENTS AND SURVEY MARKERS:

1. SECTION CORNER MONUMENTS WERE RECOVERED PER THE PORTER COUNTY SURVEYOR'S RECORDS AND ARE AS SHOWN ON THE SURVEY. THERE WERE A FEW MONUMENTS NOT RECOVERED DURING THE COURSE OF THIS FIELDWORK BUT THEIR LOCATIONS ARE HELD ON PREVIOUS SURVEY WORK BY MCMAHON. IN ADDITION TO THE FIELD LOCATIONS OF THE SECTION CORNERS, OTHER SURVEYS WERE UTILIZED TO COMPLETE THE SECTION BREAKDOWN. IN THE NORTHWEST SPACE, THE SECTION CORNERS WERE FOUND BY MCMAHON AND SHOWN ON OTHER SURVEYS. DIFFERENCES BETWEEN MEASUREMENTS WERE AS LITTLE AS 0.01 FEET AND AS GREAT AS 0.4 FEET.
2. OTHER SURVEY MARKINGS WERE FOUND AROUND THE PERIMETER OF THE SURVEYED PROPERTY. A NUMBER OF MARKERS WERE FOUND AT THE QUARTER CORNERS OF PINE CREEK ESTATES. THEY RANGED FROM FLUSH RECORD POSITIONS FROM 0.04' TO 0.23' TILT.
3. A REBAR WITH A NYLESON ID WAS FOUND AT THE NORTHWEST CORNER OF PARCEL 3 AND SUBSEQUENTLY HELD FOR ITS POSITION. HOWEVER THERE IS SOME UNCERTAINTY AS THE LOCATION OF THE TRUE A LIQUOT PART CORNER. THE REBAR WAS SET BY NYLESON IN 1988 AND WOULDN HOLD IT FOR POSITION IN HIS SURVEY OF THE ALTA SURVEY OF THE PEP, LLC PROPERTY. HOWEVER A WELL SURVEY ESTABLISHED THIS SAME CORNER TO BE ABOUT 2 FEET SOUTH OF THE REBAR. FURTHERMORE, REMAINS OF AN OLD FENCE WERE LOCATED ABOUT 2½ FEET SOUTH OF THE REBAR. THIS CORNER IS LOCATED IN A WOODED AREA WITH NO OTHER SIGNS OF OCCUPATION. THEREFORE, IT WAS DETERMINED THE BEST LOCATION WAS AN ACTUAL MONUMENT AND NOT JUST A CALCULATED CORNER. THUS THE REBAR WAS HELD ON THIS SURVEY.
4. 3 TREE WERE TWO SURVEY MARKERS FOUND ALONG THE SOUTH END OF PARCEL 1 WHICH CAUSED UNCERTAINTY AN IRON PIPE AND A 1" POST WERE FOUND APPROXIMATELY 710 FEET NORTH OF THE SECTION LINE APPENDED THAT THE MONUMENTS WERE HOLDING ON THEIR MONUMENTS AND RECOGNIZED THEM AS THE BOUNDARY LINE.
5. OTHER MARKERS WERE FOUND AS SHOWN ON THE SURVEY. THESE FELLING FROM THE CALCULATED CORNER ARE MINIMAL AND SHOWN HEREON.

REVIEW OF DESCRIPTIONS - DESCRIPTIONS OF ADJOINING TITLE HOLDERS WERE REVIEWED AND NO DISCREPANCIES WERE FOUND. HOWEVER THE SPACE MOST OF THESE DESCRIPTIONS ARE IN THE ORDINANCE OF THE EAST 30 FEET OF THE WEST 80 FEET OF THE NORTH 80 FEET OF THE SOUTH 80 RODS OF THE SOUTHEAST QUARTER CAN CAUSE UNCERTAINTY IN THE ORIGINAL INTENT OF WHERE THE LINE SHOULD BE ESTABLISHED. FORTUNATELY ALL THE ADJOINING PROPERTY DESCRIPTIONS FOLLOW THE SAME FORMAT AND ARE CONSISTENT.

OCCUPATION - LINES OF OCCUPATION CREATES UNCERTAINTY IN A NUMBER OF LOCATIONS:

1. ALONG THE SOUTH LINE OF PARCEL 1. THE LOCATION OF OCCUPATION (BRUSH) FURTHER NORTH THAN WHAT IS DESCRIBED BY AS MUCH AS 0.2' FEET.
2. THERE ARE TREE AND VEGETATION LINES AROUND THE PERIMETER OF THE PROPERTY. HE MOST NAMELY BUT ESPECIALLY ON THE 40-70 FOOT WIDE. THIS DOES NOT CREATE SIGNIFICANT UNCERTAINTY IN THE LOCATION OF THE PROPERTY AS IT APPEARS THE ADJOINERS OCCUPY UP TO THE VEGETATION AND THE ASSOCIATION IS MOSTLY ON THE SURVEYED PROPERTY.

THE ACCURACY USE TO RANDOM ERRORS PERTINENT TO EQUIPMENT AND PROCEDURES USED OF THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED BY THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR AN URBAN SURVEY WITH A MINIMUM RELATIVE POSITIONAL ACCURACY OF 0.07 FEET ± 50 PPM AS DEFINED IN THE 46IAC-12 REFERENCED CODE.

**SURVEYORS CERTIFICATION**

TO: FIDELITY NATIONAL TITLE INSURANCE COMPANY
SURE PORTER HOLDINGS, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND ALL SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM, AND INCLUDES ITEMS 1, 2, 4, 7a, 8, 9, 10, 11, & THEREOF. THE FIELD WORK WAS INITIALLY COMPLETED ON NOVEMBER 15, 2012.

AND TO ALSO TO CERTIFY THAT THE AGENT IS BELIEVED TO BE A TRUE AND CORRECT PLAT AND DESCRIPTION OF A SURVEY PERFORMED UNDER MY SUPERVISION IN ACCORDANCE WITH: TITLE 865, ARTICLE 1.1, CHAPTER 12, SECTIONS 1 THROUGH 31 OF THE INDIANA ADMINISTRATIVE CODE (IAC) 12T1 - 1-150 (FORM UNDERSTAND THE PENALTIES FOR PERJURY. THAT I HAVE TAKEN RESPONSIBLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT UNLESS REQUIRED BY LAW.

DATE OF PLAT OR MAP: DECEMBER 27, 2012

SIGNED:




DARRELL S. PETERSEN 20420012

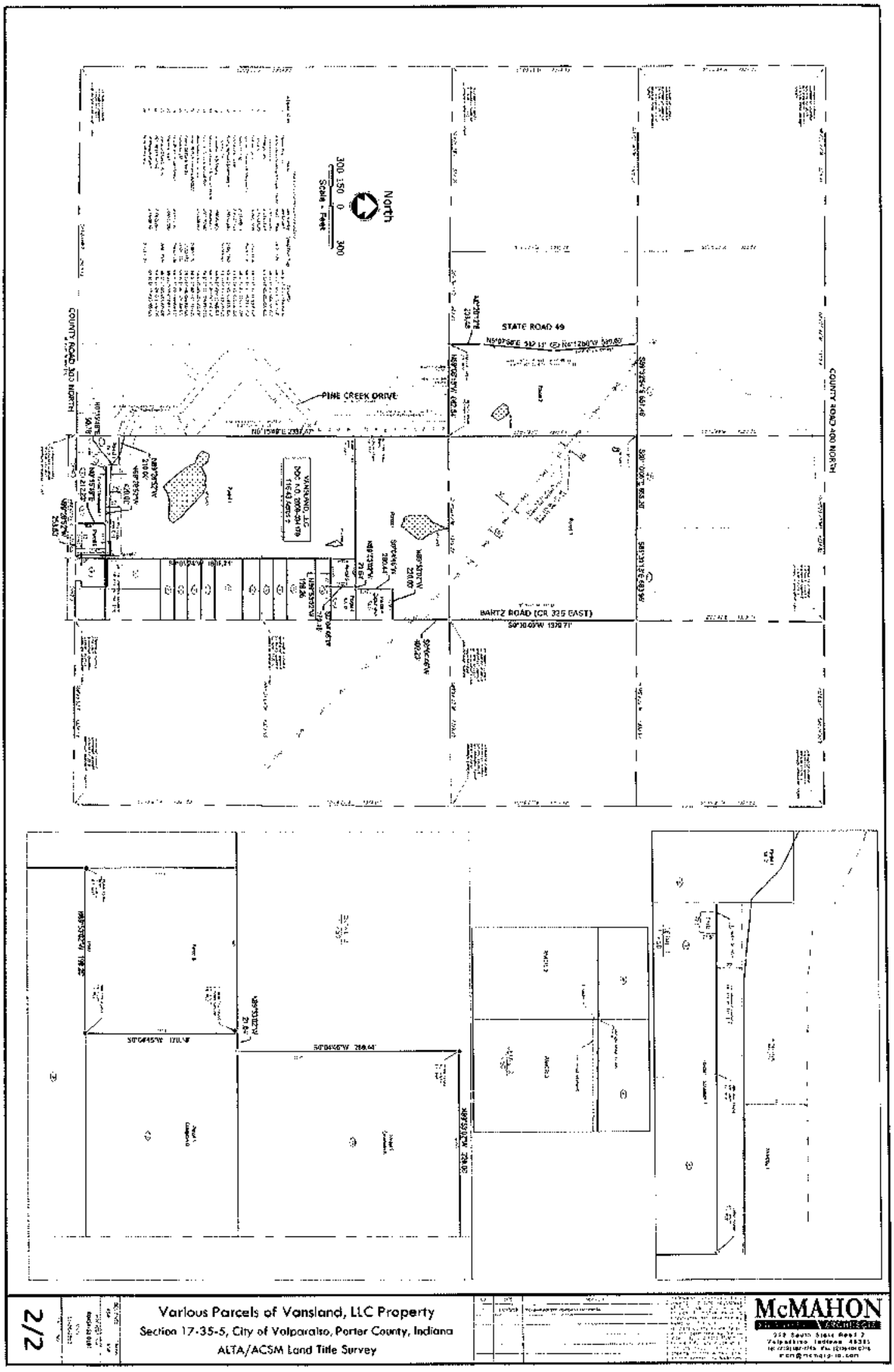
McMAHON
ENGINEERING ARCHITECTURE SURVEYING
7520 South State Road 53
Valparaiso, Indiana 46383
Tel (219) 465-7745 Fax (219) 464-4266
www.mcmahon-engr.com

| NO. | DATE | REVISION |
|---|---|---|
| 1 | 1/8/2013 | Revised per title commitment |

Various Parcels of Vansland, LLC Property
Section 17-35-5, City of Valparaiso, Porter County, Indiana
ALTA/ACSM Land Title Survey

DESIGNED: RDP
DRAWN: RDP
PROJECT NO: R0434-52-0287
DATE: 11-29-2012
SHEET NO: 1/2

Exhibit "B"
Page 000002




2/2

Various Parcels of Vansland, LLC Property
Section 17-35-5, City of Valparaiso, Porter County, Indiana
ALTA/ACSM Land Title Survey

McMAHON

# ALTA / ACSM LAND TITLE SURVEY
## PARCEL IN NORTH HALF OF SECTION 17-35-5
## PREPARED FOR LAKE COUNTY TRUST 6259

2012-022966

2012-022966
FILED FOR RECORD

COUNTY ROAD 400 NORTH
VALE PARK ROAD

LOT 1
WASHINGTON MINOR SUB. 2237-B-1

COUNTY ROAD 275 EAST
BARTZ ROAD

STATE ROAD 49

LEGEND

GRAPHIC SCALE

### LEGAL DESCRIPTION

### DOCUMENTS REFERENCED

### SURVEYOR'S REPORT

### SURVEYOR'S REPORT CONTINUED

### CERTIFICATION

DON'T DIG BLIND — CALL 811

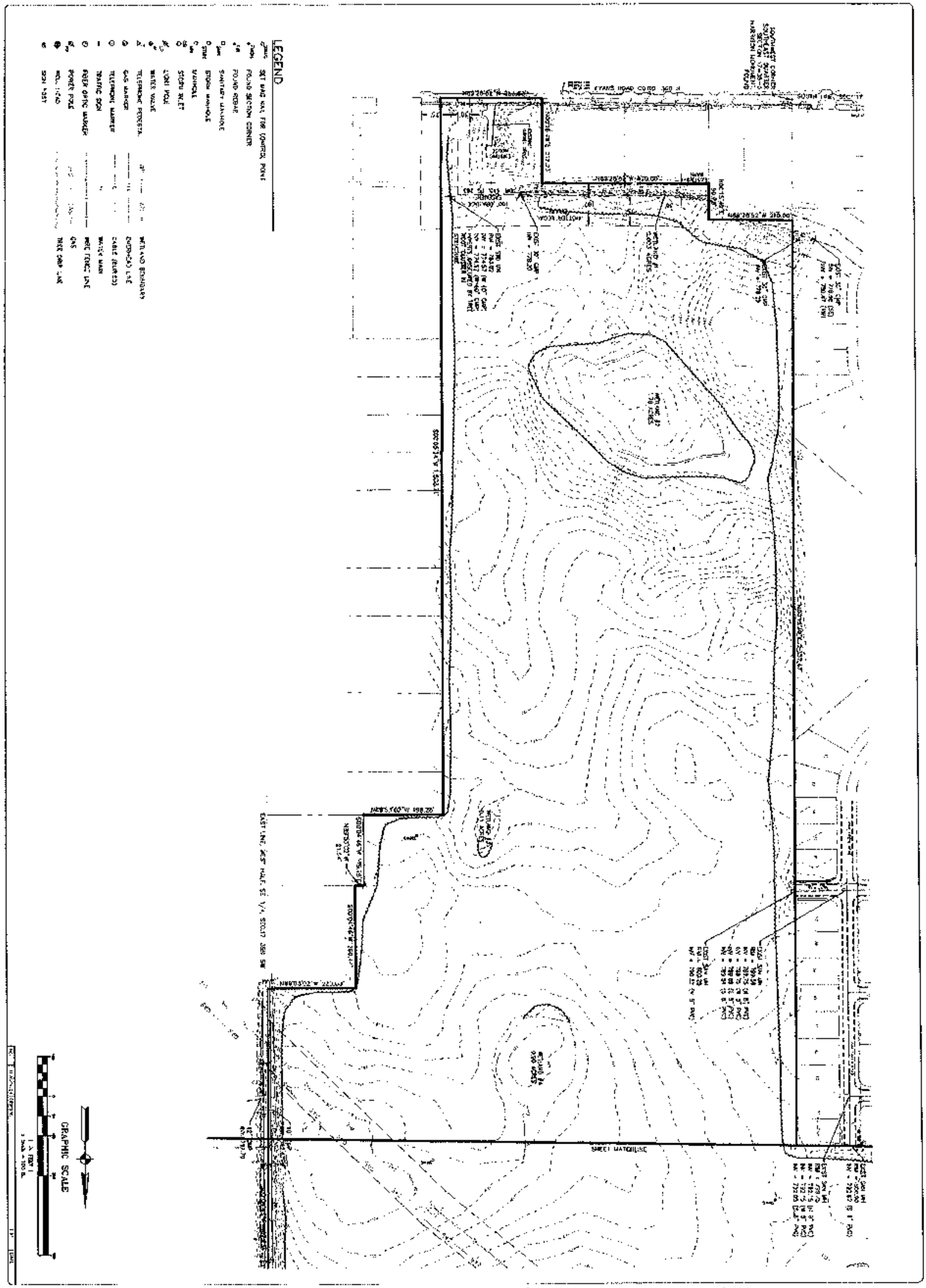
DAVIES & ASSOCIATES
LAND SURVEYING
1006 SOUTH COLLEGE AVENUE, SUITE 101
BLOOMINGTON, INDIANA 47403
PH: (812)339-4263 FAX: (812)822-2241

ALTA / ACSM LAND TITLE SURVEY
PARCEL IN NORTH HALF OF SECTION 17-35-5
PREPARED FOR LAKE COUNTY TRUST 6259

DATE 3/25/12
SCALE 1"=100'
DRAWN BD
JOB 12-171
SURVEY ONE
SHEET 1

TN 11m2453

Exhibit "B"
Page 000004




DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
EXISTING CONDITIONS AND TOPOGRAPHY

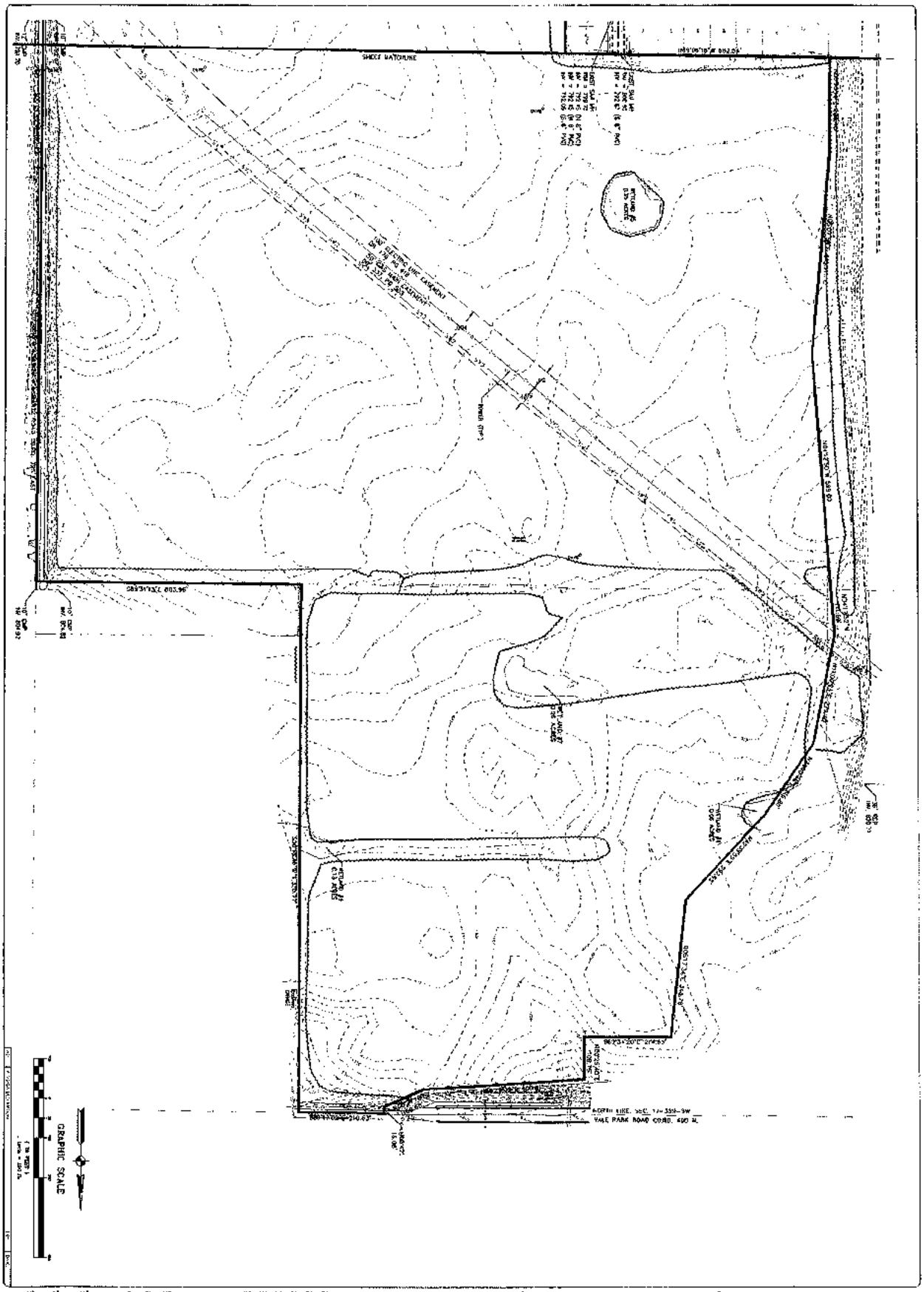
BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

ABONMARCHE

13-0135

5 of 14

SEC. 17-T35N-R5W




6 of 14

13-015S

SEC.17-T35N-R5W

DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
EXISTING CONDITIONS AND TOPOGRAPHY

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

ABONMARCHE

# THE LAKES OF VALPARAISO - P.U.D.

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
BUSINESS PARK PLAT

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

ABONMARCHE

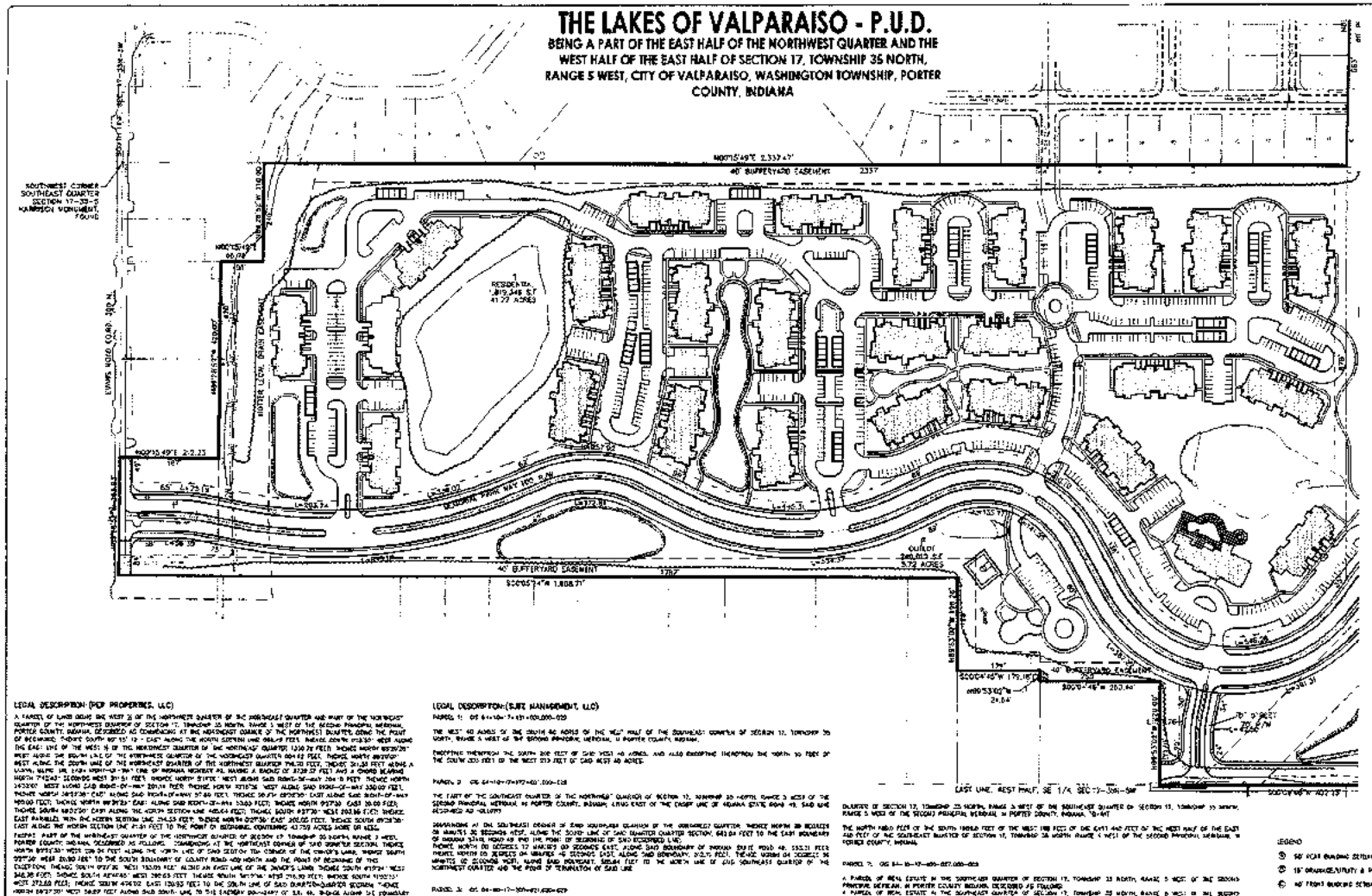
7 of 14

SEC.17-T35N-R5W

Exhibit "B"
Page 000007

# THE LAKES OF VALPARAISO - P.U.D.

**BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA**




**LEGAL DESCRIPTION: (PCP PROPERTIES, LLC)**

A PARCEL OF LAND BEING THE WEST 35 OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, PORTER COUNTY, INDIANA, DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE POINT OF BEGINNING; THENCE SOUTH 89°15'19" EAST ALONG THE NORTH SECTION LINE 660.68 FEET; THENCE SOUTH 01°03'50" WEST ALONG THE EAST LINE OF THE WEST ½ OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER 1330.79 FEET; THENCE NORTH 89°20'26" WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER 1330.79 FEET; THENCE SOUTH 89°20'26" WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER 1318.20 FEET; THENCE SOUTH 89°38'27" WEST ALONG A CURVE, HAVING AN ARC LENGTH OF 1,439.78 FEET, A RADIUS OF 11,309.16 FEET AND A CHORD BEARING NORTH 74°42'43" SOUTHWEST 1,438.81 FEET; THENCE NORTH 51°15'51" WEST ALONG SAID RIGHT-OF-WAY 204.19 FEET; THENCE NORTH 34°33'00" WEST ALONG SAID RIGHT-OF-WAY 201.08 FEET; THENCE NORTH 51°15'51" WEST ALONG SAID RIGHT-OF-WAY 330.00 FEET; THENCE NORTH 38°33'09" EAST ALONG SAID RIGHT-OF-WAY 30.00 FEET; THENCE SOUTH 51°15'51" EAST ALONG SAID RIGHT-OF-WAY 900.00 FEET; THENCE NORTH 89°39'23" EAST ALONG SAID RIGHT-OF-WAY 1,060.00 FEET; THENCE NORTH 89°39'23" EAST ALONG THE NORTH SECTION LINE 1,320.00 FEET; THENCE SOUTH 89°37'30" EAST 1,320.36 FEET; THENCE EAST PARALLEL WITH THE NORTH SECTION LINE 594.33 FEET; THENCE NORTH 00°29'30" EAST 30.00 FEET; THENCE SOUTH 89°37'30" EAST ALONG THE NORTH SECTION LINE 41.91 FEET TO THE POINT OF BEGINNING, CONTAINING 43.759 ACRES MORE OR LESS.

EXCEPT: PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17 TOWNSHIP 35 NORTH, RANGE 5 WEST, PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTIONAL THENCE NORTH 89°53'30" WEST 328.04 FEET ALONG THE NORTH LINE OF SAID SECTION TO THE CORNER OF THE OWNER'S LAND; THENCE SOUTH 00°29'30" WEST 30.00 FEET TO THE SOUTH BOUNDARY OF COUNTY ROAD 400 NORTH AND THE POINT OF BEGINNING OF THE EXCEPTION; THENCE SOUTH 00°29'30" WEST 30.00 FEET ALONG THE EAST LINE OF THE OWNER'S LAND; THENCE SOUTH 89°53'30" WEST 346.00 FEET; THENCE SOUTH 44°46'43" WEST 290.65 FEET; THENCE SOUTH 34°33'00" WEST 215.00 FEET; THENCE SOUTH 51°15'51" WEST 372.66 FEET; THENCE SOUTH 47°40'02" EAST 130.82 FEET TO THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION; THENCE NORTH 89°37'30" WEST 54.07 FEET ALONG SAID SOUTH LINE TO THE EASTERLY BOUNDARY OF S.R. 49; THENCE ALONG SAID BOUNDARY OF S.R. 49 NORTHWESTERLY 253.90 FEET ALONG AN ARC TO THE LEFT HAD RADIUS A RADIUS OF 809.39 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 73°29'31" WEST AND A LENGTH OF 252.92 FEET; THENCE NORTH 5 17'00" WEST 204.19 FEET ALONG SAID BOUNDARY; THENCE NORTH 14°32'31" WEST 200.51 FEET ALONG SAID BOUNDARY; THENCE NORTH 89°53'30" WEST 300.00 FEET ALONG SAID BOUNDARY TO THE SOUTHEASTERN BOUNDARY OF THE INTERSECTION OF SAID S.R. 49 AND SAID COUNTY ROAD AND NORTH; THENCE NORTH 39°32'30" EAST 57.80 FEET ALONG THE BOUNDARY OF THE INTERSECTION OF SAID S.R. 49 AND SAID COUNTY ROAD 400 NORTH TO THE SOUTH BOUNDARY OF SAID COUNTY ROAD 400 NORTH; THENCE NORTH 89°53'30" EAST 1,320.00 FEET ALONG SAID BOUNDARY; THENCE NORTH 89°53'30" EAST 660.00 FEET ALONG SAID BOUNDARY; THENCE SOUTH 89°29'30" EAST 660.68 FEET ALONG SAID BOUNDARY TO THE POINT OF BEGINNING AND CONTAINING 15.372 ACRES, MORE OR LESS.

ALSO EXCEPT, A PART OF THE NORTH-EAST QUARTER OF THE NORTHWEST QUARTER AND A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE CAST CENTERLINE OF COUNTY ROAD 100 NORTH SOUTH 89°53'30" WEST 20.00 FEET FROM THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH 89°53'12" EAST 660.37 FEET ALONG THE BOUNDARY OF SAID COUNTY ROAD 400 NORTH; THENCE SOUTH 89°29'30" EAST 1318.58 FEET; THENCE SOUTH 89°39'23" WEST 660.68 FEET TO A WEST LINE OF THE OWNER'S LAND; THENCE NORTH 2°27'31" EAST 24.39 FEET ALONG SAID WEST LINE TO THE SOUTH BOUNDARY OF SAID COUNTY ROAD 400 NORTH; THENCE SOUTH 89°53'30" EAST 41.91 FEET ALONG THE BOUNDARY OF SAID COUNTY ROAD 400 NORTH TO THE POINT OF BEGINNING AND CONTAINING 0.030 ACRES, MORE OR LESS.

TOGETHER WITH THE PERMANENT ESTABLISHMENT OF ALL RIGHTS AND ELEMENTS OF ACCESS AND EGRESS TO, FROM AND ACROSS THE GRANTOR ADDRESS PROPERTY (TO BE WITHDRAWN AS S.R. 49 AND COUNTY ROAD 400 N. ARE AN IMPACT 870-405-1100), TO AND FROM THE GRANTEE'S ADJACENT LANDS KNOWN THAT LESS AND ABOVE-DESCRIBED REAL ESTATE. THIS RESERVATION SHALL BE A CONSTANT RUNNING WITH THE SAID LAND AND SHALL BE BINDING ON ALL SUBSEQUENT OWNERS IN FEE TO THE SAID GRANTEE'S LANDS.

**LEGAL DESCRIPTION: (SUFF MANAGEMENT, LLC)**

PARCEL 1: 025-64-10-17-101-000.000-029

THE WEST 40 ACRES OF THE SOUTH 80 ACRES OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

EXCEPTING THEREFROM THE SOUTH 208 FEET OF SAID WEST 40 ACRES, AND ALSO EXCEPTING THEREFROM THE NORTH 30 FEET OF THE SOUTH 208 FEET OF THE WEST 313 FEET OF SAID WEST 40 ACRES.

PARCEL 2: 025-64-10-17-102-000.000-029

THE EAST OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, LYING EAST OF THE EASTERLY LINE OF INDIANA STATE ROAD 49, SAID LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 643.04 FEET TO THE EAST BOUNDARY OF INDIANA STATE ROAD 49 AND THE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE NORTH 00 DEGREES 12 MINUTES 00 SECONDS EAST, ALONG SAID BOUNDARY OF INDIANA STATE ROAD 49, 550.21 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 30 SECONDS EAST, ALONG SAID BOUNDARY, 312.71 FEET; THENCE NORTH 04 DEGREES 56 MINUTES 00 SECONDS WEST, ALONG SAID BOUNDARY, 500.84 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE POINT OF TERMINATION OF SAID LINE.

PARCEL 3: 025-64-10-17-104-021.000-029

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

PARCEL 4: 025-64-10-17-201-021.000-029

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART, IF ANY, OF THE TWO STRIPS OF REAL ESTATE DESCRIBED AS FOLLOWS, LYING WITHIN SAID NORTH HALF:

(1) THE NORTH 208.0 FEET OF THE SOUTH 312.0 FEET OF THE EAST 330.0 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

(2) THE NORTH 150.0 FEET OF THE SOUTH 312.0 FEET OF THE EAST 240.0 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA.

PARCEL 5: 025-64-10-17-103-021.000-029

THE PART OF THE REAL ESTATE DESCRIBED AS FOLLOWS: LYING WITHIN THE SOUTH 80 ACRES OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA: LYING EAST OF THE EASTERLY LINE OF INDIANA STATE ROAD 49, SAID LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 643.04 FEET TO THE EAST BOUNDARY OF INDIANA STATE ROAD 49 AND THE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE NORTH 00 DEGREES 12 MINUTES 00 SECONDS EAST, ALONG SAID BOUNDARY OF INDIANA STATE ROAD 49, 550.21 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 30 SECONDS EAST, ALONG SAID BOUNDARY, 312.71 FEET; THENCE NORTH 04 DEGREES 56 MINUTES 00 SECONDS WEST, ALONG SAID BOUNDARY, 500.84 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE POINT OF TERMINATION OF SAID LINE.

PARCEL 6: 025-64-10-17-400-023.000-029

THE PART OF THE REAL ESTATE DESCRIBED AS FOLLOWS: LYING WITHIN THE SOUTH 80 ACRES OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA: LYING EAST OF THE EASTERLY LINE OF INDIANA STATE ROAD 49, SAID LINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 00 DEGREES 04 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 643.04 FEET TO THE EAST BOUNDARY OF INDIANA STATE ROAD 49 AND THE POINT OF BEGINNING OF SAID DESCRIBED LINE; THENCE NORTH 00 DEGREES 12 MINUTES 00 SECONDS EAST, ALONG SAID BOUNDARY OF INDIANA STATE ROAD 49, 550.21 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 30 SECONDS EAST, ALONG SAID BOUNDARY, 312.71 FEET; THENCE NORTH 04 DEGREES 56 MINUTES 00 SECONDS WEST, ALONG SAID BOUNDARY, 500.84 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE POINT OF TERMINATION OF SAID LINE.

PARCEL 7: 025-64-10-17-400-027.000-029

A PARCEL OF REAL ESTATE IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS:
A PARCEL OF REAL ESTATE IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 330 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE NORTH 208 FEET; THENCE EAST 210 FEET; THENCE SOUTH 208 FEET; THENCE WEST 210 FEET TO THE POINT OF BEGINNING.

PARCEL 8: 025-64-10-17-400-028.000-029

THE SOUTH 208 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN PORTER COUNTY, INDIANA,

EXCEPTING THEREFROM THE WEST 840 FEET OF SAID SOUTH 208 FEET, AND ALSO EXCEPTING THEREFROM THE EAST 440 FEET OF SAID SOUTH 208 FEET.

LEGEND
- 50' FOOT BUILDING SETBACK LINE
- 15' DRAINAGE/UTILITY & ROAD MAINTENANCE EASEMENT
- 40' FRONT BUILDING SETBACK LINE

GRAPHIC SCALE
( IN FEET )
1 inch = 100 ft.

ABONMARCHE

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
APARTMENT PLAT

DRAWN: CMR
CHECKED: BSP
APPROVED: BSP
DATE: 07-12-2013
PROJECT NO: 13-0135
SHEET NO: 8 of 14

SEC. 17-T35N-R5W

Exhibit "B"
Page 000008

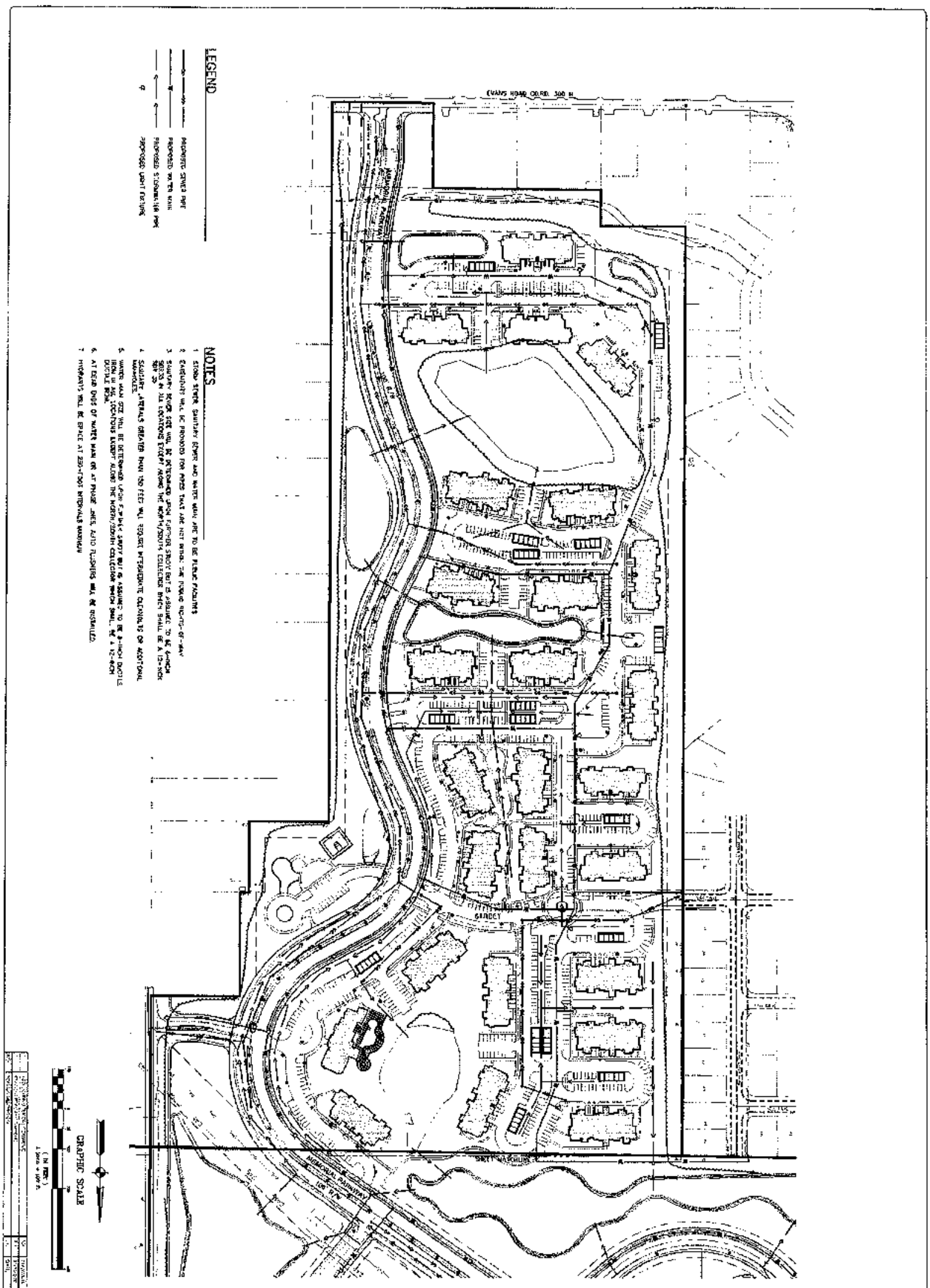
DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
UTILITY PLAN (NORTH PART)

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

ABONMARCHE

9 of 14

SEC.17-T35N-R5W




DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
UTILITY PLAN (SOUTH PART)

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

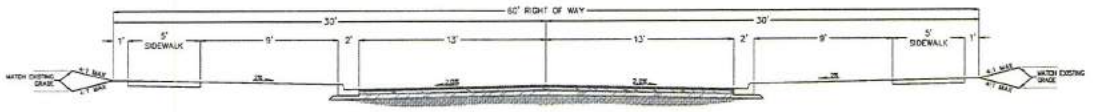
ABONMARCHE

13-0135

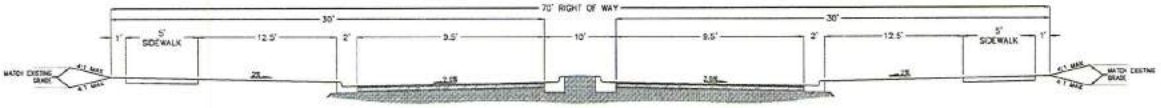
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SEC. 17-T35N-R5W

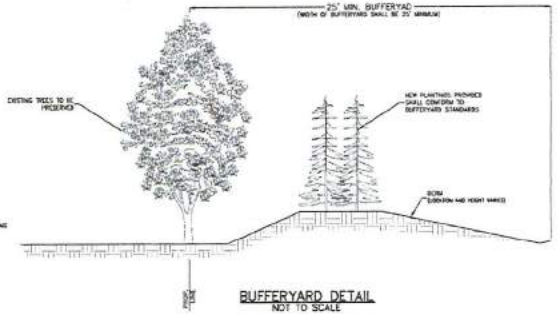
DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
TREE SURVEY
BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA
ABONMARCHE
GRAPHIC SCALE
11 of 14
13-0135
SEC. 17-T35N-R5W



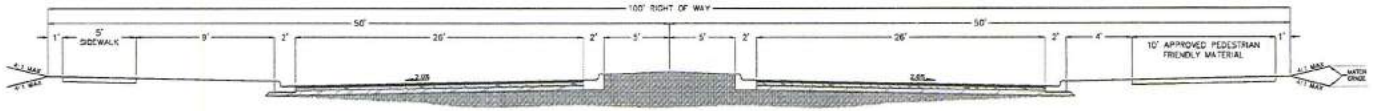

PROPOSED STREET 60' RIGHT OF WAY
NOT TO SCALE



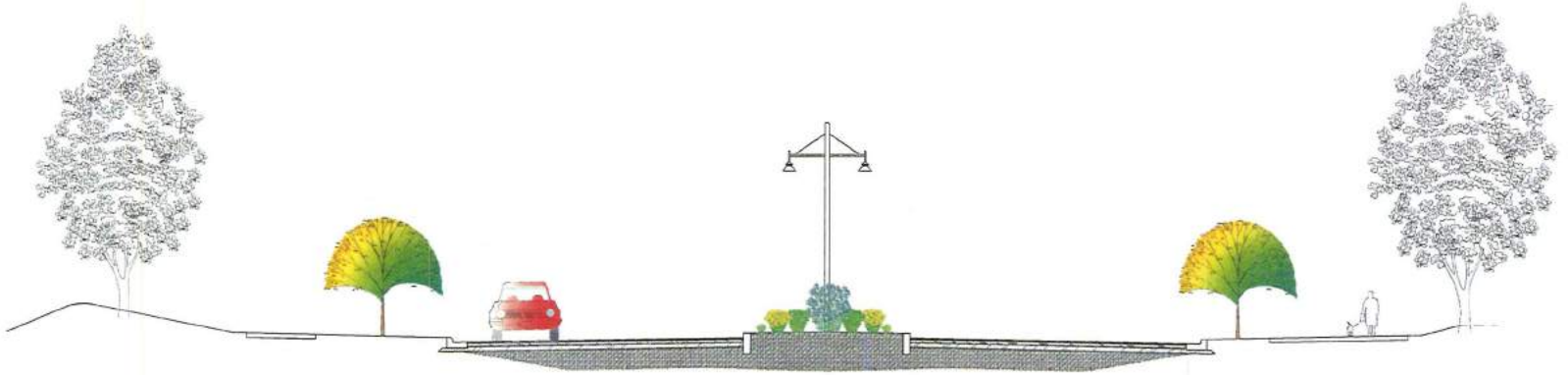

PROPOSED STREET 70' RIGHT OF WAY
NOT TO SCALE




BUFFERYARD DETAIL
NOT TO SCALE




PROPOSED BOULEVARD 100' RIGHT OF WAY
NOT TO SCALE



PROPOSED BOULEVARD 100' RIGHT OF WAY
NOT TO SCALE

ABONMARCHE

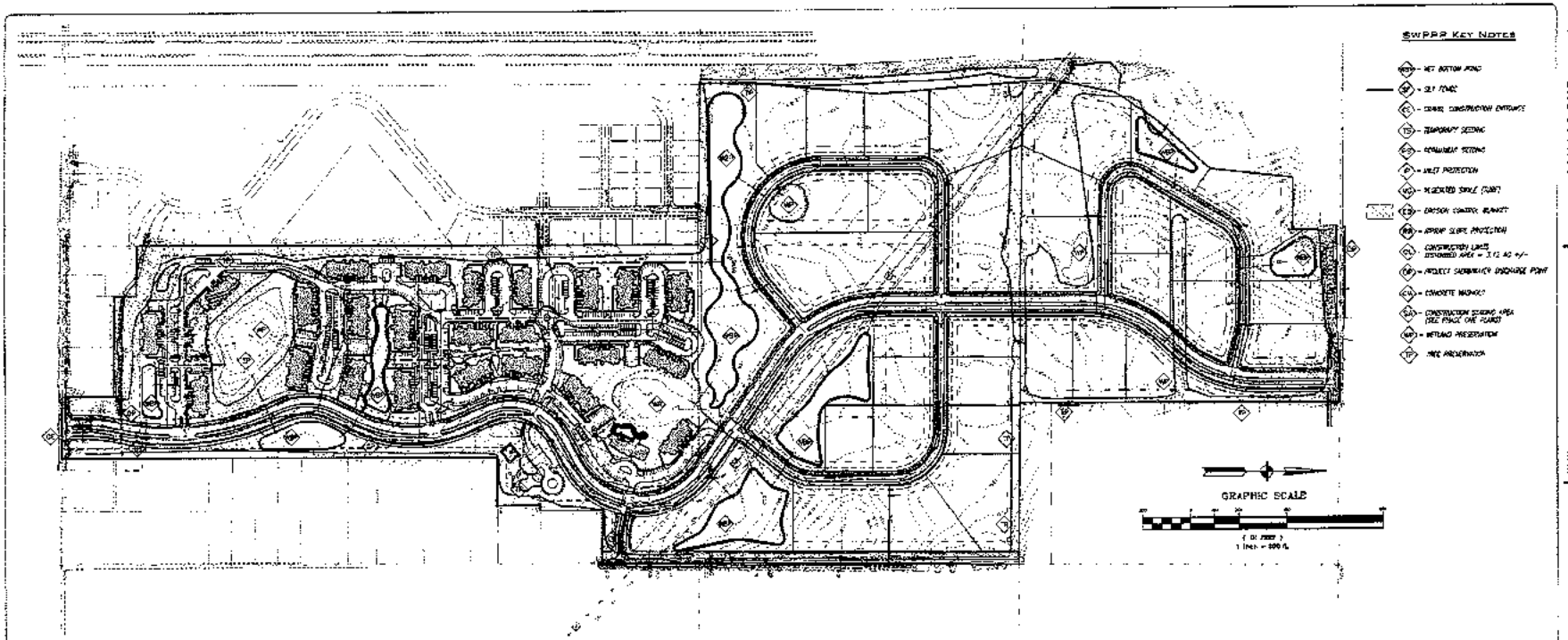
BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
DETAILS

DRAWN BY: CMR
CHECKED BY: RSP
APPROVED BY: RSP
DATE: 07-11-2013
JOB #: 13-0135
SHEET #: 12 of 14

SEC. 17-T35N-R5W

Exhibit "B"
Page 000012




STORM WATER POLLUTION PREVENTION PLAN

NARRATIVE

PROPERTY LOCATION: 41° 30' 00" N
87° 00' 00" W

TAX DIST. NO.: 870 IN PARK

RECEIVING WATERS: CROOKED CREEK-BURNS ISLAND SCHOOL

PROJECT SUMMARY

THE PROPOSED PROJECT IS LOCATED AT BETWEEN STATE ROAD 49 AND DUNTE ROAD AND BETWEEN WILT FARM ROAD AND EVANS AVENUE IN THE CITY OF VALPARAISO, PORTER COUNTY, INDIANA. THE OWNER OF THE PROPERTY IS SEEKING TO CREATE A MIXED USE PLANNED UNIT DEVELOPMENT WITH 408 APARTMENT UNITS 24 BUSINESS PARK LOTS AND 3 COMMERCIAL LOTS

CONSTRUCTION MANAGEMENT OBJECTIVES

THE PURPOSE OF THIS STORM WATER POLLUTION PREVENTION PLAN AND THE INSTALLATION OF THE STORM DRAINAGE SYSTEM WILL BE TO CONTROL, MINIMIZE, AND REMOVE ANY POTENTIAL ADVERSE IMPACTS OF THIS PROJECT FROM SEDIMENTATION, DISCHARGE AND ASSOCIATED POLLUTION AND TO PREVENT FLOODING. THE EROSION CONTROL MEASURES FOR THE CONSTRUCTION SITE ARE DESIGNED TO MINIMIZE EROSION AND SEDIMENT TRANSPORT ASSOCIATED WITH THE PROPOSED CONSTRUCTION ACTIVITIES, AND THE PERMANENT BEST MANAGEMENT PRACTICES (BMP'S), SUCH AS MECHANICAL SEPARATORS AND EXTENDED DRY DETENTION FACILITY, SHOULD IMPROVE THE LONG TERM WATER QUALITY OF RUNOFF FROM THE SITE. THE STORM DRAINAGE SYSTEM WILL BE CONSTRUCTED TO CONTROL THE QUANTITY OF RUNOFF FROM THE SITE, AS WELL AS THE DIRECTION AND LOCATION OF STORMWATER DISCHARGE

EXISTING SITE CONDITIONS

THE PROPERTY IS ZONED OP AND IS CURRENTLY A FIELD WITH AN OLD HOUSE. THE STRUCTURES WILL BE DEMOLISHED AS PART OF THIS DEVELOPMENT.

ALL SITE SOILS (INCL. HSG. (.B) ALL HAVE AN HSG HYDROLOGIC CLASSIFICATION OF B AND SHY DOES NOT CONTAIN A CLASSIFICATION OF C.

ACCORDING TO THE NATIONAL WETLAND INVENTORY MAP, THERE ARE WETLANDS ON THE SITE AND SHOWN HEREON

THE COVER CONDITION OF THE SITE IS A MOSTLY NON GRASS WITH SOME WOODS AND WETLANDS.

ADJACENT LAND USE

EAST - RESIDENTIAL
SOUTH - RESIDENTIAL
WEST - RESIDENTIAL
NORTH - RESIDENTIAL/AGRICULTURE

PROPOSED SITE IMPROVEMENTS

THE PROPOSED PROJECT WILL INCLUDE 130 HOMES. THE PLAN CALLS FOR 408 APARTMENTS AND 30 OFFICES AND COMMERCIAL LOTS

PLANNING:
A LOCAL STORMWATER PERMIT WILL BE REQUIRED FROM THE CITY OF VALPARAISO FOR DISTURBANCE MORE THAN 1 ACRE. NO STATE OR FEDERAL PERMITS ARE KNOWN TO BE REQUIRED FOR THE WORK OUTLINED IN THESE PLANS

SPECIAL CONSIDERATIONS

EROSION CONTROL MEASURES MUST BE IMPLEMENTED AROUND ALL ENVIRONMENTALLY SENSITIVE AREAS

THE SANDY AND CLAYEY SOILS MUST BE ACCOUNTED FOR DURING CONSTRUCTION ACTIVITIES. PHASING AND QUALITY BEFORE EXCAVATED FOR REMOVING AREAS SUCH AS STEEP SLOPES AND GRADES

THERE ARE NO KNOWN UNCAPPED WELLS OR OTHER POTENTIAL DISCHARGES TO GROUNDWATER ON THIS SITE

POTENTIAL CONSTRUCTION POLLUTANT SOURCES & MEASURES

TYPE OF EXPECTED MATERIALS AND POTENTIAL CONTAMINANTS EXPECTED ON THIS SITE SOIL STOCKPILE, FUEL, OIL, GREASE, LUBE, & ASPHALTIC OILS FROM CONSTRUCTION & DELIVERY VEHICLES AND EQUIPMENT, EXPOSED CONCRETE, AND CHEMICAL WASTES OR WASTE CONSTRUCTION MATERIALS. TRASH FROM WORKERS AND CONSTRUCTION WORKSHEETS, LANDSCAPE AND SHRUBS FOR PLANTING, SANITARY WASTE, AND EXISTING REFUSE THAT WAS PLACED ON-SITE PRIOR TO CONSTRUCTION

CONTAMINATION PREVENTION MEASURES
ALL KNOWN OR POTENTIAL CONTAMINATED DURING CONSTRUCTION ACTIVITIES MUST BE DISPOSED OF PROPERLY ACCORDING TO LOCAL, STATE, AND FEDERAL REGULATIONS

ALL MATERIALS SPILLS SHOULD BE CLEANED UP IMMEDIATELY ACCORDING TO LOCAL, STATE, AND FEDERAL REGULATIONS

SPILLS LARGE ENOUGH TO REACH THE STORM DRAIN SYSTEM SHOULD BE REPORTED TO THE HAZARDOUS MATERIALS SPILLS NATIONAL RESPONSE CENTER (24 HOUR) AT 1-800-424-8802 AND TO YOUR LOCAL EMERGENCY RESPONSE AGENCIES SHOWN ON THIS PLAN.

EROSION CONTROL MEASURES SHALL BE IMPLEMENTED AS DETAILED ABOVE TO PREVENT SOIL SEDIMENT FROM REACHING THE STORM DRAIN SYSTEM. ALL EROSION CONTROL MEASURES SHALL BE INSPECTED WEEKLY AND AFTER EACH RAIN EVENT OF 1/2" OR GREATER, AND REPAIRED AND MAINTAINED AS REQUIRED FOR FULL FUNCTIONALITY

ALL CONSTRUCTION EQUIPMENT AND VEHICLE STAGING WILL OCCUR ON-SITE. ALL VEHICLES ON-SITE SHALL BE MONITORED FOR LEAKS AND SPILLAGE AND THE PREVENTATIVE MAINTENANCE SCHEDULE TO SPECIFY CHANGES OF GREASE, OIL, HYDRAULIC FILTERS, LUBRICATION, AND COOLING RESISTANT TRANSFER OF POTENTIAL POLLUTANTS SHALL OCCUR OFF-SITE OR PROPER SCHEDULE FUELING, MAINTENANCE, AND REPAIR FACILITIES.

ALL CONSTRUCTION MATERIALS AND PRODUCTS SHALL BE STORED IN MONTHLY SEALED OR BUNDLED PACKAGES WHEN ARE CLEARLY LABELED.

CONTAINED DUMPSTERS SHALL BE USED FOR APPROPRIATE WASTE MATERIALS AND SHALL BE EMPTIED WEEKLY, OR MORE OFTEN AS NEEDED TO PREVENT FOR FULLEST DISPOSAL SPACE

WASTE MATERIALS NOT APPROPRIATE FOR THE COVERED DUMPSTER SHALL BE DISPOSED OF ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS AND IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REGULATIONS

PORTABLE RESTROOMS SHALL BE PROVIDED ON-SITE FOR CONSTRUCTION WORKERS, AND SHALL BE EMPTIED A MINIMUM OF ONCE A WEEK

THE CONCRETE WASHOUT SHALL BE CLEANED AND/OR REPLACED AS NEEDED FOR FUNCTIONALITY FOR THE DURATION OF THE PROJECT. THE CONCRETE WASHOUT MAY BE LOCATED BY THE CONTRACTOR'S DISCRETION TO ACCOMMODATE PHASING AND CONSTRUCTION METHODS/SEQUENCE OF TEMPORARY SEDIMENT BASINS

1. SHOULD REMOVE 24 HOURS OF A RAIN EVENT AND AT LEAST ONCE EVERY SEVEN CALENDAR DAYS.
2. REMOVE AND PROPERLY DISPOSE OF SEDIMENT WHEN IT ACCUMULATES TO ONE-HALF THE DESIGN VOLUME.
3. PERIODICALLY CHECK EMBANKMENT, OVERFLOW SPILLWAY, AND OUTLET FOR EROSION DAMAGE AND MAKE REPAIRS AS NEEDED.
4. REMOVE TRASH AND OTHER DEBRIS FROM BASIN, EMERGENCY SPILLWAY, AND POOL AREA.
5. CLEAN OUT SEDIMENT AS NECESSARY AROUND THE RISER IF THE SEDIMENT POOL DOES NOT DRAIN BY DRAWN WITHIN 48 TO 72 HOURS FOLLOWING A STORM WATER RUNOFF EVENT
6. REMOVE BASIN AFTER DRAINAGE AREA HAS BEEN PERMANENTLY STABILIZED, INSPECTED, AND APPROVED. DO SO BY DRAINING ANY WATER REMAINING WITHIN AS A TEMPORARY SEDIMENT AREA, GRADING THE 3 TO BE LEVEL WITH THE SURROUNDING AREA, AND THEN STABILIZING WITH SOD AND SEALER OR ANOTHER APPROPRIATE NON-EROSIVE COVER

SEQUENCE OF CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL MEASURES

SITE PREPARATION

1. ONCE CONSTRUCTION HAS BEEN SCHEDULED TO BEGIN, IDENTIFY THE STAGING AREAS AND INSTALL LONG-TERM NON-EROSION MEASURE CONTROL MEASURES FOR THE CONSTRUCTION SITE, SUCH AS PORTABLE RESTROOMS, INSPECTION AND MAINTENANCE SCHEDULES, WASH STATION, ETC. ENSURE THAT THE SWPPP AND ALL REQUIRED PERMITS ARE POSTED AND AVAILABLE AS REQUIRED BY LAW
2. BEFORE OPENING UP THE SITE, FIELD EVALUATE, MARK, AND PROTECT ANY TREES AND ASSOCIATED ROOT ZONES THE OWNER MAY DESIRE TO KEEP
3. BEFORE CLEARING AND GRADING, INSTALL SILT FENCE AROUND THE PERIMETER OF THE SITE AND CONSTRUCTION ENTRANCE AS INDICATED.
4. 4630 BEFORE CLEARING AND GRADING, INSTALL DRY DETENTION POND, POND OUTLET, OUTLET PROTECTIONS, AND RIP RAP SLOPE PROTECTION TO PROVIDE A TRAP FOR POTENTIAL POLLUTANTS BEFORE THEY LEAVE THE SITE AND PROTECTION FOR THE DOWNSTREAM RECEIVING SYSTEM AT THE DISCHARGE POINT

STRIPPING & CLEARING

5. WHEN ROUGH GRADING CONTROL MEASURES ARE IN PLACE, STRIPPING AND CLEARING MAY BEGIN. BEGIN BY CLEARING ONLY THOSE AREAS NECESSARY FOR IMMEDIATE WORK FOR ROUGH GRADING. PHASE STRIPPING AND CLEARING WORK TO CONFORM WITH PHASING OF THE CONSTRUCTION SITE

STORM DRAINAGE SYSTEM

6. INSTALL STORM SEWER SYSTEM
7. INSTALL VEGETATED TO CONVEY STORM RUNOFF THROUGH THE SITE WITHOUT CAUSING ISSUES
8. AS SOON AS THE STORM DRAIN SYSTEM IS FUNCTIONAL, INSTALL GRAVEL SURFACE AND SEED VEGETATIVE FILTER STRIP.

ROUGH GRADING & SITE WORK

9. SITE EROSION AND SEDIMENT CONTROL MEASURES ARE IN PLACE, BEGIN MASS CLEARING FOLLOWED IMMEDIATELY BY GRADING. DO NOT LEAVE LARGE AREAS UNPROTECTED FOR MORE THAN 7 DAYS. ALTERNATE AREAS PLANNED FOR CLEARING SHOULD BE LEFT UNDISTURBED AS LONG AS POSSIBLE TO SERVE AS BUFFERS BETWEEN ZONES. PHASE ROUGH GRADING TO CONFORM WITH CONSTRUCTION PHASING.
10. CHECK EROSION AND SEDIMENT CONTROL MEASURES AFTER EACH RAINFALL.
11. MAINTAIN CONSTRUCTION ENTRANCE AND SANITARY AND WASTEWATER CONSTRUCTION MAY COMMENCE.
12. AS SITE GRADING IS PERFORMED, INSTALL ADDITIONAL TRAPS, SILT FENCES, SLOPE DRAINS, TEMPORARY DIVERSIONS, AND OTHER RUNOFF CONTROL MEASURES AT APPROPRIATE LOCATIONS TO STOP SEDIMENT CONFORMED ELSEWHERE
13. IMMEDIATELY AFTER GRADING, APPLY SURFACE STABILIZATION MEASURES ON ALL DENUDED AREAS USING TEMPORARY OR PERMANENT MEASURES IN ACCORDANCE WITH THIS UNDERSTANDING CONTROL PLAN TO ACCOMMODATE FOR SEASONAL ARCAS, IF WEATHER DELAYS PERMANENT STABILIZATION, TEMPORARY SEEDING AND/OR MULCHING (SEE SPECIFICATIONS) AS A STORMWATER MEASURE MAY BE REQUIRED. AS A STORMWATER MEASURE, ALSO STABILIZE DURING TEMPORARY DISCONTINUANCES OF OTHER SUITABLE AREAS) ANY DISTURBED AREA WHERE ACTIVE CONSTRUCTION WILL NOT TAKE PLACE FOR 15 WORKING DAYS

MAINTENANCE & ADMINISTRATIVE

13. ONCE ROUGH GRADING IS COMPLETE AND STABILIZATION MEASURES ARE IN PLACE, INSTALL REMAINING EROSION AND POLLUTION CONTROL MEASURES SUCH AS THE DOMESTIC WASHOUT AND TEMPORARY DOWNSPOUT EXTENDERS.
14. BEGIN CONSTRUCTION OF BUILDING FOUNDATIONS AND SUBSEQUENT ARCHITECTURAL IMPROVEMENTS, ENSURING CONTINUED PROTECTION OF THE EROSION CONTROL MEASURES WHILE ANY ADDITIONAL ROUGH GRADING IS CONDUCTED WITH PHASING OF FUTURE CONSTRUCTION.
15. CONSTRUCT ADDITIONAL INFRASTRUCTURE SUCH AS WALKS, DRIVES AND BUILDINGS, IN PHASES THAT CONFORM WITH ENGINE CONSTRUCTION

SITE STABILIZATION

16. REMOVE SEDIMENT FROM THE POND AND CONVEY AS NEEDED THROUGHOUT THE PROJECT TO MAINTAIN FUNCTIONALITY. UPON COMPLETION OF ALL OTHER CONSTRUCTION MEASURES, FINE GRADE THE BOTTOM OF THE EXPANDED DRY DETENTION POND AND RESTORE TO THE ORIGINAL DESIGNED SHAPES AND DIMENSIONS.
17. AFTER CONSTRUCTION AND FINAL EROSION & VEGETATION ESTABLISHED ALL DISTURBED SITES, INCLUDING BORROW AND DISPOSAL AREAS, ALSO REMOVE TEMPORARY EROSION CONTROL DEVICES/AIDS AND ANY UNSTABLE SURFACE MATERIALS FROM AND RESTORE THOSE AREAS.
18. FOR THOSE THAT REMAIN FOLLOWING FINAL SITE GRADING AND STABILIZATION, PERFORM INSPECTIONS AT MONTHLY INTERVALS AND FOLLOWING HEAVY RUNOFF EVENTS TO ENSURE THAT ALL PERMANENT MEASURES ARE PROPER FUNCTIONING

| | | | |
|---|---|---|---|
| 1 | PLANNING REVIEW COMMENTS | 1/17 | CMAR |

ABONMARCHE

DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

DESIGNED: CMAR
DRAWN:
CHECKED: RSF
APPROVED: RSF
DATE: 07-11-2013

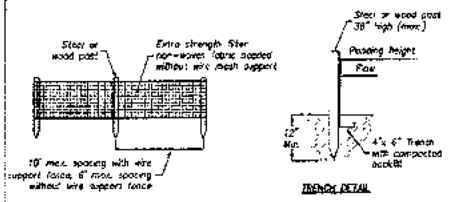
SCALE: AS SHOWN
DATE:

PROJECT NO: 13-0135
SHEET NO: 13 of 14

SEC. 17-T35N-R5W

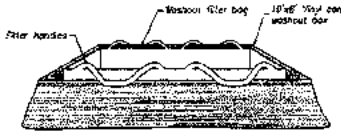
Exhibit "B"
Page 000013

# STORM WATER POLLUTION PREVENTION PLAN DETAILS



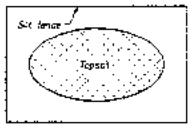

SILT FENCE DETAIL

-NOT TO SCALE-




CONCRETE WASHOUT

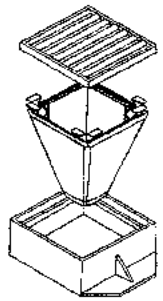
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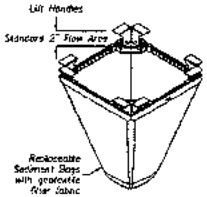

STOCKPILE PROTECTION

-NOT TO SCALE-

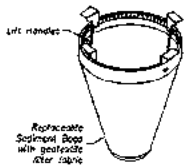
NOTE:
If straw bales are utilized instead of silt fence, the bales shall be placed a minimum of 10 feet from the toe of slope. Each bale shall be anchored with (2) 36"-inch long steel rebars or 2x2 inch wood stakes driven through the bale. The minimum bale size shall be 14"x18"x36"



INSTALLATION DETAIL




TYPICAL RECTANGULAR INLET FILTER




TYPICAL ROUND INLET FILTER

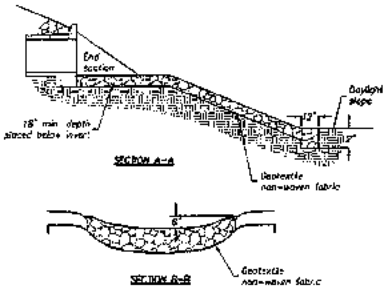
NOTES:
1. Remove grate
2. Drop these and sediment bag insert onto lead bearing lip of casting or masonry structure
3. Re-install grate

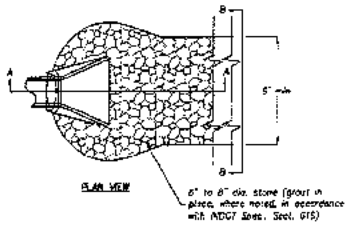
INLET & CATCH BASIN PROTECTION

FRAME AND SEDIMENT BAG INSERT

-NOT TO SCALE-

NOTE:
Prior to installation of inlet protection, Contractor shall submit brand and model information to the Developer for review and approval

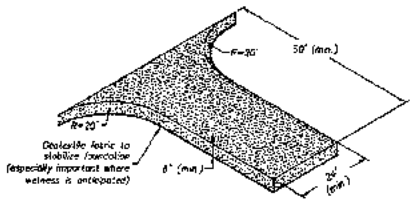


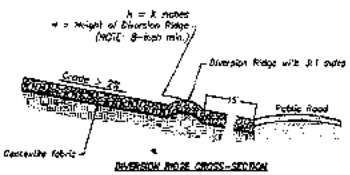




ROCK SPILLWAY AT DISCHARGE DETAIL

-NOT TO SCALE-

1. Rock spillway to consist of 6" to 8" dia. stone with 12" min. depth.
2. The stone shall be underlined with geotextile fabric
3. Stone to extend to pond bottom, as shown, or 2 feet below water elev.
4. Extend spillway 10 feet down slope




DIVERSION RIDGE CROSS-SECTION

TEMPORARY CONSTRUCTION APPROACH

-NOT TO SCALE-

INSTALLATION

1. Remove all vegetation and other objectionable material from the foundation area
2. Grade approach for positive drainage. If the slope of the construction approach is toward a public road and exceeds two percent, construct an 8-inch high diversion ridge with a ratio of 3-to-1 side slopes across the foundation pad about 15 feet from the entrance to divert runoff away from the road.
3. Install a culvert pipe under the pad if needed to maintain proper public road drainage.
4. If wet conditions are anticipated, place geotextile fabric on the graded foundation to improve stability
5. Place specified aggregate to the dimensions shown leaving the surface smooth and sloped for drainage.
6. Top-dress the first 50 feet adjacent to the public roadway with 2-3 inches of washed #57 aggregate (cobble) sized primarily where the purpose of the pad is to keep soil from adhering to vehicle tires)
7. Where practical, divert all storm water runoff and drainage from the pad to a sediment trap or basin.

## PERMANENT SEEDING

| Seed species and mixture | Rate per 1000 sq ft | Rate per acre |
|---|---|---|
| OPEN AND DISTURBED AREAS REMAINING 30 DAYS OR MORE THAN 1 YR. | | |
| 1. Perennial ryegrass | 25 to 30 lbs. | 1.0 to 1.4 |
| + white or ladino clover | 1 oz. to 2 lbs. | |
| 2. Kentucky bluegrass | 30 lbs. | 1.5 to 2.5 |
| + annual ryegrass | 10 lbs. | |
| + timothy | 2 lbs. | |
| + white clover | 1 oz. | |
| + perennial ryegrass | 10 lbs. | |
| + white or ladino clover | 1 to 2 lbs. | |
| 3. Perennial ryegrass | 15 to 20 lbs. | 0.5 to 0.8 |
| + tall fescue** | 10 to 20 lbs. | |
| 4. Tall fescue** | 30 to 50 lbs. | 1.5 to 2.5 |
| + white or ladino clover | 1 to 2 lbs. | |
| SWEPT SLOPES AND CUTS (FOR MAINTENANCE AREA NOT MOWED) | | |
| 1. Kentucky bluegrass | 25 to 35 lbs. | 1.5 to 2.5 |
| + red fescue | 10 to 20 lbs. | |
| 2. Tall fescue** | 25 to 50 lbs. | 1.5 to 2.5 |
| + white or ladino clover | 1 to 2 lbs. | |
| 3. Tall fescue** | 25 to 30 lbs. | 1.5 to 2.5 |
| + red fescue** | 10 to 20 lbs. | |
| (Recommend mulch at 45 lbs) | | |
| 4. Crownvetch | 20 to 30 lbs. | 1.0 to 2.0 |
| + tall fescue** | 10 to 20 lbs. | |
| + white clover | 1 to 2 lbs. | |
| 5. Crownvetch | 10 to 15 lbs. | 0.5 to 1.0 |
| + tall fescue** | 20 to 30 lbs. | |
| (Recommend mulch at 45 lbs) | | |
| LAWNS AND OTHER MAINTENANCE AREA | | |
| 1. Bluegrass | 150 to 180 lbs. | 3.5 to 7.0 |
| 2. Perennial ryegrass (turf-type) | 40 to 80 lbs. | 1.5 to 2.0 |
| + bluegrass | 25 to 30 lbs. | |
| 3. Tall fescue (turf-type)** | 120 to 180 lbs. | 3.5 to 5.5 |
| + bluegrass | 30 to 50 lbs. | |
| CHANNELS AND AREAS OF CONCENTRATED FLOW | | |
| 1. Perennial ryegrass | 100 to 150 lbs. | 2.5 to 3.5 |
| + daily or annual cover* | 1 to 2 lbs. | |
| 2. Kentucky bluegrass | 20 lbs. | 0.5 to 1.0 |
| + smooth brome grass | 10 lbs. | |
| + orchardgrass | 2 lbs. | |
| + timothy | 4 lbs. | |
| + perennial ryegrass | 10 lbs. | |
| + daily or annual cover* | 1 to 2 lbs. | |
| 3. Tall fescue** | 100 to 150 lbs. | 2.5 to 3.5 |
| + ladino or white clover | 1 to 2 lbs. | |
| 4. Tall fescue** | 100 to 150 lbs. | 2.5 to 3.5 |
| + perennial ryegrass | 10 to 20 lbs. | |
| + smooth brome | 10 to 20 lbs. | |

* For temporary cover over permanent seeding, use annual rye, perennial rye, or small grain. Annual rye is typically used in spring and fall. Perennial rye is commonly used in fall. Small grain is typically used in fall. Refer to Table 1 of Indiana Handbook for Erosion Control in Developing Areas for more information.

** Tall fescue is not recommended for use in lawns due to poor texture and color. The Turf-type tall fescue varieties, developed specifically for lawns, have a finer texture and better color. Turf-type tall fescue varieties are available from most seed companies. Check with your local seed supplier for turf-type tall fescue varieties.

NOTE: Apply 4 tons of straw mulch per acre (100 lbs per 1000 sq ft) to all seeded areas. Immediately anchor straw mulch to the soil to prevent loss by wind or water. Refer to Table 2 of Indiana Handbook for Erosion Control in Developing Areas for more information.

1. Install needed temporary control measures as shown on the plans.

2) Install Permanent seeding as shown on the plans. Refer to the above table for seeding rates and mixtures. Fertilize and lime according to soil test recommendations. In the absence of soil test recommendations, use 1000 lbs per acre of 10-10-10 analysis fertilizer and 2 tons per acre of agricultural limestone.

3) Install mulch immediately after seeding. Mulch consists of straw spread uniformly at a rate of 2 tons per acre (90 lbs per 1000 sq ft). Anchor straw mulch by tracking with a tracked vehicle on the contour.

This plan provides a general guide for erosion and sediment control. Additional measures may be needed to correct unforeseen problems that develop during construction. The Contractor is responsible for installing and maintaining all erosion and sediment control measures required by federal, state, and local laws, ordinances, rules and regulations. The Contractor is also responsible for the design adequacy and effectiveness of all erosion and sediment control measures.

ABONMARCHE

BEING A PART OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE EAST HALF OF SECTION 17, TOWNSHIP 35 NORTH, RANGE 5 WEST, CITY OF VALPARAISO, WASHINGTON TOWNSHIP, PORTER COUNTY, INDIANA

DEVELOPMENT PLAN
THE LAKES OF VALPARAISO P.U.D.
STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

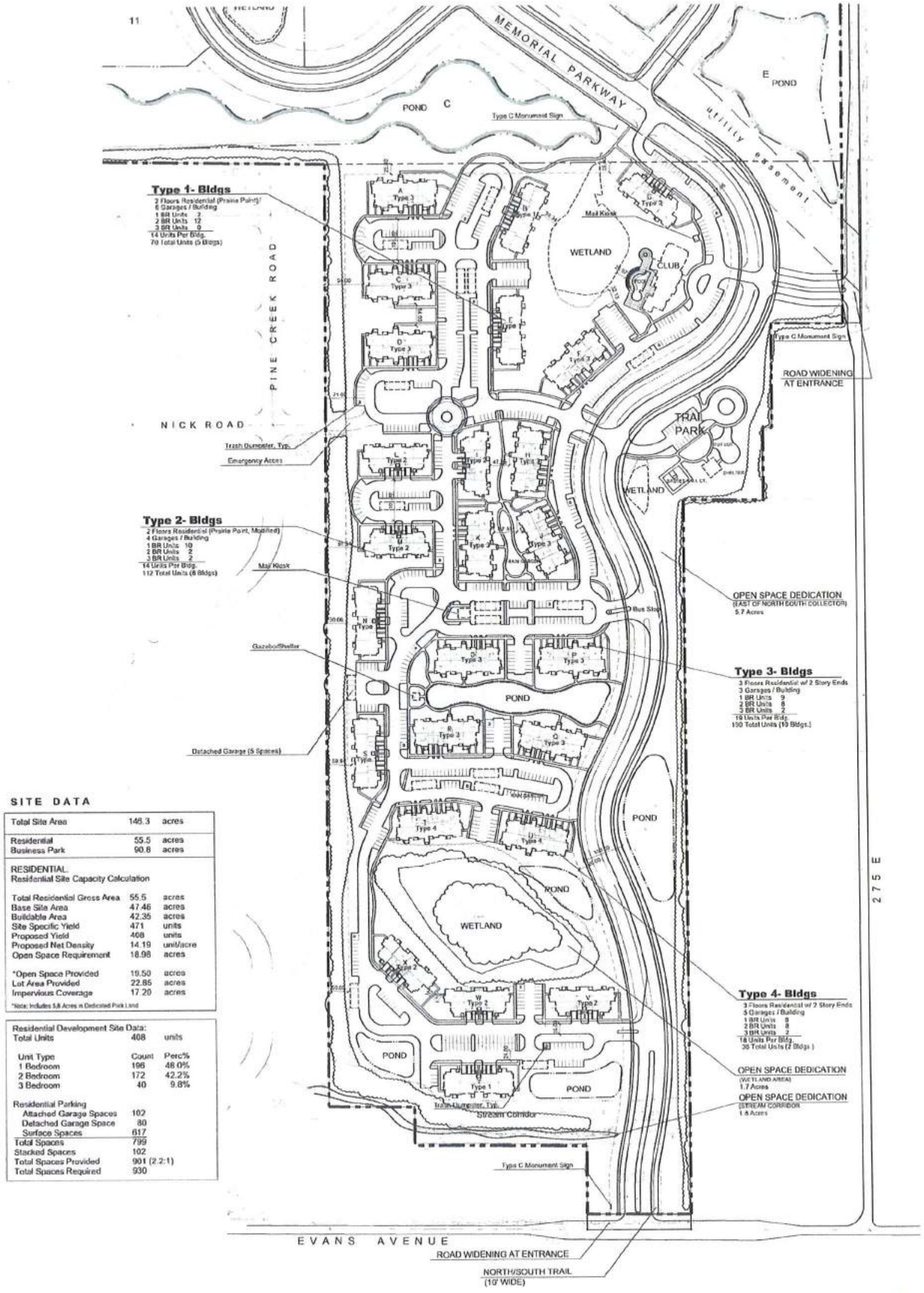
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13-0135

14 of 14

SEC. 17-T35N-R5W

Exhibit "B"
Page 000014




**SITE DATA**

| | | |
|---|---|---|
| Total Site Area | 148.3 | acres |
| Residential | 55.5 | acres |
| Business Park | 90.8 | acres |

RESIDENTIAL:
Residential Site Capacity Calculation

| | | |
|---|---|---|
| Total Residential Gross Area | 55.5 | acres |
| Base Site Area | 47.46 | acres |
| Buildable Area | 42.35 | acres |
| Site Specific Yield | 471 | units |
| Proposed Yield | 408 | units |
| Proposed Net Density | 14.19 | unit/acre |
| Open Space Requirement | 18.98 | acres |
| *Open Space Provided | 19.50 | acres |
| Lot Area Provided | 22.85 | acres |
| Impervious Coverage | 17.20 | acres |

*Note: Includes 5.8 Acres in Dedicated Park Land

Residential Development Site Data:

| | | |
|---|---|---|
| Total Units | 408 | units |
| Unit Type | Count | Perc% |
| 1 Bedroom | 196 | 48.0% |
| 2 Bedroom | 172 | 42.2% |
| 3 Bedroom | 40 | 9.8% |
| Residential Parking | | |
| Attached Garage Spaces | 102 | |
| Detached Garage Space | 80 | |
| Surface Spaces | 617 | |
| Total Spaces | 799 | |
| Stacked Spaces | 102 | |
| Total Spaces Provided | 901 (2.2:1) | |
| Total Spaces Required | 930 | |

North

Scale: 1" = 100'

0 100 200 400

Sheet L1.1

**Lakes of Valparaiso**

Rental MF Development Plan

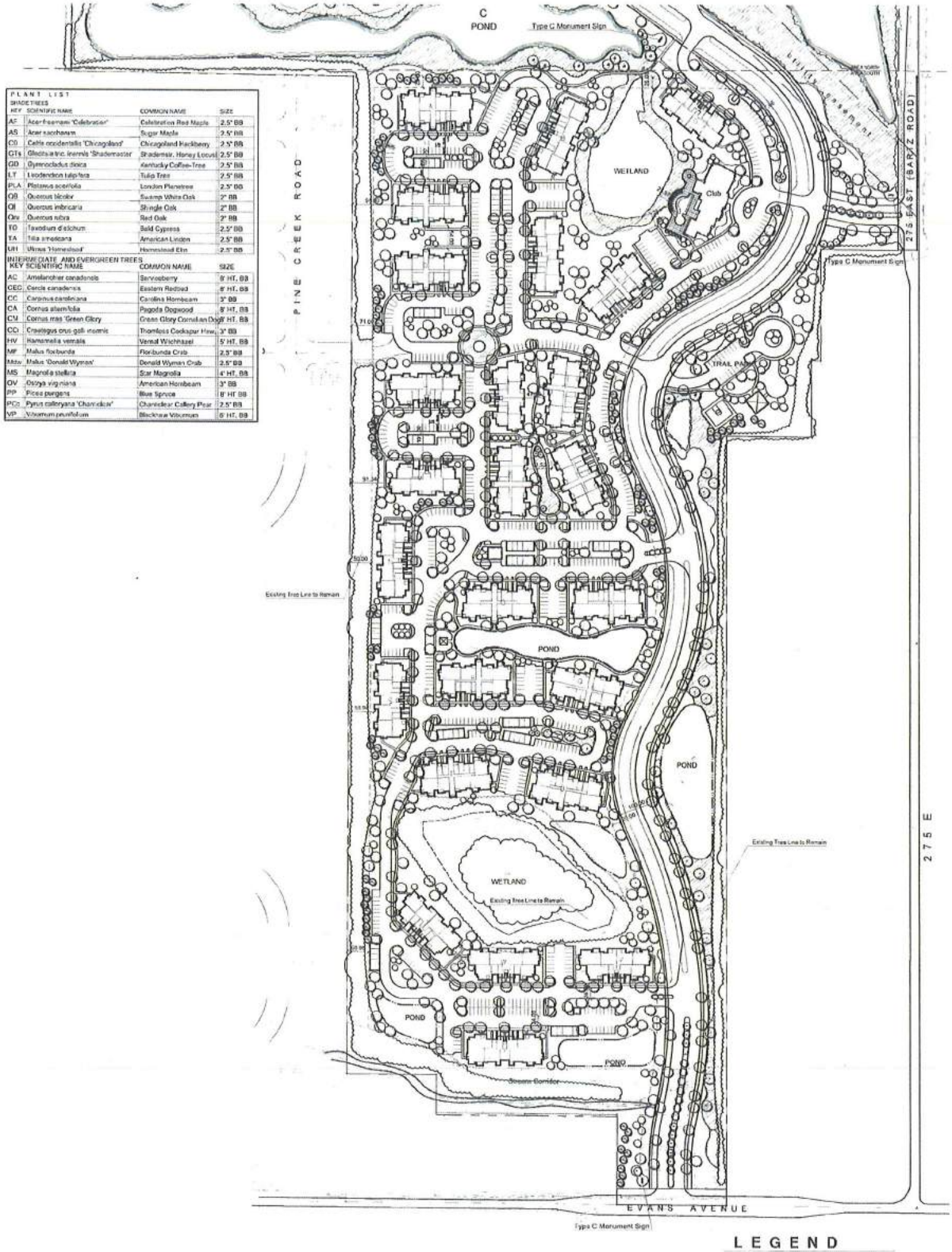
Date: Jaunary 8, 2014

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**SJBZ Management**

BSB DESIGN

Exhibit "B"
Page 000015




PLANT LIST

SHADE TREES

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AF | Acer freemanii 'Celebration' | Celebration Red Maple | 2.5" BB |
| AS | Acer saccharum | Sugar Maple | 2.5" BB |
| CO | Celtis occidentalis 'Chicagoland' | Chicagoland Hackberry | 2.5" BB |
| GTs | Gleditsia tric. inermis 'Shademaster' | Shademaster Honey Locust | 2.5" BB |
| GD | Gymnocladus dioica | Kentucky Coffee Tree | 2.5" BB |
| LT | Liodendron tulipifera | Tulip Tree | 2.5" BB |
| PLA | Platanus acerifolia | London Planetree | 2.5" BB |
| QB | Quercus bicolor | Swamp White Oak | 2" BB |
| QI | Quercus imbricaria | Shingle Oak | 2" BB |
| Qrv | Quercus rubra | Red Oak | 2" BB |
| TD | Taxodium d'dichum | Bald Cypress | 2.5" BB |
| TA | Tilia americana | American Linden | 2.5" BB |
| UH | Ulmus 'Homestead' | Homestead Elm | 2.5" BB |

INTERMEDIATE AND EVERGREEN TREES

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AC | Amelanchier canadensis | Serviceberry | 8' HT, BB |
| CEC | Cercis canadensis | Eastern Redbud | 8' HT, BB |
| CC | Carpinus caroliniana | Carolina Hornbeam | 3" BB |
| CA | Cornus alternifolia | Pagoda Dogwood | 8' HT, BB |
| CV | Cornus mas 'Green Glory | Green Glory Cornelian Dogwood | 8' HT, BB |
| CC | Crataegus crus-galli inermis | Thornless Cockspur Haw | 3" BB |
| HV | Hamamelis vernalis | Vernal Witchhazel | 5' HT, BB |
| MF | Malus floribunda | Floribunda Crab | 2.5" BB |
| Mdv | Malus 'Donald Wyman' | Donald Wymen Crab | 2.5" BB |
| MS | Magnolia stellata | Star Magnolia | 4' HT, BB |
| OV | Ostrya virginiana | American Hornbeam | 3" BB |
| PP | Picea pungens | Blue Spruce | 8' HT BB |
| PCa | Pyrus calleryana 'Chanticlear' | Chanticlear Callery Pear | 2.5" BB |
| VP | Viburnum prunifolium | Blackhaw Viburnum | 6' HT, BB |

LEGEND

- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- NATIVE GRASS AND FORB PLANTINGS

North

Scale 1" = 100'

0 100 200 400

Sheet LS-2.1

**Lakes of Valparaiso**

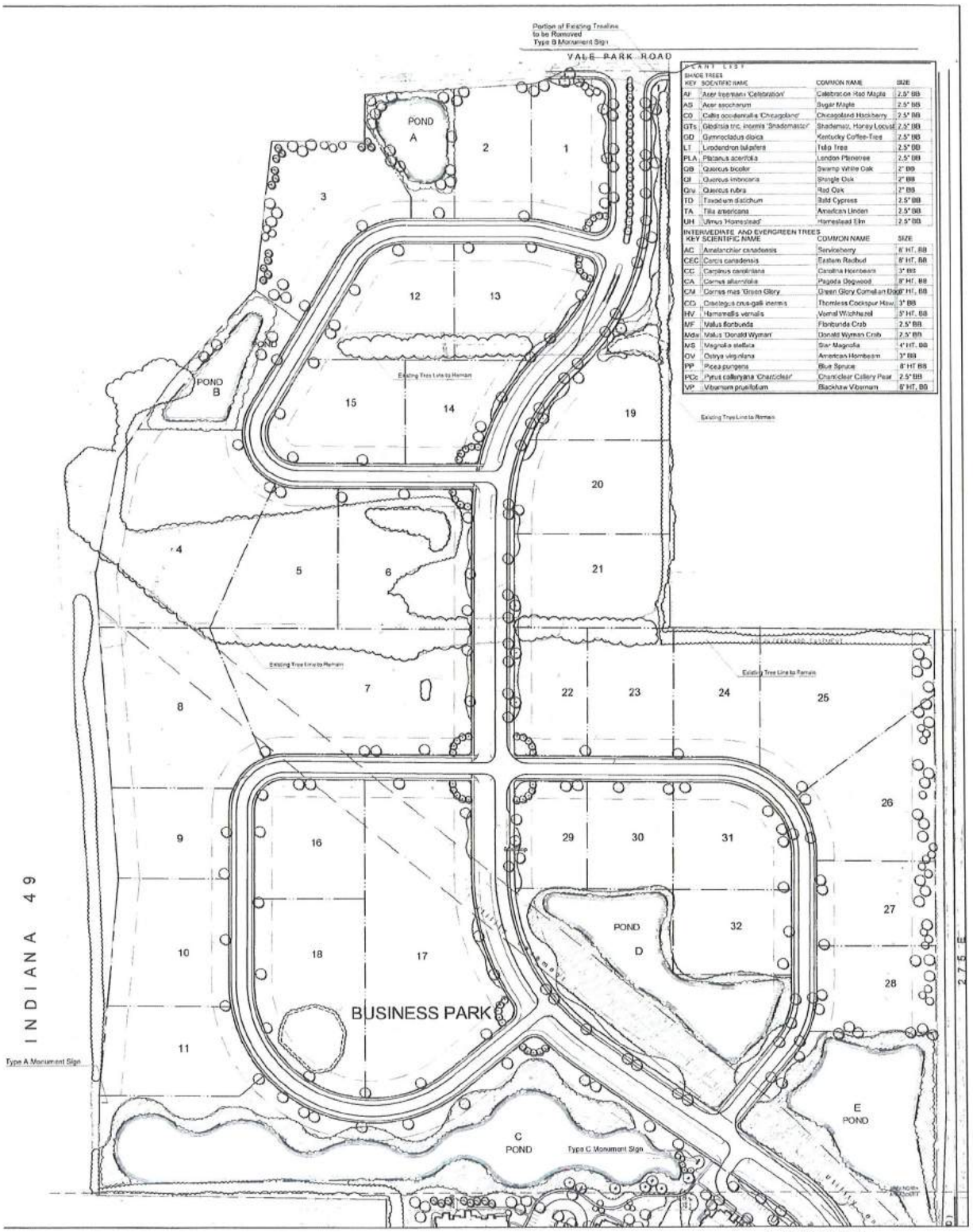
Rental MF Concept Landscape Plan

Date: January 8, 2014

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**SJBZ Management**

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PLANT LIST

SHADE TREES

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AF | Acer freemanii 'Celebration' | Celebration Red Maple | 2.5" BB |
| AS | Acer saccharum | Sugar Maple | 2.5" BB |
| CO | Celtis occidentalis 'Chicagoland' | Chicagoland Hackberry | 2.5" BB |
| GTs | Gleditsia tric. inermis 'Shademaster' | Shademaster Honey Locust | 2.5" BB |
| GD | Gymnocladus dioica | Kentucky Coffee Tree | 2.5" BB |
| LT | Liriodendron tulipifera | Tulip Tree | 2.5" BB |
| PLA | Platanus acerifolia | London Planetree | 2.5" BB |
| QB | Quercus bicolor | Swamp White Oak | 2" BB |
| QI | Quercus imbricaria | Shingle Oak | 2" BB |
| QRu | Quercus rubra | Red Oak | 2" BB |
| TD | Taxodium distichum | Bald Cypress | 2.5" BB |
| TA | Tilia americana | American Linden | 2.5" BB |
| UH | Ulmus 'Homestead' | Homestead Elm | 2.5" BB |

INTERMEDIATE AND EVERGREEN TREES

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AC | Amelanchier canadensis | Serviceberry | 6' HT, BB |
| CEC | Cercis canadensis | Eastern Redbud | 6' HT, BB |
| CC | Carpinus caroliniana | Carolina Hornbeam | 3" BB |
| CA | Cornus alternifolia | Pagoda Dogwood | 8' HT, BB |
| CM | Cornus mas 'Green Glory' | Green Glory Cornelian Dogwood | 6' HT, BB |
| CG | Crataegus crus-galli inermis | Thornless Cockspur Hawthorn | 3" BB |
| HV | Hamamelis vernalis | Vernal Witchhazel | 5' HT, BB |
| MF | Malus floribunda | Floribunda Crab | 2.5" BB |
| Mdw | Malus 'Donald Wyman' | Donald Wyman Crab | 2.5" BB |
| MS | Magnolia stellata | Star Magnolia | 4' HT, BB |
| OV | Ostrya virginiana | American Hornbeam | 3" BB |
| PP | Picea purpurea | Blue Spruce | 8' HT BB |
| PCc | Pyrus calleryana 'Chanticleer' | Chanticleer Callery Pear | 2.5" BB |
| VP | Viburnum prunifolium | Blackhaw Viburnum | 8' HT, BB |

LEGEND

- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- NATIVE GRASS AND FORB PLANTINGS

North

Scale: 1" = 100'

0 100 200 400

Sheet LS-2.2

**Lakes of Valparaiso**

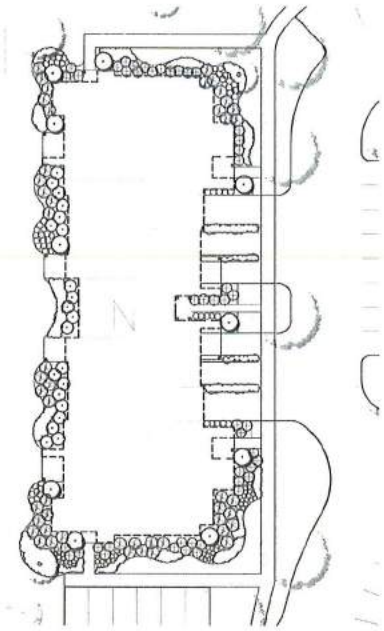
Business Park Concept Landscape Plan

Date: January 8, 2014

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**SJBZ Management**

BSB DESIGN



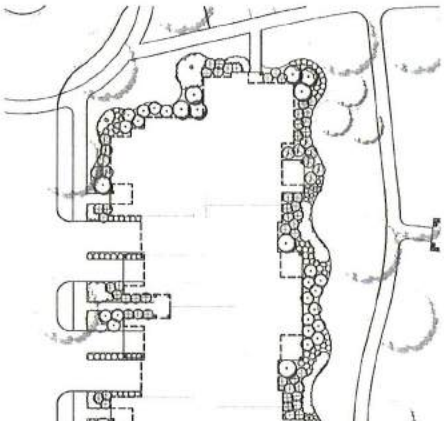
| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Korean' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CS | Cornus sericea 'Isanti' | Isanyi Redtwig Dogwood | 24" BB |
| EArh | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 18" BB |
| FG | Fothergilla gardeni | Dwarf Fothergilla | 18" BB |
| HB | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kelly' | Kelley Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip'-48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata (36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Curr. | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' (42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea bebulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TM | Taxus medi 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus medi 'Hicksi' | Hick's Yew | 24" BB |
| TOf | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesi 'Compactum' | Compact Koreanspice Vib. | 18" BB |
| VJ | Viburnum jodi | Jodi Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ar | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAa | Calamagrostis acutiflora 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMid | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| COs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| CL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| COz | Ganthus deltoides 'Zing Rose' | Zing Rose Ganthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSmf | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal | 24" On Center |
| RNs | Rudbeckia neumani 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Oro' | Stella D'Ora Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PA | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SG | Sedum kamtschaticum 'Tekaridake' | Tekaridake Sedum | 1 Qt. Cont. | 18" On Center |
| HPB | Hosta 'Hadsen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Pannicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## Type 1 Building Typical Planting

Scale: 1"=20'

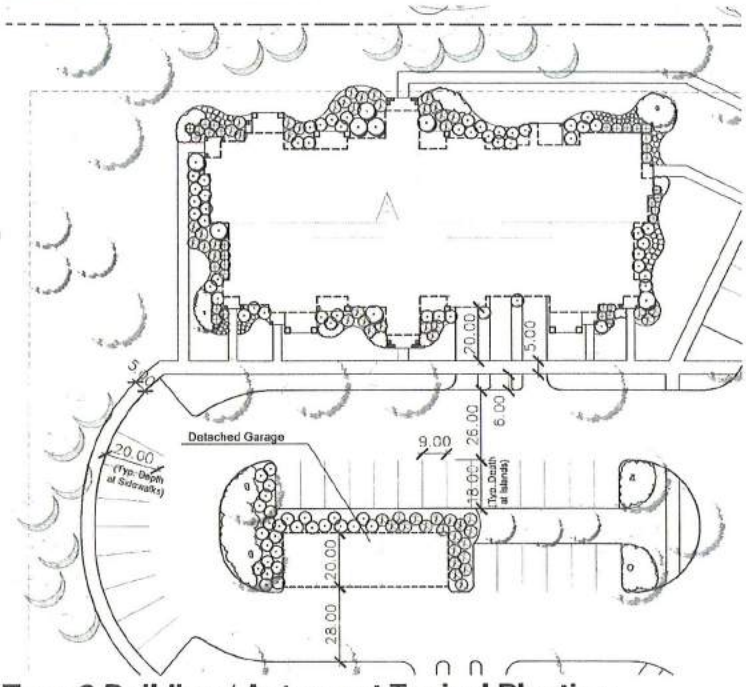
Total Type 1 Building-233 Shrubs and Perennials /Building X 5 Buildings = 1,165 Shrubs and Pennials Total



## Type 2 Building Typical Planting

Scale: 1"=20'

Total Type 2 Building-276 Shrubs and Perennials /Building X 8 Buildings = 2,208 Shrubs and Perennials Total

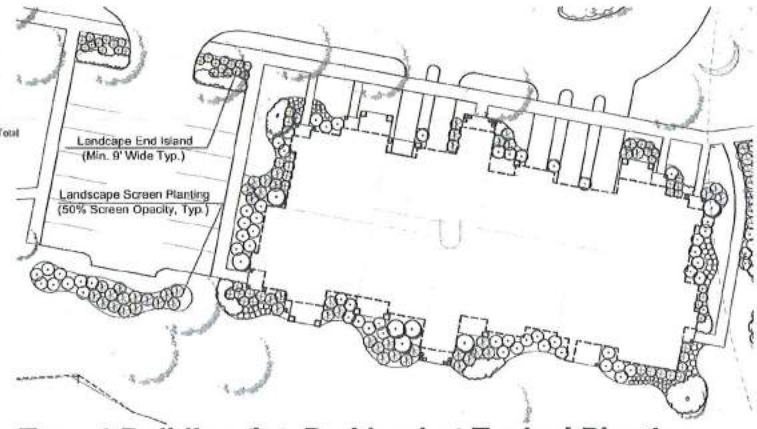



## Type 3 Building / Autocourt Typical Planting

Scale: 1"=20'

Total Type 3 Building-190 Shrubs and Perennials/Building X 10 Buildings = 1,900 Shrubs and Perennials Total

Total Autocourt Planting-146 Shrubs and Perennials/Autocourt X 15 Autocourts = 1,500 Shrubs and Perennials Total




## Type 4 Building /Int. Parking Lot Typical Planting

Scale: 1"=20'

Total Type 4 Building-202 Shrubs and Perennials/Building X 2 Buildings = 404 Shrubs and Perennials Total

Total Interior Parking Lot Planting-47 Shrubs/Lot X 12 Parking Lots = 564 Shrubs Total

**LEGEND**

- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.3

**Lakes of Valparaiso**

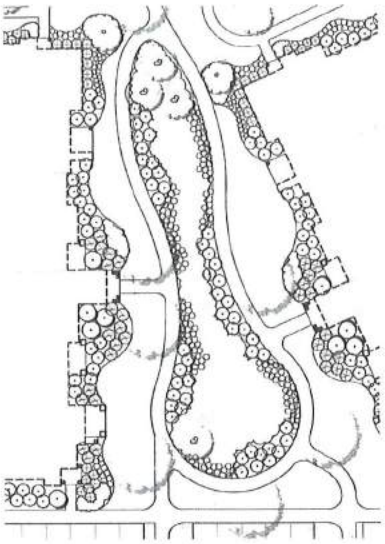
Concept Landscape Plan - Typical Building Landscape

**SJBZ Management**

Date: January 8, 2014

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BSB DESIGN



SHRUBS

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Kerasina' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' ( 36" On Center | Hess Cotoneaster | 3 Gal Cont. |
| CSI | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAnt | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| Iva | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip' 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata ( 36" On Center | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Cur | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' ( 42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TMt | Taxus media 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus media 'Hicksii' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 6' BB |
| VDn | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib | 18" BB |
| VJ | Viburnum judii | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

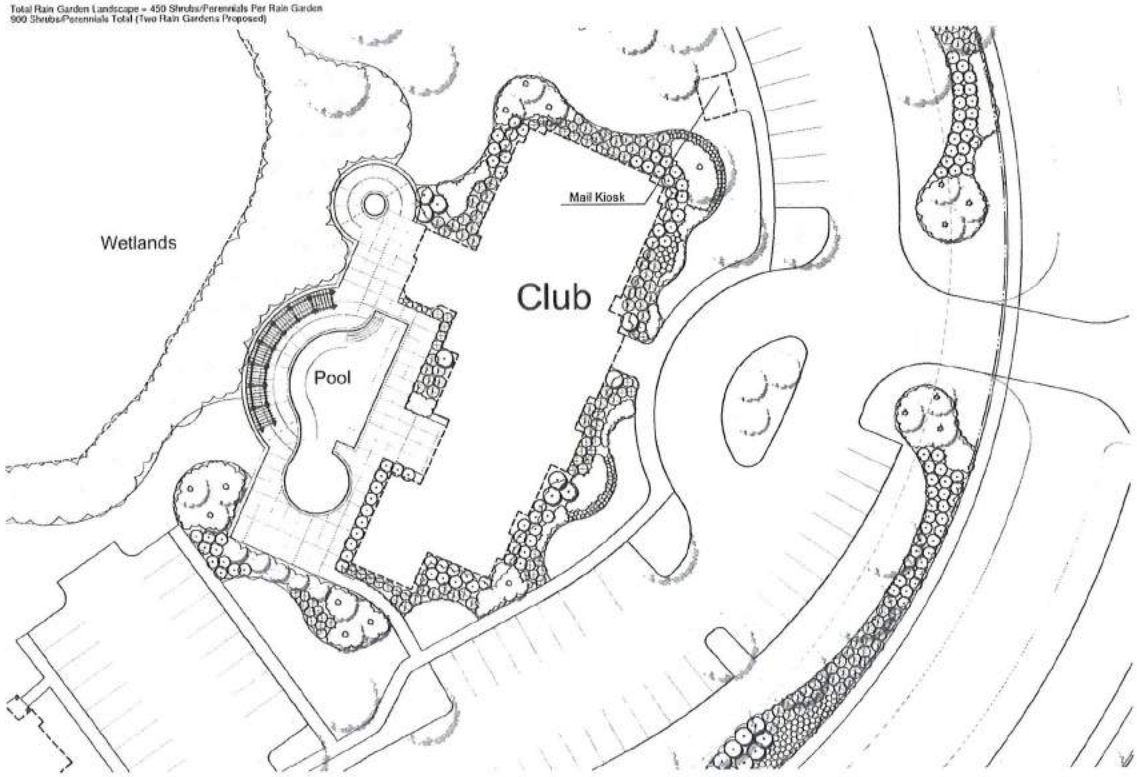
PERENNIALS AND GROUNDCOVER

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Afr | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflia 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| COs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDor | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSmf | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Ruebeckia neumani 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAl | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 36" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Tekaridaka' | Tekaridaka Sedum | 1 Qt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadspen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## Rain Garden

Scale: 1"=20'

Total Rain Garden Landscape = 450 Shrubs/Perennials Per Rain Garden
900 Shrubs/Perennials Total (Two Rain Gardens Proposed)




## Club Area Landscape

Scale: 1"=20'

Total Club Area Landscape = 500 Shrubs/Perennials Total

LEGEND

- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES

Sheet LS-2.4

**Lakes of Valparaiso**

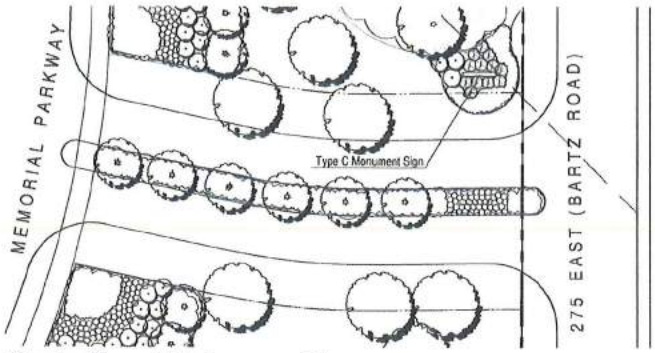
Concept Landscape Plan Details - Club Area/ Rain Gardens

**SJBZ Management**

Date: January 8, 2014

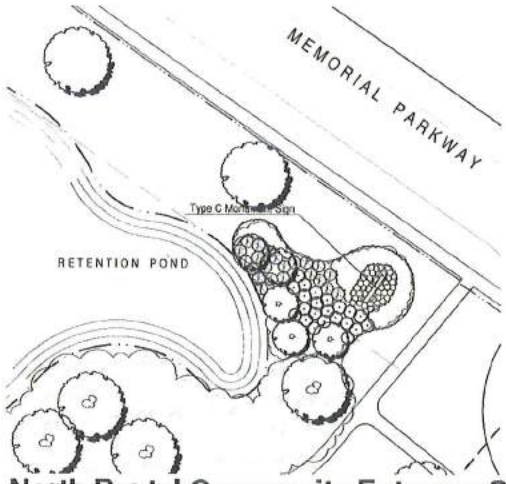
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BSB DESIGN




## Bartz Road Entrance Sign

Scale: 1"=20'




## North Rental Community Entrance Sign

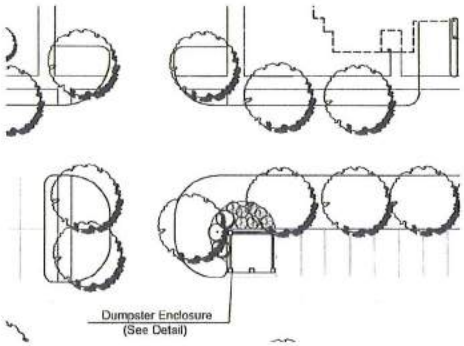
Scale: 1"=20'

SHRUBS

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' ( 36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSI | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAh | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| Hl | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| Ilv | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip' 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata ( 36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidiland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Currant | 18" BB |
| Rpl | Rhus aromatica 'Grow-Low' ( 12" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBl | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TMt | Taxus media 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus media 'Hicksi' | Hicks Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib. | 15" BB |
| VJ | Viburnum juhi | Juddi Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

PERENNIALS AND GROUNDCOVER

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ab | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAa | Calamagrostis acutiflola 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CIDd | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| CGs | Consopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DI | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDrr | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal | 24" On Center |
| RNs | Rudbeckia nuemani 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta faassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hod | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 36" On Center |
| SM | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SA | Sedum kamtschaticum 'Takanidai' | Takanidai Sedum | 1 Gl. Cont. | 18" On Center |
| Hbb | Hosta 'Hadsen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| BCs | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |




## Trash Enclosure

Scale: 1"=20'

LEGEND

- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.5

**Lakes of Valparaiso**

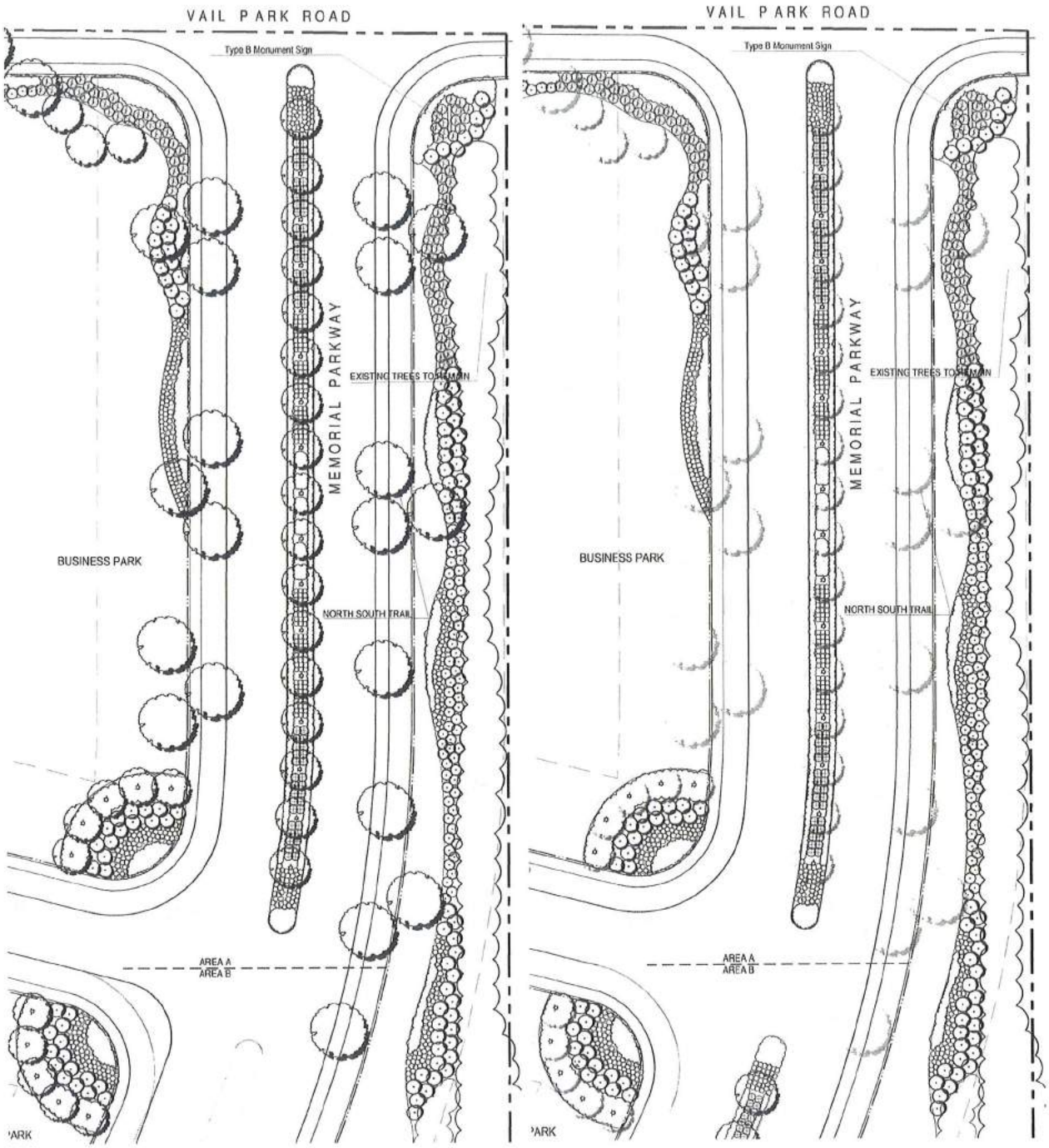
Type C Monument Signage Landscape Plans

**SJBZ Management**

Date: January 8, 2014

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| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessa' ( 36" On Center) | Hessa Cotoneaster | 3 Gal Cont. |
| CS | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| Wa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzerana Kelley' | Kelley Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip'- 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata (36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Curr | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' ( 42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palabin Lilac | 24" BB |
| TMt | Taxus media 'Taunton' | Tauntons Yew | 24" BB |
| TMh | Taxus media 'Hicks' | Hicks Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 6' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib | 18" BB |
| VJ | Viburnum juddi | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

## Memorial Parkway Phase I

Scale 1"=20' SECTION A

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Afr | Achillea 'Fanal Red' | Fanal Red Achillea | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflo 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| CGs | Coreopsis grandiflora 'Sunray' | Sunray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDz | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia newmani 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Ora' | Stella D'Ora Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAl | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 36" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal | 24" On Center |
| SKt | Sedum kamtschaticum 'Telanidaka' | Telanidaka Sedum | 1 QL Cont. | 18" On Center |
| Hhb | Hosta 'Hadyen Blue' | Hadyen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennesetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennesetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Veca minor | Periwinkle | 3" Pot | 12" On Center |

## Memorial Parkway Phase II

Scale 1"=20' SECTION A

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- PRAIRIE GRASS AND FORBS

Sheet LS-2.6

**Lakes of Valparaiso**

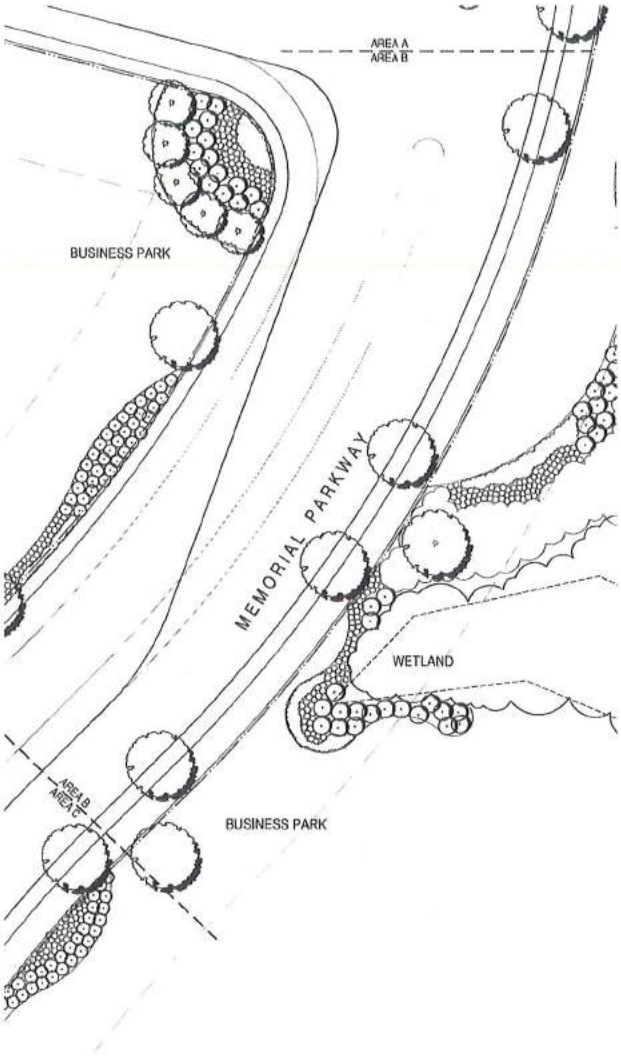
Memorial Parkway Landscape-Area One

**SJBZ Management**

Date: January 8, 2014

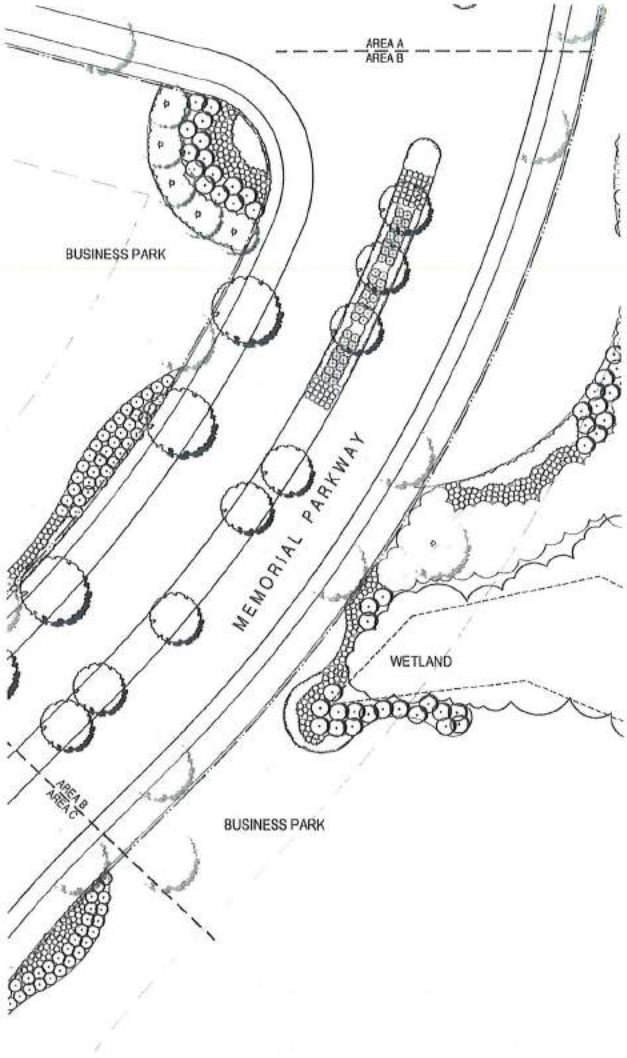
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## Memorial Parkway Phase I

Scale: 1"=20' SECTION B




## Memorial Parkway Phase II

Scale: 1"=20' SECTION B

SHRUBS

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BKK | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Haig' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HL | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPi | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbd | Juniperus horiz. 'Blue Chip' - 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata( 36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Abies alginum 'Green Mound' | Green Mound Alpine Cont. | 18" BB |
| Rgl | Rhus aromatica 'Gro-Low' (42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBi | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TM | Taxus media 'Taunton' | Taunton Yew | 24" BB |
| TMh | Taxus media 'Hicksii' | Hick's Yew | 24" BB |
| TOt | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib | 18" BB |
| VJ | Viburnum judii | Judii Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

PERENNIALS AND GROUNDCOVER

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Alr | Acalfa 'Faneal Red' | Faneal Red Acalfa | 1 Gal. | 24" On Center |
| APM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflora 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMid | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont | 18" On Center |
| COs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDz | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia nauman 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassini 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hdd | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PVI | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Tekandeka' | Tekandata Sedum | 1 Qt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadspen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelia Fountain Grass | 1 Gal | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

### LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.7

**Lakes of Valparaiso**

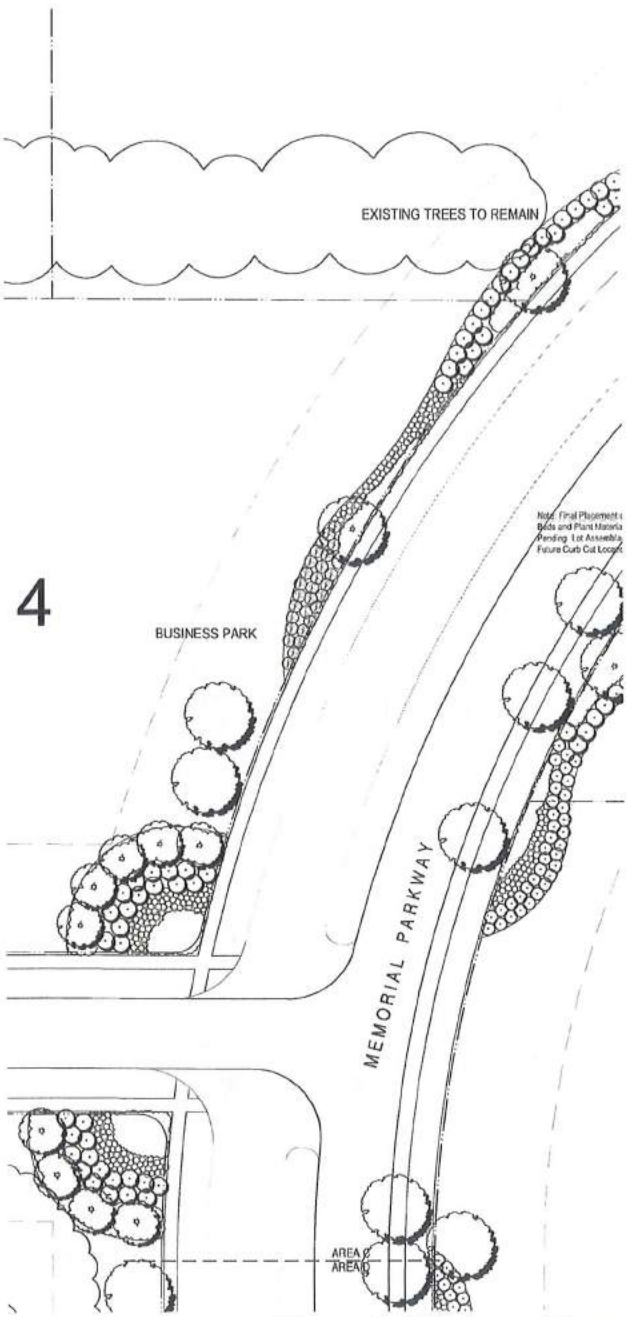
Memorial Parkway Landscape-Area One

**SJBZ Management**

Date: Jaunary 8, 2014

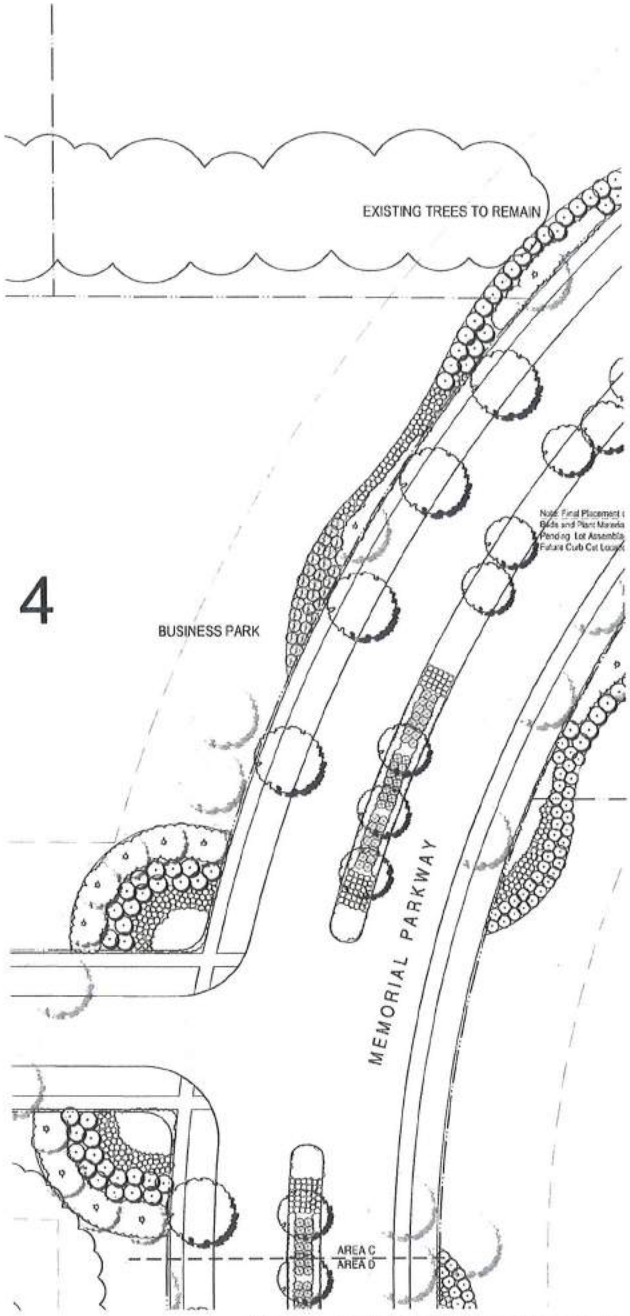
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## Memorial Parkway Phase I

Scale: 1"=20' SECTION C




## Memorial Parkway Phase II

Scale: 1"=20' SECTION C

SHRUBS

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Kerosna' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' ( 36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EArk | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHb | Juniperus horiz. 'Blue Chip' -48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata ( 36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sn. Rose | 3 Gal Cont. |
| RAg | Rhus aligrum 'Green Mound' | Green Mound Alpine Curr. | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' ( 42" O.C.) | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palabin Lilac | 24" BB |
| TM | Taxus media 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus media 'Hicksi' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| WDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesi 'Compactum' | Compact Koreanspice Vib. | 18" BB |
| VJ | Viburnum judii | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Eura. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

PERENNIALS AND GROUNDCOVER

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Mr | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflo 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CM4 | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| CGs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDz | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia neumani 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fasseni 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hod | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolus heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Takesdaka' | Takesdaka Sedum | 1 Qt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadsen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hameln' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.8

**Lakes of Valparaiso**

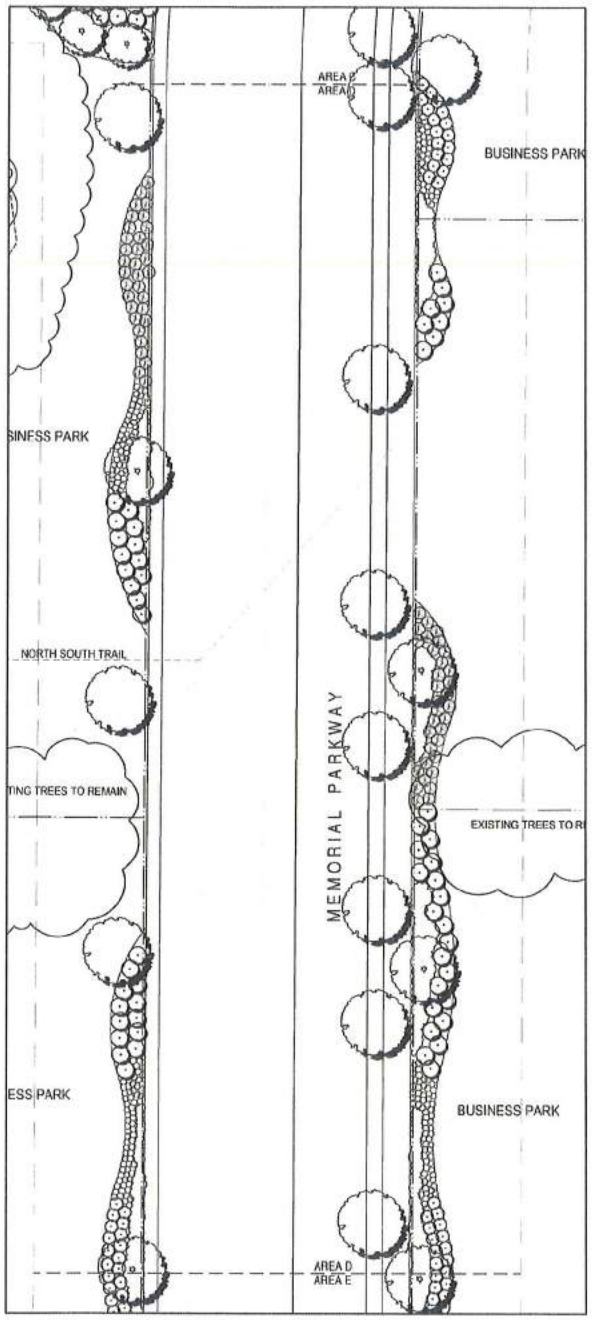
Memorial Parkway Landscape-Area One

Date: January 8, 2014

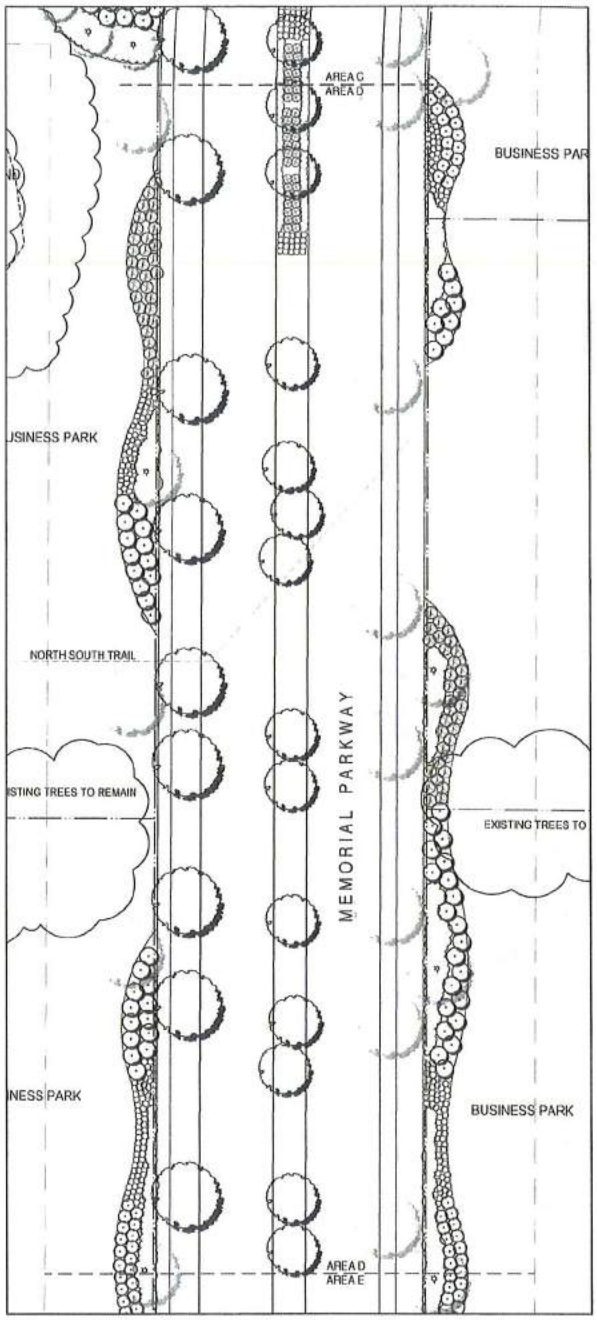
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**SJBZ Management**




## Memorial Parkway Phase I




## Memorial Parkway Phase II

SHRUBS

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Haog' | Ruby Haog Dw. Euonymus | 48" BB |
| FG | Fothergilla gardnii | Dwarf Fothergilla | 18" BB |
| HB | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 10" BB |
| JChs | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip' 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata (36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidiland' | Scarlet Meidiland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Curr. | 15" BB |
| RgL | Rhus aromatica 'Grow-Low' ( 42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TMt | Taxus medi 'Taunton' | Taunton Yew | 24" BB |
| TMh | Taxus medi 'Hicksi' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 9' BB |
| VDn | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib. | 18" BB |
| VJ | Viburnum jadi | Jadd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

SECTION D

PERENNIALS AND GROUNDCOVER

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ar | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflia 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| CGs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DZr | Darrhiza delbodes 'Zing Rose' | Zing Rose Diarrhea | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'May Fire' | May Fire Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia neumani 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hod | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PM | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal | 24" On Center |
| SKt | Sedum kamtschaticum 'Tekaridzika' | Tekaridzika Sedum | 1 Qt. Cont. | 15" On Center |
| Hhb | Hosta 'Hadsen Blue' | Hadsoen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.9

**Lakes of Valparaiso**

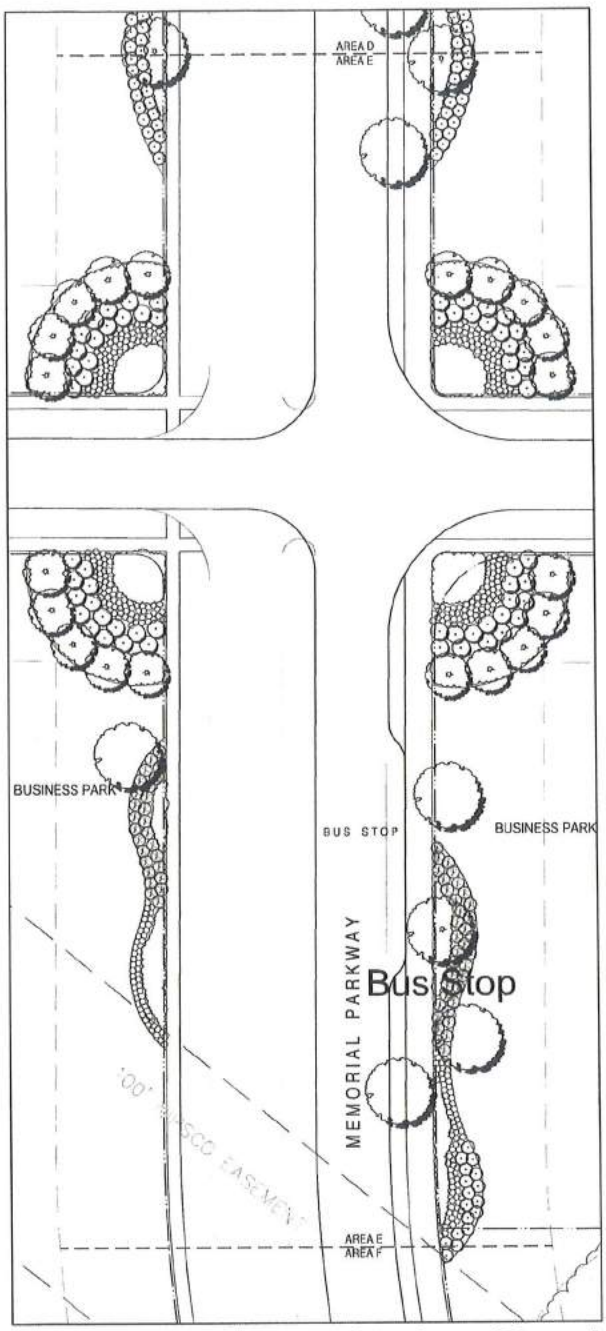
Memorial Parkway Landscape-Area One

Date: January 8, 2014

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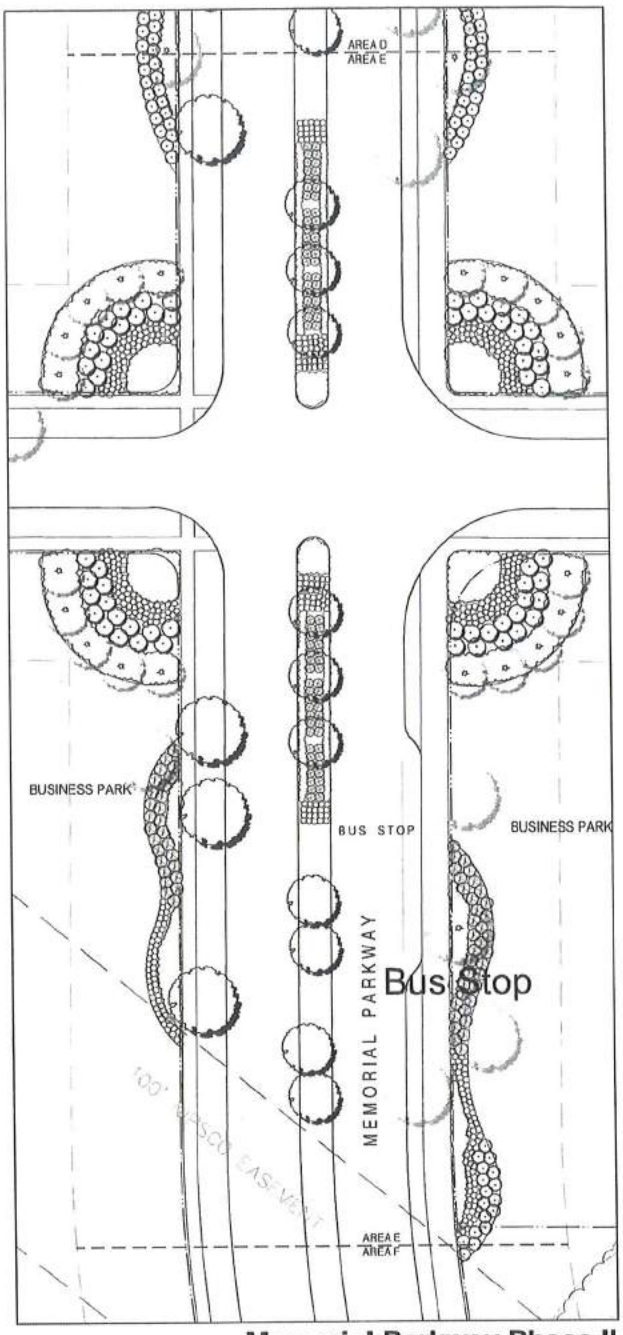
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**SJBZ Management**




## Memorial Parkway Phase I

Scale: 1"=20' SECTION E




## Memorial Parkway Phase II

Scale: 1"=20' SECTION E

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mounta n Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' ( 36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSr | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Haig' | Ruby Haig Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HTr | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip'- 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata ( 36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Currant | 18" BB |
| Rgl | Rhus aromatica 'Gro-Low' ( 42" O.C. | Gro-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palabin' | Palabin Lilac | 24" BB |
| TMt | Taxus media 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus media 'Hicksii' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib. | 18" BB |
| VJ | Viburnum judii | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| AR | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflola 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| COs | Coreopsis grandiflora 'Sonjgray' | Songray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDor | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal | 24" On Center |
| RNs | Rudbeckia naumani 'Summer Blaze' | Summer Bl. Blacksyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Ore' | Stella D'Ore Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum Kamtschaticum 'Takeridaka' | Takeridata Sedum | 1 Gt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadson Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE II)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

**SJBZ Management**

Sheet LS-2.10

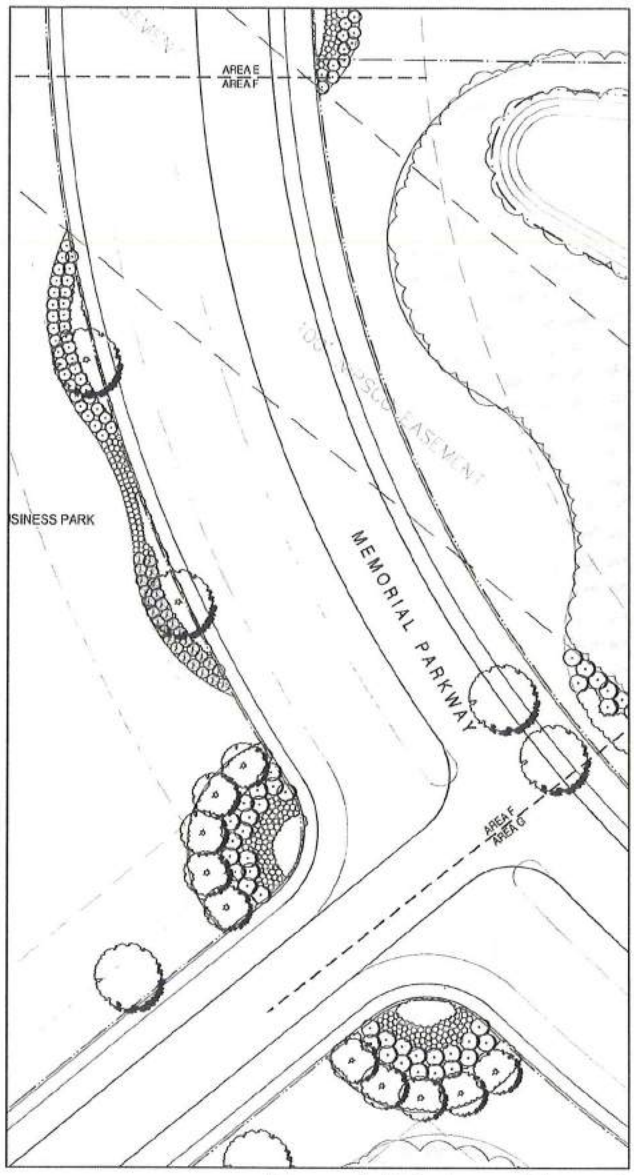
**Lakes of Valparaiso**

Memorial Parkway Landscape-Area One

Date: January 8, 2014

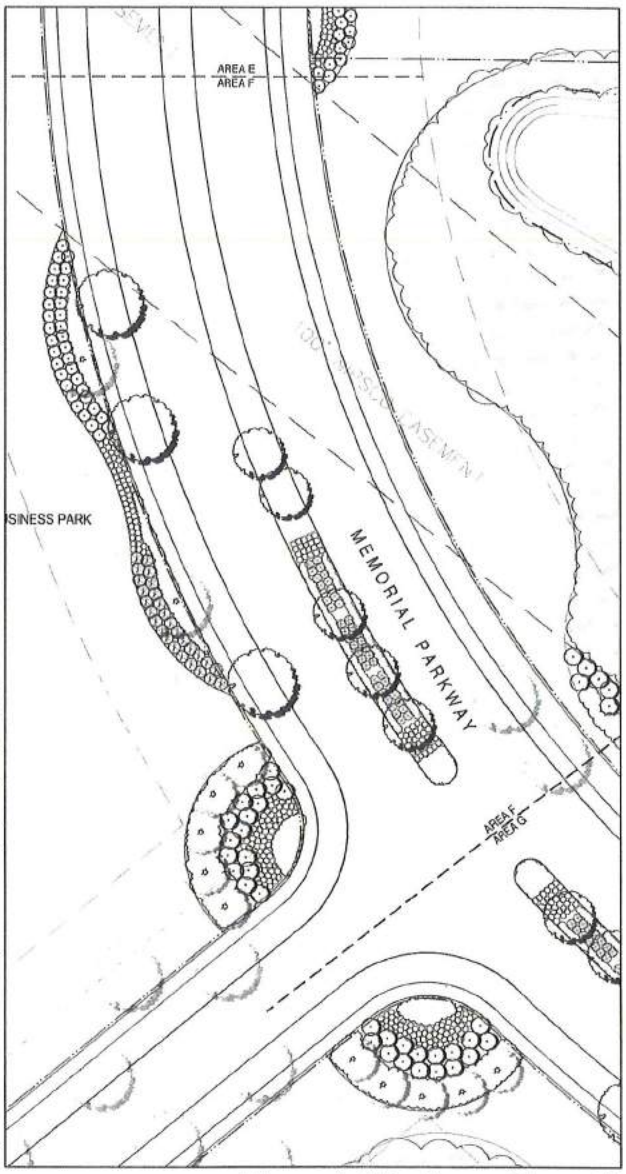
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## Memorial Parkway Phase I

Scale: 1"=20' SECTION F




## Memorial Parkway Phase II

Scale: 1"=20' SECTION F

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| CAm | Euonymus alata 'Ruby Haig' | Ruby Haig Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVe | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kelley' | Kelley Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip' 48" O.C., | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata (36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Currant | 18" BB |
| Rgl | Rhus aromatica 'Gro-Low' (42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TNt | Taxus medi 'Tauntoni' | Tauntons Yew | 24" BB |
| TNh | Taxus medi 'Hicksi' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDn | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib | 18" BB |
| VJ | Viburnum judi | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ab | Aquilba 'Fanal Red | Fanal Red Aquilba | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Ladys Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflola 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont | 18" On Center |
| COs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDr | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal | 24" On Center |
| RNs | Rudbeckia neumbr.a 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | 'Nepeta fassen 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| HSd | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplefolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolf's heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Tekaridaka' | Tekaridaka Sedum | 1 Gt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadsen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCs | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| Vmi | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

**LEGEND**

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.11

**Lakes of Valparaiso**

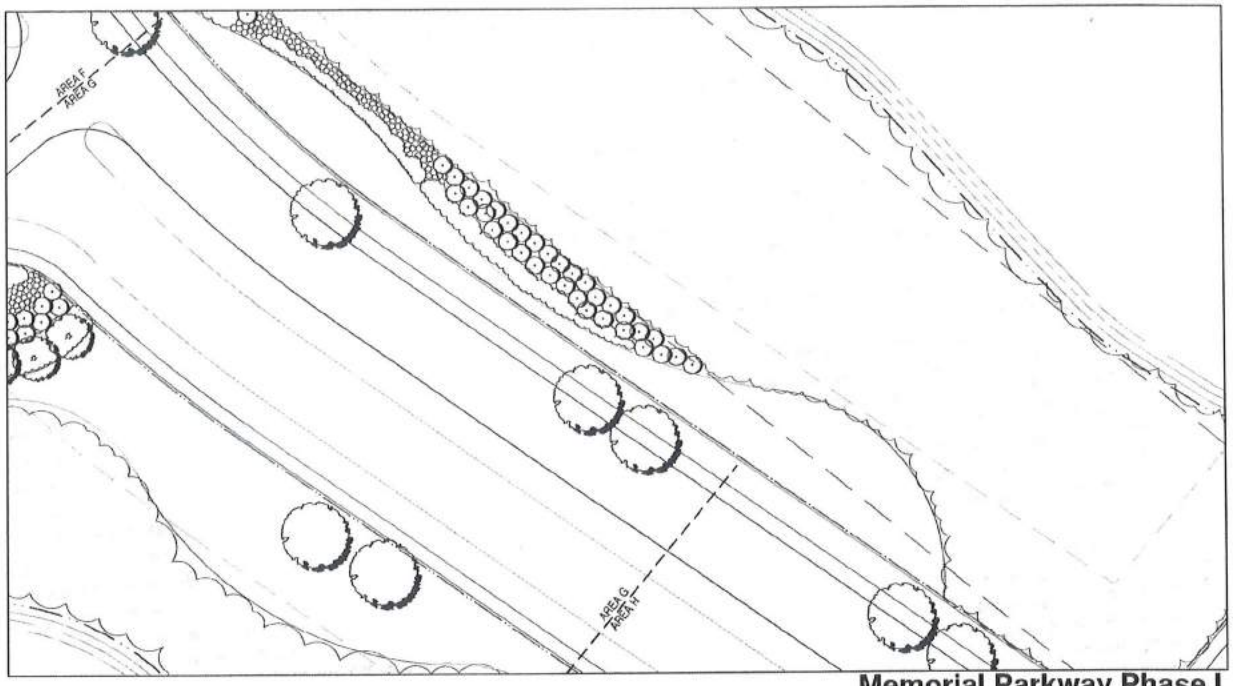
Memorial Parkway Landscape-Area One

Date: January 8, 2014

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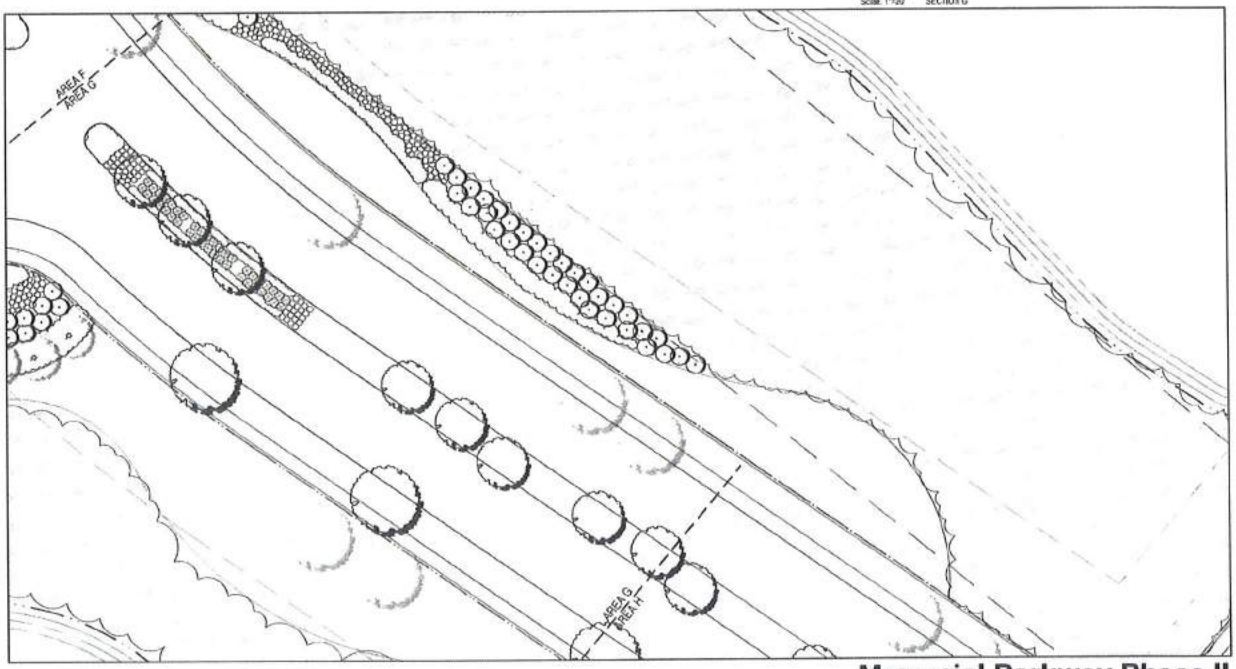
BSB DESIGN

**SJBZ Management**




## Memorial Parkway Phase I

Scale: 1"=20' SECTION G




## Memorial Parkway Phase II

Scale: 1"=20' SECTION G

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMi | Buxus microphylla 'Korsana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessi' ( 36" On Center) | Hessi Cotoneaster | 3 Gal Cont. |
| CSs | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardeni | Dwarf Fothergilla | 18" BB |
| HB | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVs | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip'- 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| MD | Morebotrys decussata ( 36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Currant | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' ( 42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TMt | Taxus media 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus media 'Hicksi' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesi 'Compactum' | Compact Koreanspice Vib. | 18" BB |
| VJ | Viburnum judii | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTa | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Afr | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflia 'Stricta' | Fischer Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 16" On Center |
| CGs | Coreopsis grandiflora 'Sunray' | Sunggy Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDar | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSnf | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia nanmana 'Summer Black' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hal | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylilly | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Takahikaku' | Takahikaku Sedum | 1 Qt. Cont. | 10" On Center |
| Hhb | Hosta 'Hadsen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.12

**Lakes of Valparaiso**

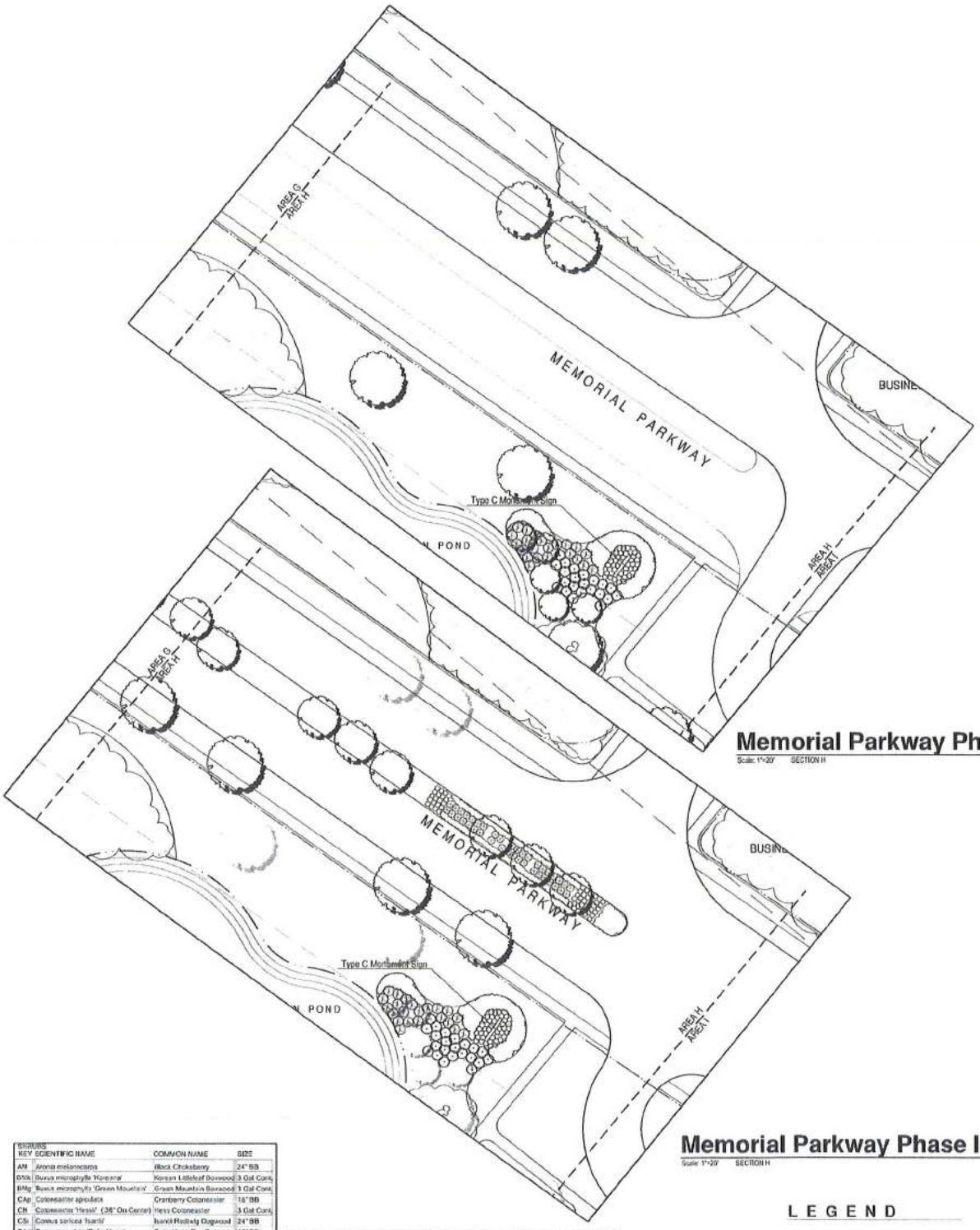
Memorial Parkway Landscape-Area One

Date: January 8, 2014

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**SJBZ Management**




## Memorial Parkway Phase I

Scale: 1"=20' SECTION H

## Memorial Parkway Phase II

Scale: 1"=20' SECTION H

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BWk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kelley' | Kelley Pfitzer Juniper | 3 Gal Cont. |
| JCbc | Juniperus horiz. 'Blue Chip'- 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata (36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Rhus aljrica 'Green Mound' | Green Mound Alpine Curr | 18" BB |
| RgL | Rhus aromatica 'Grow-Low' (42" O.C. | Grow Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TNt | Taxus medi 'Tauntoni' | Tauntons Yew | 24" BB |
| TNh | Taxus medi 'Hicksi' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Korean spice Vib | 18" BB |
| VJ | Viburnum judi | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Afr | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAa | Calamagrostis acutiflia 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont | 18" On Center |
| CGs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDz | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescues | 1 QT Cont | As Shown |
| GSmf | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal | 24" On Center |
| RNs | Rudbeckia newmanii 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta faasenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAl | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 36" On Center |
| SN | Salvia nemorosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolus heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Tekaridake' | Tekaridake Sedum | 1 QL Cont | 18" On Center |
| HHi | Hosta 'Halcyon Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAb | Pennisetum alopecuroides 'Hameln' | Hamelln Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| Vmi | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE II)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.13

**Lakes of Valparaiso**

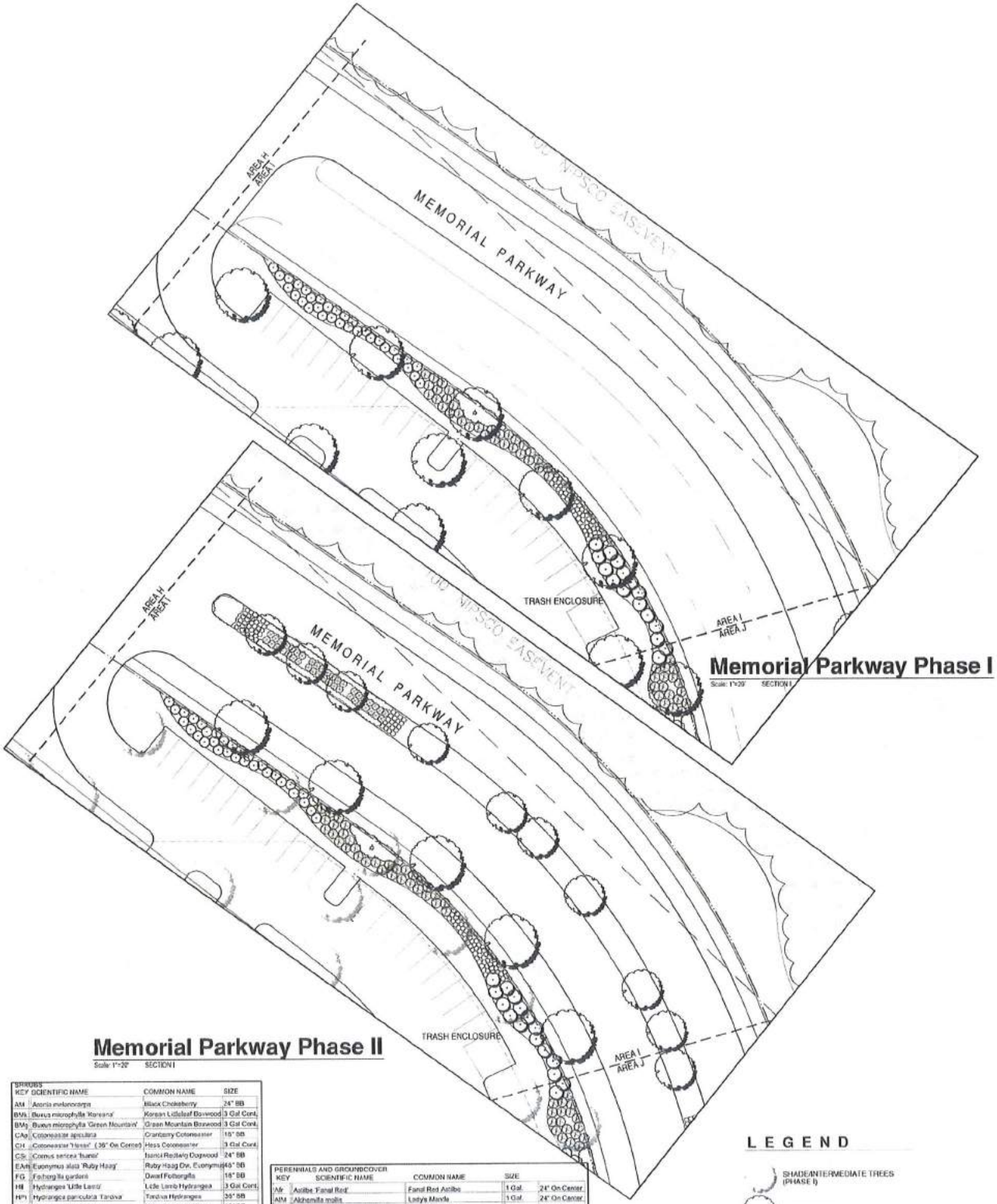
Memorial Parkway Landscape-Area One

**SJBZ Management**

Date: January 8, 2014

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| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB | |
| BVk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. | |
| BMy | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. | |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 15" BB | |
| CH | Cotoneaster 'Hessei' ( 36" On Center) | Hess Cotoneaster | 3 Gal Cont. | |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB | |
| EAH | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB | |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB | |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. | |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB | |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB | |
| Wv | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB | |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. | |
| JCk | Juniperus chinensis 'Pfitzeriana Kellay' | Kellay Pfitzer Juniper | 3 Gal Cont. | |
| JHc | Juniperus horiz. 'Blue Chip' 48" O.C. | Blue Chip Juniper | 3 Gal Cont. | |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. | |
| MD | Microbiota decussata ( 36" On Center) | False Cypress | 3 Gal Cont. | |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. | |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Curr | 18" BB | |
| Rgl | Rhus aromatica 'Grow-Low' ( 42" O.C. | Grow-Low Sumac | 3 Gal Cont. | |
| SBl | Spiraea bealdiika 'Tor' | Tor Birchleaf Spirea | 24" BB | |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB | |
| TMt | Taxus medi 'Tauntoni' | Tauntons Yew | 24" BB | |
| TMh | Taxus medi 'Hicks' | Hick's Yew | 24" BB | |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvtae | 8' BB | |
| VDn | Viburnum dentatum 'Wentworth' | Wertworth Arrowwood Vib | 36" BB | |
| VCc | Viburnum carlesi 'Compactum' | Compact Koreanspice Vib | 18" BB | |
| VJ | Viburnum judi | Judd Viburnum | 36" BB | |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB | |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB | |
| WF | Weigela florida | Common Weigela | 48" BB | |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ar | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflia 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| CGs | Coreopsis grandiflora 'Stinging' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDz | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia newmanii 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAl | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolus heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum Kamtschaticum 'Telenkiaka' | Telenkiaka Sedum | 1 Qt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadsen Blue' | Hadspon Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenendoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelln' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

**SJBZ Management**

Sheet LS-2.14

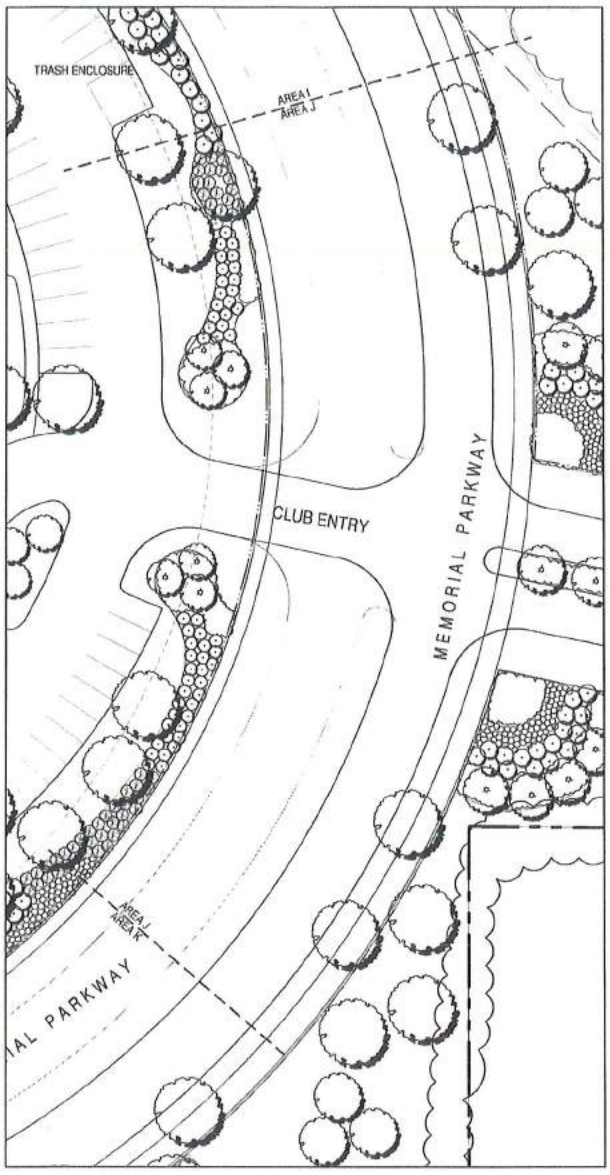
**Lakes of Valparaiso**

Memorial Parkway Landscape-Area One

Date: January 8, 2014

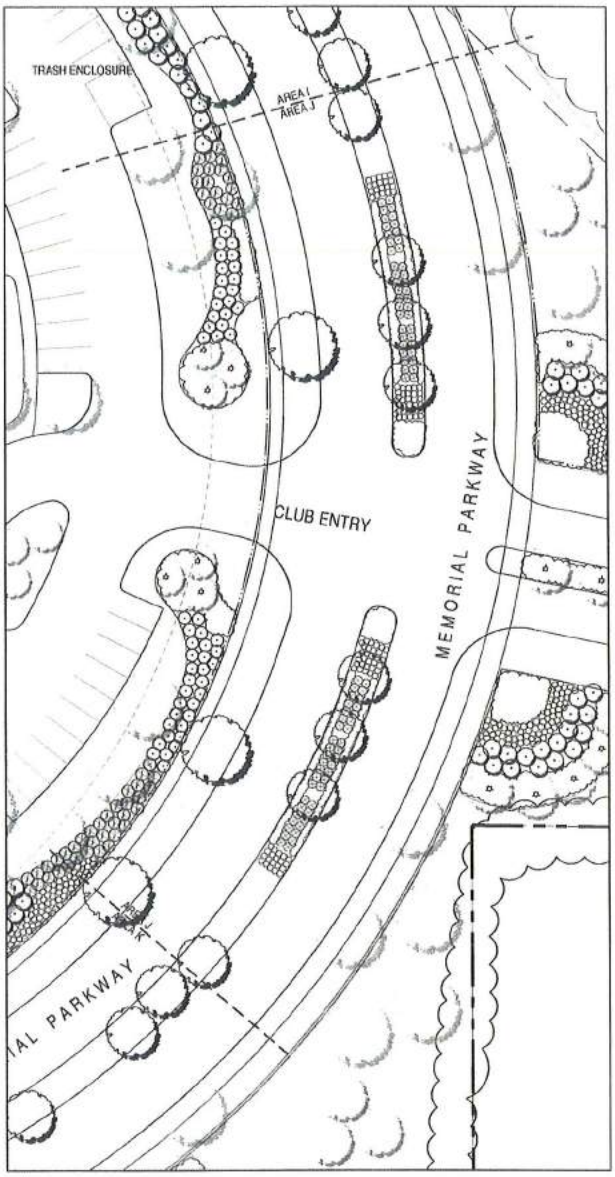
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## Memorial Parkway Phase I

Scale: 1"=20' SECTION J




## Memorial Parkway Phase II

Scale: 1"=20' SECTION J

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hessi Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Hedg' | Ruby Hedg Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| INk | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCng | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip'- 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata (36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidiland' | Scarlet Meidiland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Curr | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' (42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" OB |
| TMt | Taxus media 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus medi 'Hicksii' | Hicks Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib | 18" BB |
| VJ | Viburnum judii | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB |
| WF | Weigela florica | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ab | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| APl | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAa | Calamagrostis acutiflora 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| CGs | Coreopsis grandiflora 'Sunray' | Sunray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DZr | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOB | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSM | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia newmanii 'Summer Blues' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta faasenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hhd | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemorosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Takahidai' | Takahidai Sedum | 1 Qt. Cont. | 12" On Center |
| Hhb | Hosta 'Hadspen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDUOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.15

**Lakes of Valparaiso**

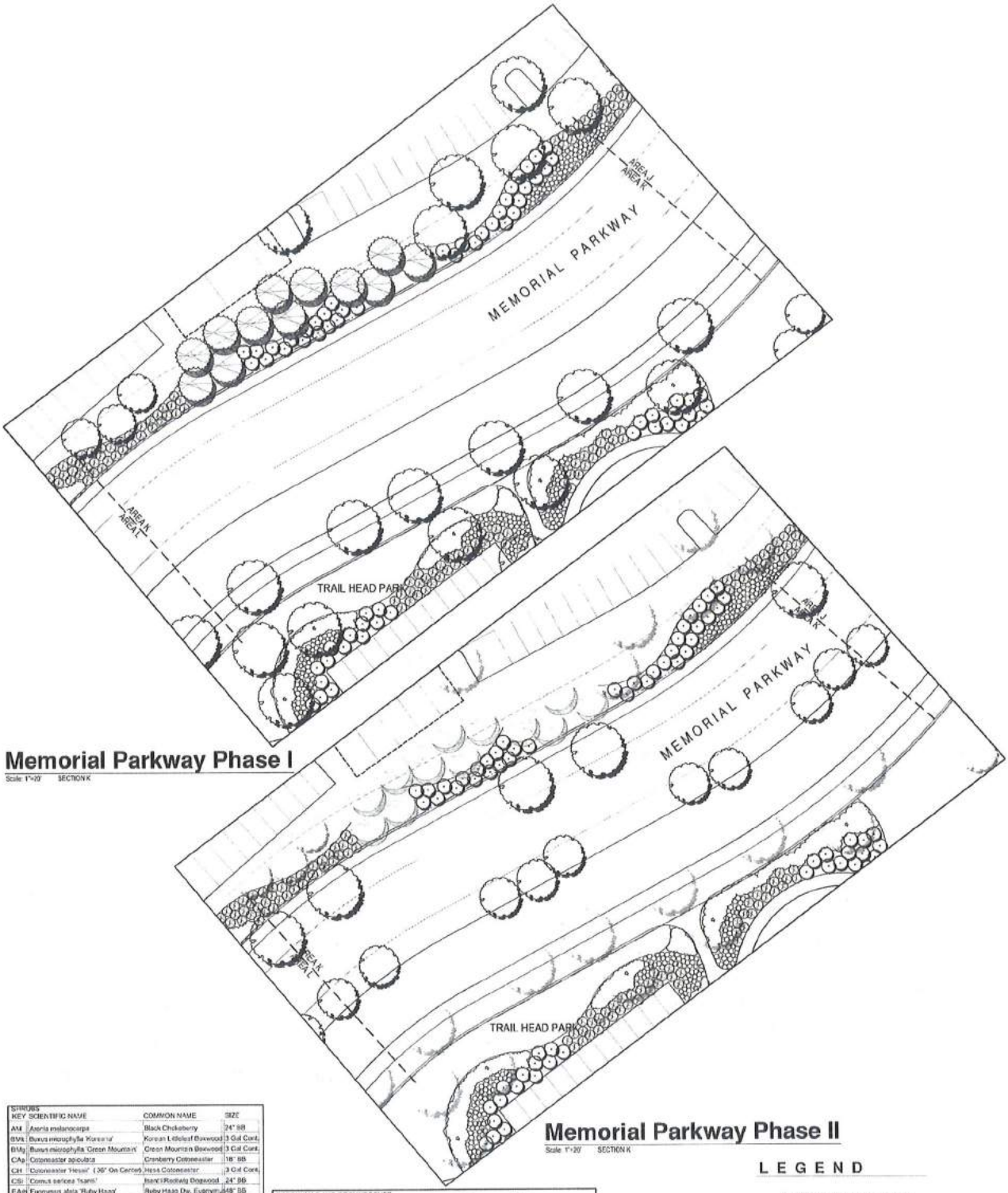
Memorial Parkway Landscape-Area One

**SJBZ Management**

Date: January 8, 2014

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## Memorial Parkway Phase I

Scale: 1"=20' SECTION K

## Memorial Parkway Phase II

Scale: 1"=20' SECTION K

SHRUBS

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAs | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' ( 36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAR | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HB | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip'- 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata ( 36" On Center) | False Cypress | 3 Gal Cont. |
| RWs | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Curr | 18" BB |
| RgL | Rhus aromatica 'Grow-Low' ( 42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring vreyoni 'Palibin' | Palibin Lilac | 24" BB |
| TM | Taxus media 'Tauntoni' | Tauntoni Yew | 24" BB |
| TMh | Taxus media 'Hicksii' | Hick's Yew | 24" BB |
| TOt | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Korean Spice Vib | 18" BB |
| VJ | Viburnum judii | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VHh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

PERENNIALS AND GROUNDCOVER

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Afr | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| APM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflora 'Stricta' | Feather Reed Grass | 1 Gal. | 10' On Center |
| CMd | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont | 15" On Center |
| CCs | Coreopsis grandiflora 'Stringray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDz | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal | 24" On Center |
| RNs | Rudbeckia newmanii 'Summer Blaze' | Summer Bl. Mackayed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Oro' | Stella D Oro Daylily | 1 Gal | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 15" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Tekandake' | Tekandake Sedum | 1 Qt. Cont. | 18" On Center |
| HHb | Hosta 'Halcyon Blue' | Halcyon Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenendoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 2" Pot | 12" On Center |

### LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.16

**Lakes of Valparaiso**

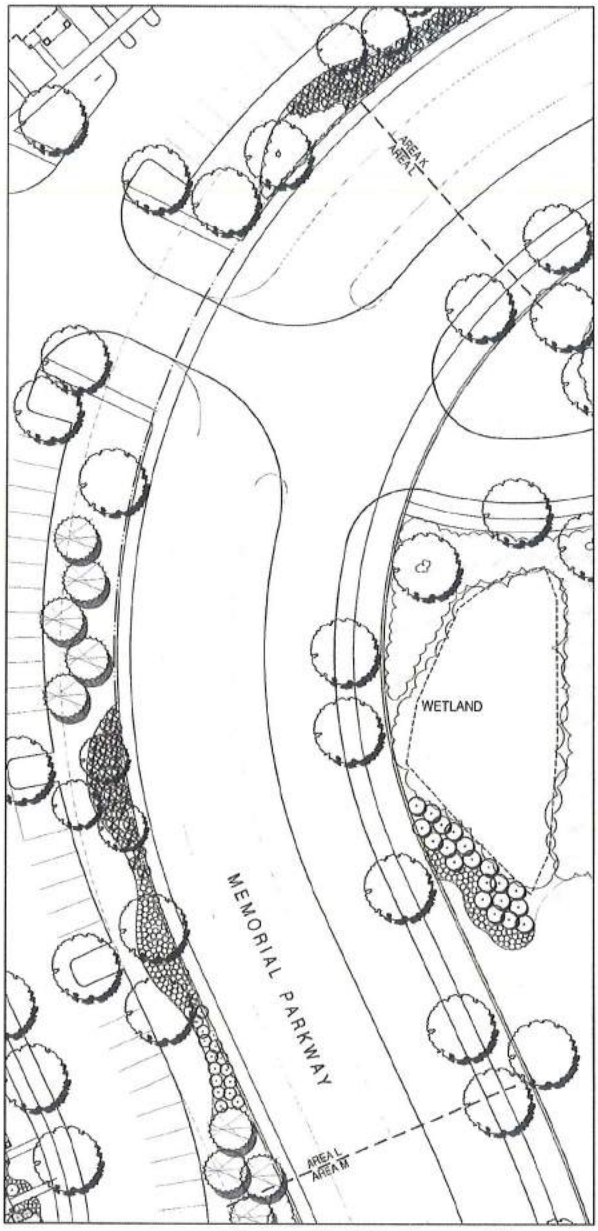
Memorial Parkway Landscape-Area One

**SJBZ Management**

Date: January 8, 2014

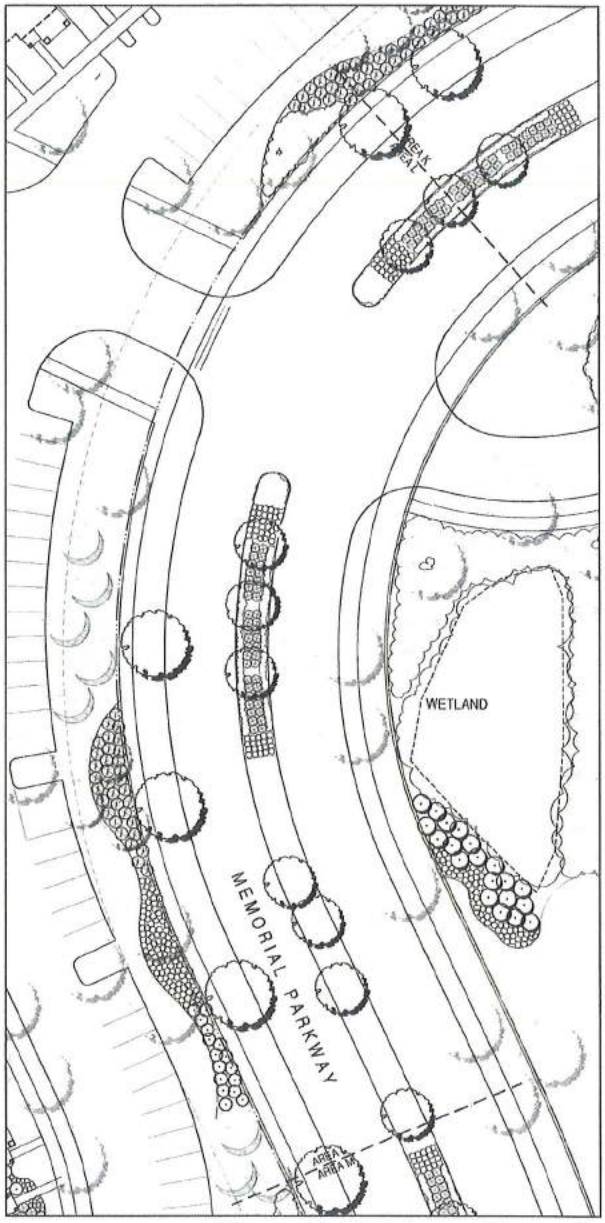
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## Memorial Parkway Phase I

Scale: 1"=20' SECTION L




## Memorial Parkway Phase II

Scale: 1"=20' SECTION L

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMK | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Hawk' | Ruby Hawk Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kelley' | Kelley Pfitzer Juniper | 3 Gal Cont. |
| JHc | Juniperus horiz. 'Blue Chip' - 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata (36" On Center) | Falsa Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Curr | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' (12" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TNt | Taxus medi 'Tauntoni' | Tauntons Yew | 24" BB |
| TNh | Taxus mec 'Hicksi' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDe | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Korean spice Vib. | 18" BB |
| VJ | Viburnum judii | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTn | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Afr | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflia 'Skiste' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMid | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| CGr | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDar | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia neymani 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hst | Hemerocallis Stella D'Ora' | Stella D'Ora Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| RA | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemorosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKt | Sedum kamtschaticum 'Tekaridale' | Tekaridale Sedum | 1 Qt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadsen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

### LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

**SJBZ Management**

Sheet LS-2.17

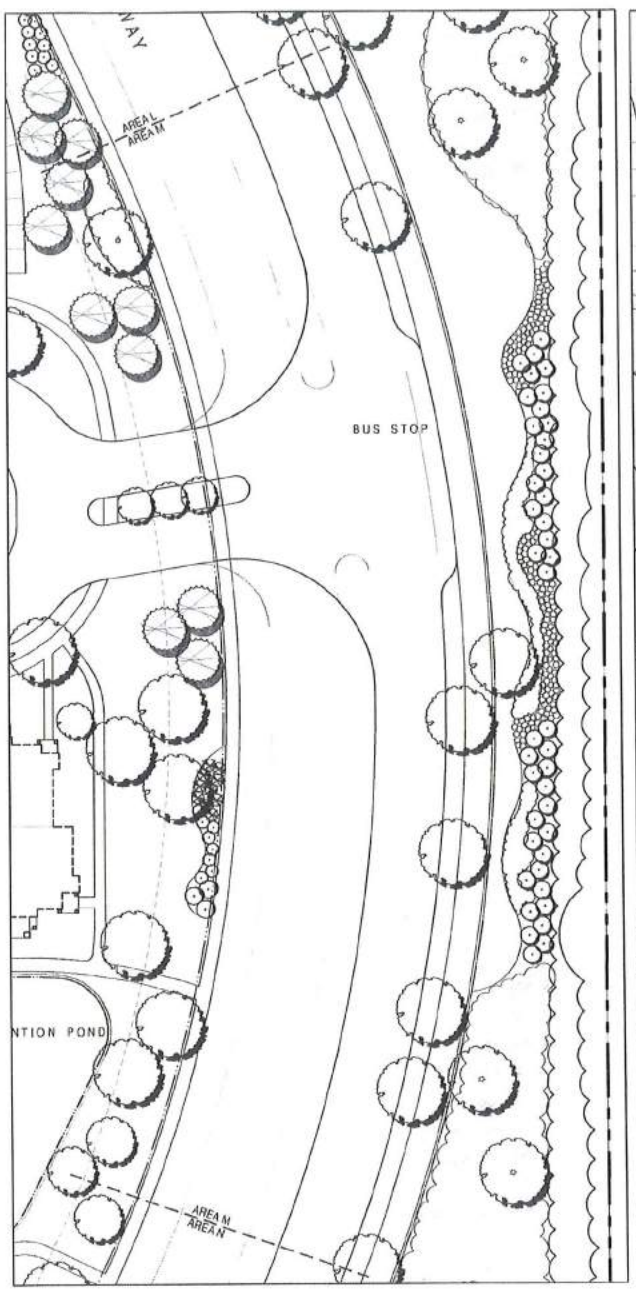
**Lakes of Valparaiso**

Memorial Parkway Landscape-Area One

Date: January 8, 2014

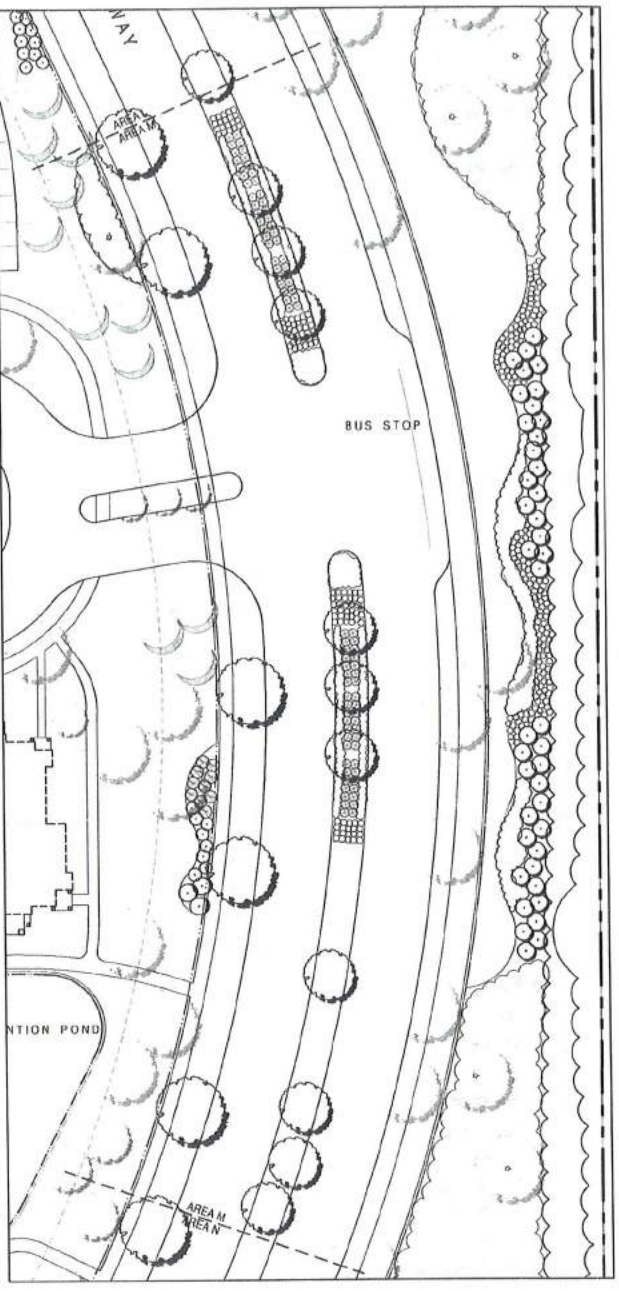
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BSB DESIGN




## Memorial Parkway Phase I

Scale: 1"=20' SECTION M




## Memorial Parkway Phase II

Scale: 1"=20' SECTION M

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BVk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMo | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAc | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CS | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAh | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HB | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip' 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| MD | Microbiota decussata (36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Bonbo Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Curr | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' (42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SB | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palibin' | Palibin Lilac | 24" BB |
| TM | Taxus media 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus medi 'Hicksii' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib | 36" BB |
| VCc | Viburnum carlesii 'Compactum' | Compact Koreanspice Vib | 18" BB |
| VJ | Viburnum judi | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ab | Ajuga 'Farail Red' | Farail Red Ajuga | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflora 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMd | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| COs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDz | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal | 24" On Center |
| RNs | Rudbeckia newmanii 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAl | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 36" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolus heterolepsis | Prairie Dropseed | 1 Gal | 24" On Center |
| SKt | Sedum kamtschaticum 'Takahidaka' | Takahidaka Sedum | 1 Qt. Cont. | 18" On Center |
| HHb | Hosta 'Hadspen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Pennisetum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hameln' | Hameln Fountain Grass | 1 Gal. | As Shown |
| SCo | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

## LEGEND

- SHADE/INTERMEDIATE TREES (PHASE II)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.18

**Lakes of Valparaiso**

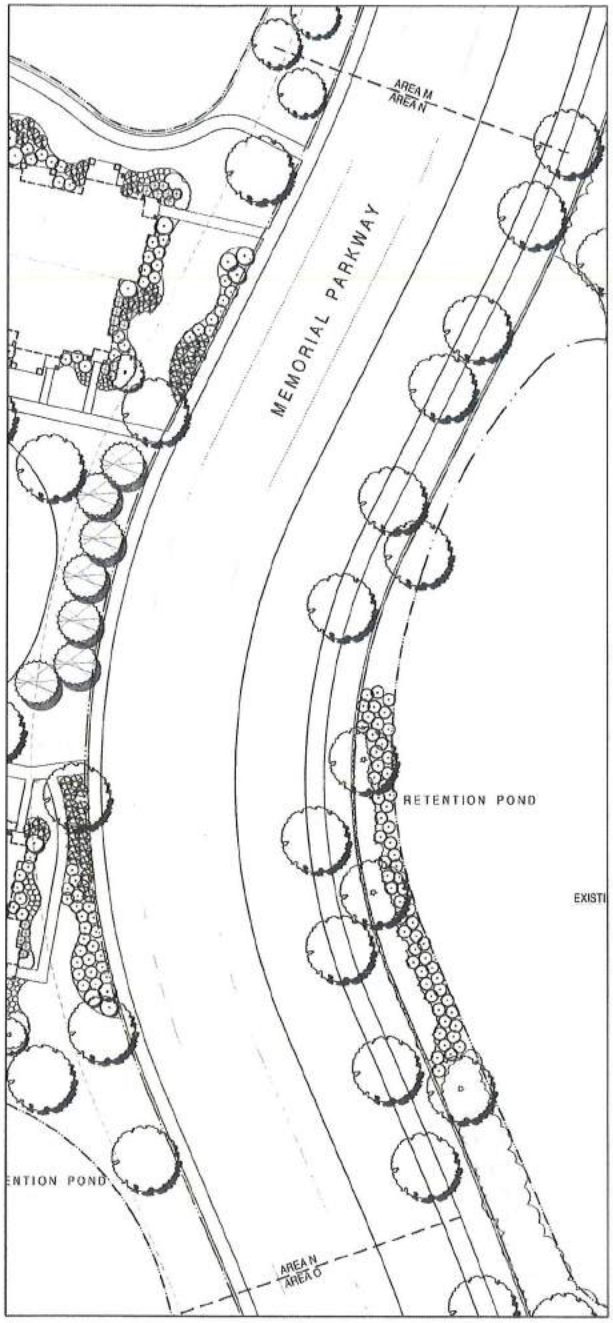
Memorial Parkway Landscape-Area One

Date: January 8, 2014

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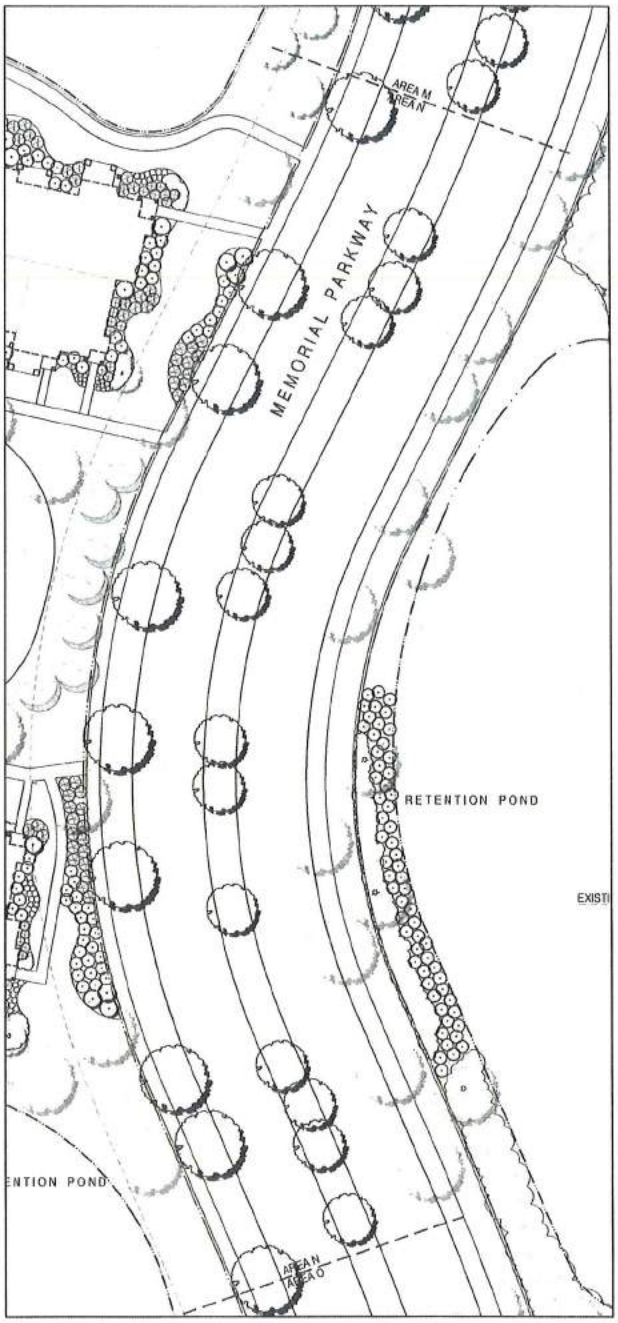
**SJBZ Management**

BSB DESIGN




## Memorial Parkway Phase I

Scale: 1"=20' SECTION N




## Memorial Parkway Phase II

Scale: 1"=20' SECTION M

SHRUBS

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculata | Cranberry Cotoneaster | 15" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Haig' | Ruby Haig Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 15" BB |
| HL | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 15" BB |
| Ilv | Ilex verticillata 'Mtonglow' | Mtonglow Holly | 18" BB |
| JChg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCh | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip'- 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MD | Membocia decussata ( 36" On Center) | False Cypress | 3 Gal Cont. |
| Ram | Rosa 'Scarlet Meidiland' | Scarlet Meidiland Sh. Rose | 3 Gal Cont. |
| RAg | Rhus aromatica 'Green Mound' | Green Mound Alpine Curr | 18" BB |
| RgL | Rhus aromatica 'Grow-Low' ( 42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring enyeri 'Palabin' | Palabin Lilac | 24" BB |
| TNt | Taxus media 'Tauntori' | Tauntons Yew | 24" BB |
| THh | Taxus media 'Hicksi' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 5' BB |
| VDn | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesi 'Compactum' | Compact Koreanspice Vib. | 18" BB |
| VJ | Viburnum juddi | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ath | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| APM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflolia 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMid | Carex morrowi 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| COs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDz | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FCG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia neumani 'Summer Blaze' | Summer BL Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hod | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemorosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolus heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SHt | Sedum hantoshaicum 'Tokudaka' | Tokadaka Sedum | 1 Qt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadsen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carousel' | Carousel Little Blue Stem | 1 Gal. | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

### LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.19

**Lakes of Valparaiso**

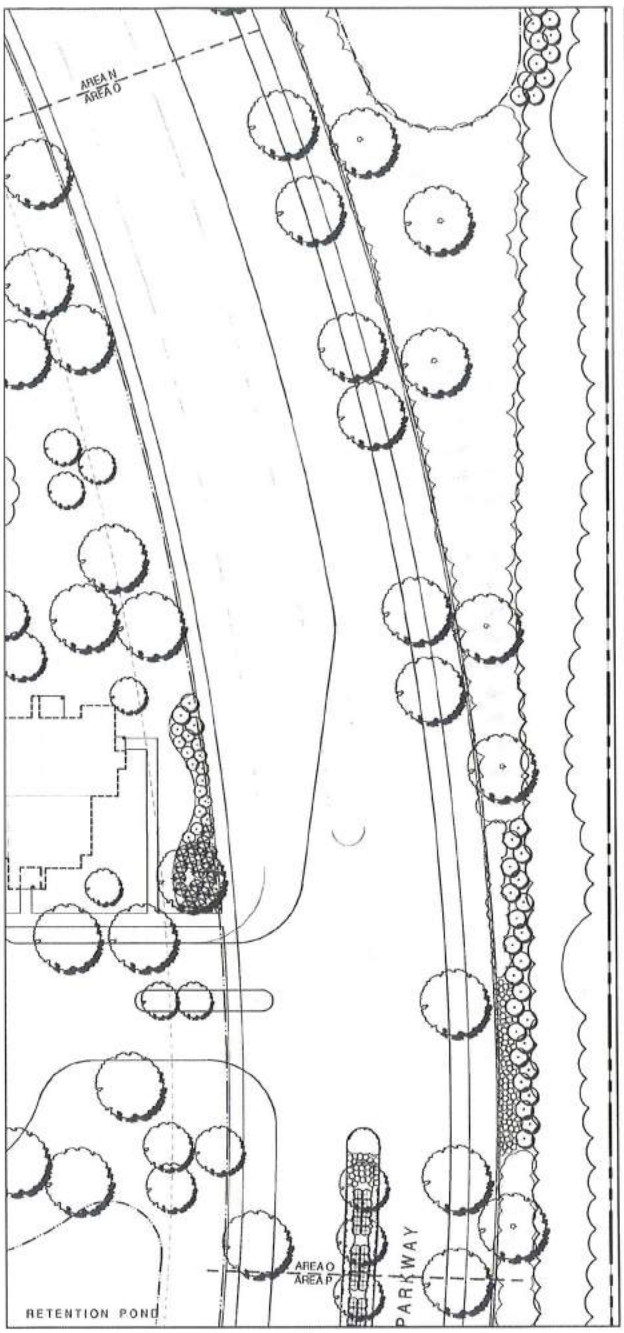
Memorial Parkway Landscape-Area One

Date: January 8, 2014

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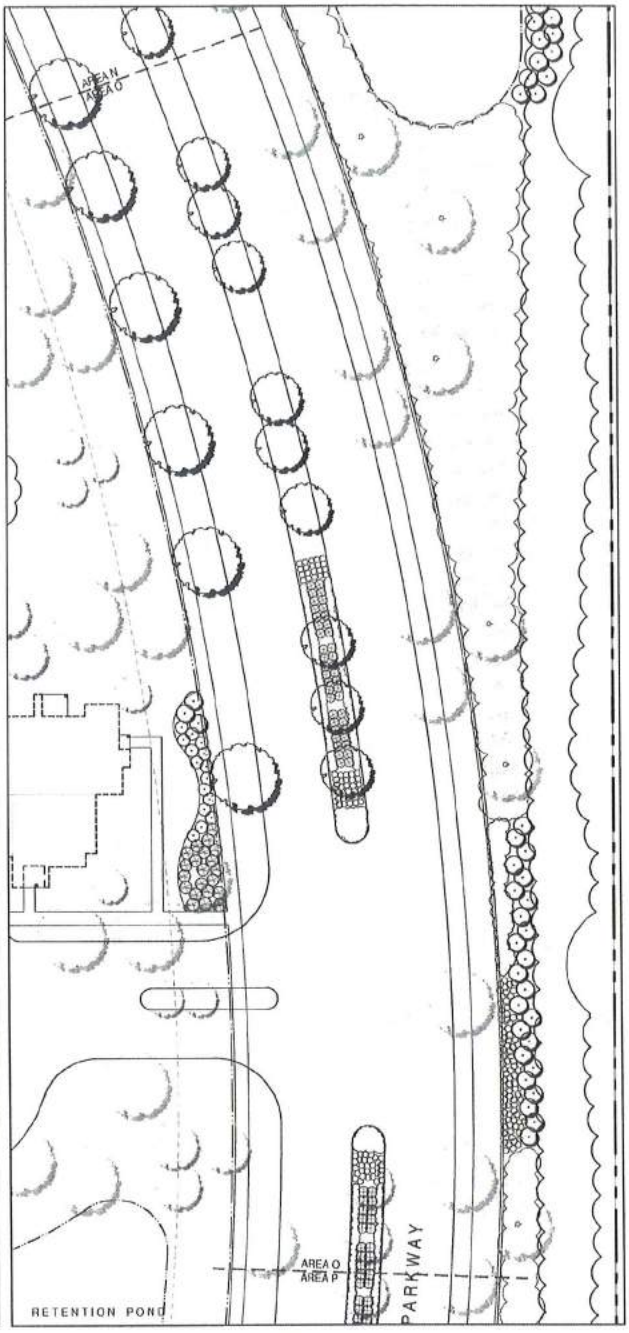
BSB DESIGN

**SJBZ Management**




## Memorial Parkway Phase I

Scale: 1"=20' SECTION O




## Memorial Parkway Phase II

Scale: 1"=20' SECTION O

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAs | Cotoneaster apiculata | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' ( 36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSi | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EArt | Euonymus alata 'Ruby Haag' | Ruby Haag Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kelley' | Kelley Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip' 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargentii' | Sargent's Juniper | 3 Gal Cont. |
| MO | Microbiota decussata ( 36" On Center) | Fallen Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidiland' | Scarlet Meidiland Sh. Rose | 3 Gal Cont. |
| RAg | Ribes alpinum 'Green Mound' | Green Mound Alpine Currant | 18" BB |
| Rgl | Rhus aromatica 'Gro-Low' ( 42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syringa meyeri 'Palibin' | Palabin Lilac | 24" BB |
| TMt | Taxus media 'Tauntoni' | Tauntoni Yew | 24" BB |
| TMh | Taxus media 'Hicksii' | Hicks Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 5' BB |
| VDw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VCc | Viburnum carlesi 'Compactum' | Compact Korean spice Vib. | 18" BB |
| VJ | Viburnum jodii | Jodii Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VTh | Viburnum trilobum 'Hahs' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Afr | Astilbe 'Fanal Red' | Fanal Red Astilbe | 1 Gal. | 24" On Center |
| AlM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflo 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMid | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 18" On Center |
| CGs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DDar | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 18" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSmf | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia neumanii 'Summer Blaze' | Summer Bl. Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta faassenii 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hod | Hemerocallis 'Stella D'Ora' | Stella D'Ora Daylily | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAt | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemorosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolus heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| SKg | Sedum kamtschaticum 'Takahidaka' | Takahidaka Sedum | 1 Qt. Cont. | 18" On Center |
| Hhb | Hosta 'Hadsen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Panicum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCe | Schizachyrium scoparium 'Carnstel' | Carnstel Little Blue Stem | 1 Gal. | 24" On Center |
| Vmi | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

### LEGEND

- SHADE/INTERMEDIATE TREES (PHASE II)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.20

**Lakes of Valparaiso**

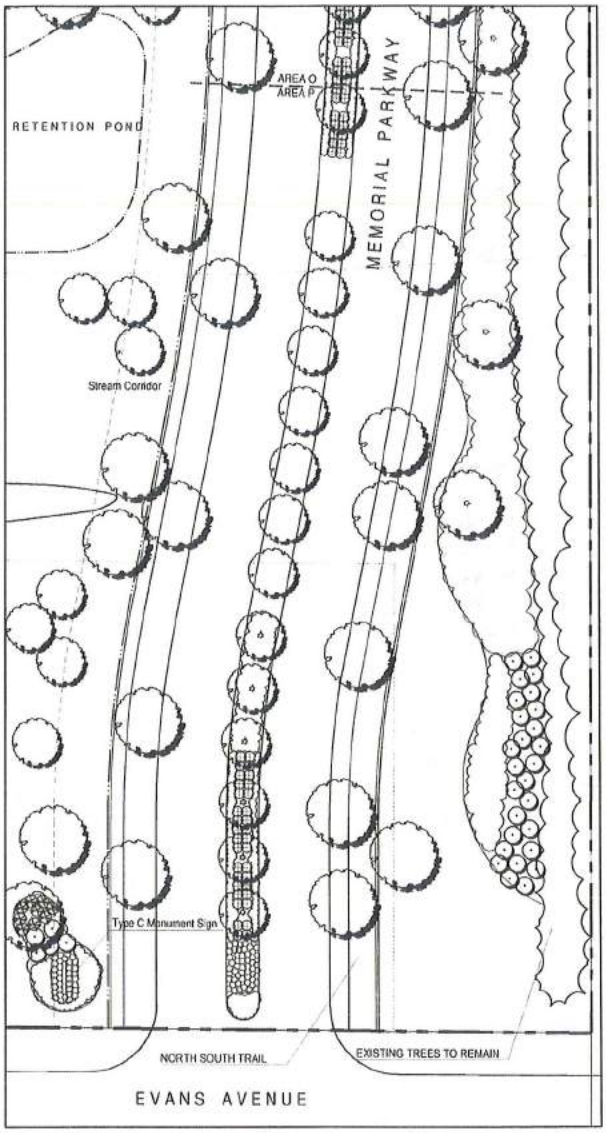
Memorial Parkway Landscape-Area One

Date: January 8, 2014

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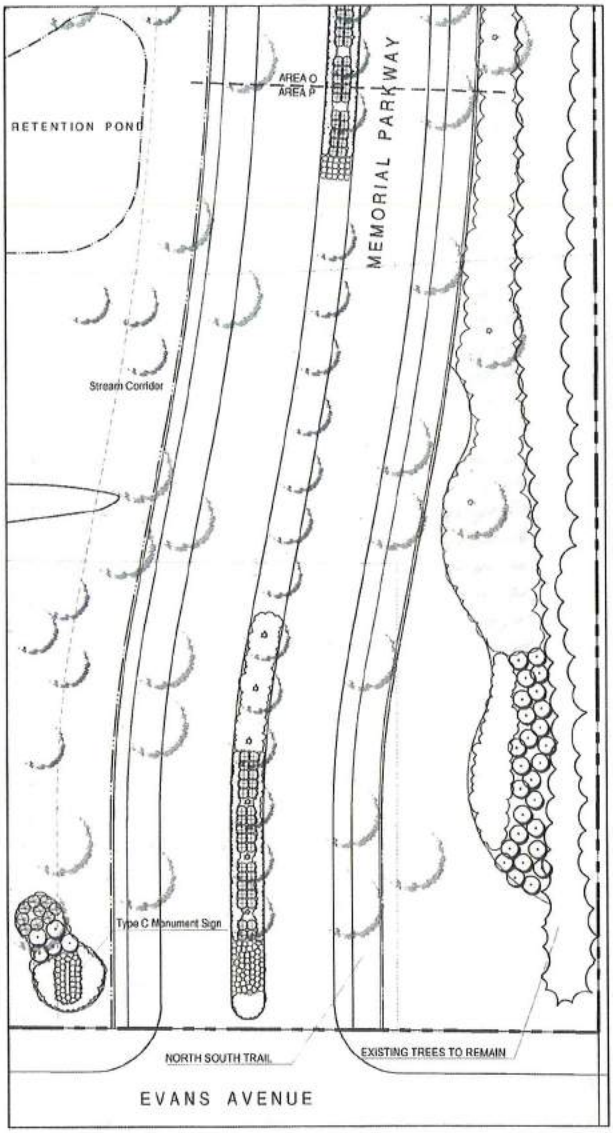
**SJBZ Management**

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## Memorial Parkway Phase I

Scale: 1"=20' SECTION P




## Memorial Parkway Phase II

Scale: 1"=20' SECTION P

| SHRUBS KEY | SCIENTIFIC NAME | COMMON NAME | SIZE |
|---|---|---|---|
| AM | Aronia melanocarpa | Black Chokeberry | 24" BB |
| BMk | Buxus microphylla 'Koreana' | Korean Littleleaf Boxwood | 3 Gal Cont. |
| BMg | Buxus microphylla 'Green Mountain' | Green Mountain Boxwood | 3 Gal Cont. |
| CAp | Cotoneaster apiculatus | Cranberry Cotoneaster | 18" BB |
| CH | Cotoneaster 'Hessii' (36" On Center) | Hess Cotoneaster | 3 Gal Cont. |
| CSI | Cornus sericea 'Isanti' | Isanti Redtwig Dogwood | 24" BB |
| EAm | Euonymus alata 'Ruby Hoog' | Ruby Hoog Dw. Euonymus | 48" BB |
| FG | Fothergilla gardenii | Dwarf Fothergilla | 18" BB |
| HI | Hydrangea 'Little Lamb' | Little Lamb Hydrangea | 3 Gal Cont. |
| HPt | Hydrangea paniculata 'Tardiva' | Tardiva Hydrangea | 36" BB |
| HK | Hypericum kalmianum | Kalm St. John's Wort | 18" BB |
| IVa | Ilex verticillata 'Afterglow' | Afterglow Holly | 18" BB |
| JCsg | Juniperus chinensis 'Sea Green' | Sea Green Juniper | 3 Gal Cont. |
| JCk | Juniperus chinensis 'Pfitzeriana Kallay' | Kallay Pfitzer Juniper | 3 Gal Cont. |
| JHbc | Juniperus horiz. 'Blue Chip'- 48" O.C. | Blue Chip Juniper | 3 Gal Cont. |
| JCs | Juniperus chinensis 'Sargenti' | Sargent's Juniper | 3 Gal Cont. |
| ND | Microbiota decussata (36" On Center) | False Cypress | 3 Gal Cont. |
| Rsm | Rosa 'Scarlet Meidland' | Scarlet Meidland Sh. Rose | 3 Gal Cont. |
| RAg | Rhus aljemum 'Green Mound' | Green Mound Alpine Cwu | 18" BB |
| Rgl | Rhus aromatica 'Grow-Low' (42" O.C. | Grow-Low Sumac | 3 Gal Cont. |
| SBt | Spiraea betulifolia 'Tor' | Tor Birchleaf Spirea | 24" BB |
| SMp | Syring meyeri 'Palabin' | Palabin Lilac | 24" BB |
| TMt | Taxus medi 'Tauntoni' | Tauntons Yew | 24" BB |
| TMh | Taxus medi 'Hicksi' | Hick's Yew | 24" BB |
| TOT | Thuja occidentalis 'Techny' | Techny Arborvitae | 8' BB |
| VOw | Viburnum dentatum 'Wentworth' | Wentworth Arrowwood Vib. | 36" BB |
| VOc | Viburnum carlesi 'Compactum' | Compact Koreanspice Vib. | 18" BB |
| VJ | Viburnum judii | Judd Viburnum | 36" BB |
| VOc | Viburnum opulus 'Compactum' | Compact Euro. Cran. Vib. | 24" BB |
| VHh | Viburnum lobatum 'Hoho' | Hahs Amer. Cranberry Vib. | 36" BB |
| WF | Weigela florida | Common Weigela | 48" BB |

| PERENNIALS AND GROUNDCOVER KEY | SCIENTIFIC NAME | COMMON NAME | SIZE | |
|---|---|---|---|---|
| Ar | Aquilegia 'Fanal Red' | Fanal Red Aquilegia | 1 Gal. | 24" On Center |
| AM | Alchemilla mollis | Lady's Mantle | 1 Gal. | 24" On Center |
| CAs | Calamagrostis acutiflia 'Stricta' | Feather Reed Grass | 1 Gal. | 18" On Center |
| CMid | Carex morrowii 'Ice Dance' | Ice Dance Sedge | 1 QT Cont. | 12" On Center |
| COs | Coreopsis grandiflora 'Stingray' | Stingray Tickseed | 1 Gal. | 24" On Center |
| DL | Dicentra 'Luxuriant' | Luxuriant Bleeding Heart | 1 Gal. | 24" On Center |
| DZar | Dianthus deltoides 'Zing Rose' | Zing Rose Dianthus | 1 QT Cont. | 12" On Center |
| FOG | Festuca ovina 'Elijah Blue' | Elijah Blue Fescue | 1 QT Cont. | As Shown |
| GSm | Geranium sanguineum 'Max Frei' | Max Frei Geranium | 1 Gal. | 24" On Center |
| RNs | Rudbeckia nitumani 'Summer Blaze' | Summer BL Blackeyed Susan | 1 Gal. | 24" On Center |
| NF | Nepeta fassini 'Walker's Low' | Walker's Low Catmint | 1 Gal. | 24" On Center |
| Hsd | Hemerocallis 'Stella D'Oro' | Stella D'Oro Daylilly | 1 Gal. | 24" On Center |
| HM | Heuchera micrantha 'Palace Purple' | Palace Purple Coral Bells | 1 Gal. | 24" On Center |
| PAr | Perovskia atriplicifolia | Russian Sage | 1 Gal. | 30" On Center |
| SN | Salvia nemerosa 'May Night' | May Night Salvia | 1 Gal. | 18" On Center |
| SH | Sporobolis heterolepsis | Prairie Dropseed | 1 Gal. | 24" On Center |
| Ske | Sedum kamtschaticum 'Takahiroke' | Takahiroke Sedum | 1 QL Cont. | 18" On Center |
| Hhb | Hosta 'Hadeen Blue' | Hadspen Blue Hosta | 1 Gal. | 24" On Center |
| PVs | Pennisetum virgatum 'Shenandoah' | Shenandoah Switch Grass | 1 Gal. | 24" On Center |
| PA | Pennisetum alopecuroides | Fountain Grass | 1 Gal. | As Shown |
| PAh | Pennisetum alopecuroides 'Hamelin' | Hamelin Fountain Grass | 1 Gal. | As Shown |
| SCc | Schizachyrium scoparium 'Carnsee' | Carousel Little Blue Stem | 1 Gal | 24" On Center |
| VM | Vinca minor | Periwinkle | 3" Pot | 12" On Center |

### LEGEND

- SHADE/INTERMEDIATE TREES (PHASE I)
- SHADE TREES
- INTERMEDIATE TREES
- EVERGREEN TREES
- DECIDOUS/EVERGREEN SHRUBS
- GROUNDCOVER/PERENNIAL PLANTINGS
- ORNAMENTAL GRASSES
- NATIVE GRASS AND FORB PLANTINGS

Sheet LS-2.21

**Lakes of Valparaiso**

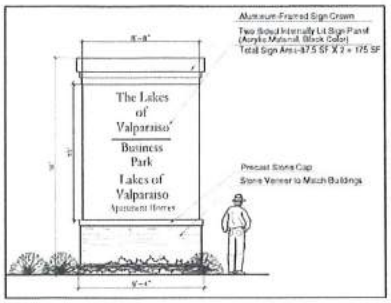
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**SJBZ Management**

Date: January 8, 2014

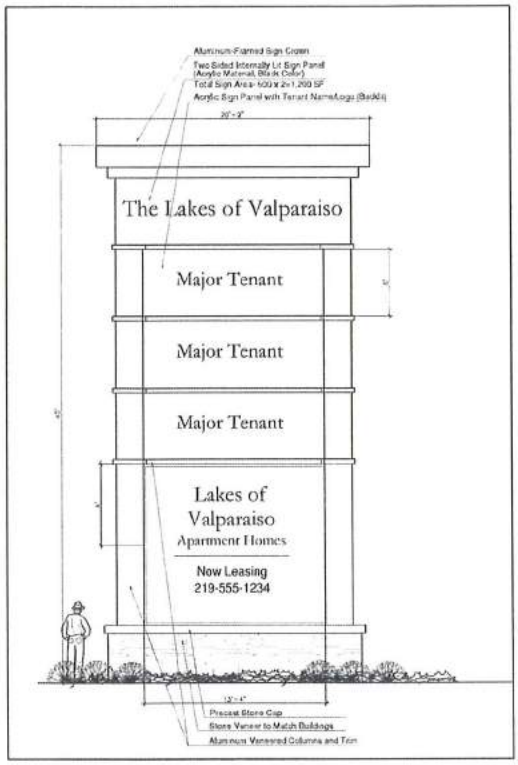
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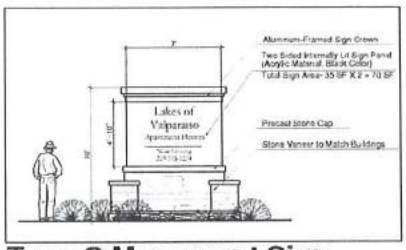

## Type B Monument Sign

Scale: 1/8"=1'-0"




## Type A Monument Sign

Scale: 1/4"=1'-0"




## Type C Monument Sign

Scale: 1/4"=1'-0"


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# DECLARATION OF RESTRICTIVE COVENANTS

# FOR

# THE LAKES OF VALPARAISO

VALPARAISO, INDIANA

This Declaration is made this day of 2014, by SJBZ Porter Holdings, LLC, an Indiana limited liability company (hereinafter referred to as "Developer"), as the owner of record of that certain tract of real property subject to this Declaration and more particularly described in Article I herein (hereinafter referred to as the "Subdivision" or "The Lakes of Valparaiso").

WHEREAS, Developer desires to subject the Subdivision to the covenants, conditions and restrictions hereinafter set forth for the benefit of such real estate and each present and future owner thereof, all of which shall be deemed to run with the land and each and every lot, parcel or tract thereof.

NOW THEREFORE, Developer declares that the Subdivision is and shall be held, transferred, sold, conveyed, leased, and occupied subject to the covenants, conditions and restrictions hereinafter set forth for the mutual benefit of the real estate and under a general plan and scheme of development and improvement of the Subdivision.

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## ARTICLE I

## PROPERTY SUBJECT TO THIS DECLARATION; ADDITIONS THERETO, DELETIONS THEREFROM

Section 1.1 Legal Description. The real property which is and shall be held, transferred, sold, conveyed, leased and occupied, subject to this Declaration, is located in the City of Valparaiso, County of Porter, State of Indiana, and comprises all of the Lots, tracts and easements shown and/or platted within or upon the property legally described as follows:

INSERT LEGAL DESCRIPTION

Section 1.2 Platting and Subdivision Restrictions. Developer shall be entitled at any time and from time to time, to plat, replat or vacate existing plattage of all or any part of the real estate subjected to this Declaration, and to file subdivision restrictions and/or amendments thereto with respect to any undeveloped portion, or portions of, or additions to the Development.

Section 1.3 Additional Real Estate. Developer may, but shall have no obligation to, add at any time or from time to time to the scheme of this Declaration additional real estate, provided only that (a) any portion of the real estate from time to time added to the scheme of this Declaration shall be contiguous to property then subject to the scheme of this Declaration, (b) any portion of such real estate shall, at the time of addition to the scheme of this Declaration, be platted as any use permitted by the City of Valparaiso (or any other unit of government having jurisdiction) of the real estate so added, (c) said plat of added real estate shall dedicate, or commit to dedicate, the real estate intended to benefit the public or more than one Owner within the plat, and (d) upon addition of the real estate to the scheme of this Declaration, the owners of the property therein shall be and become subject to this Declaration, and shall have all privileges and obligations set forth in this Declaration, including assessment by the Association for their prorata share of Association expenses. The addition at any time or from time to time of all or any portion or portions of the real estate to the scheme of this Declaration shall be made and evidenced by filing in the Office of the Recorder of Porter County, Indiana, a supplementary Declaration with respect to that portion of real estate to be added. Developer reserves the right to so amend and supplement this Declaration without the consent or joinder of the Association or of any Owner and/or Mortgagee of land in The Lakes of Valparaiso.

Section 1.4 Retractable Real Estate. At the sole election of Developer, all of the real estate specifically described in Section 1.1 of this Article and subject to this Declaration may be withdrawn from submission hereunder at one time, or portions thereof at different times; provided, however that no real estate may be withdrawn which has been developed. All Owners, mortgagees and the Association are hereby deemed to consent to the vacation, and waive all right to remonstrate thereto, of any portion of the plat of The Lakes of Valparaiso not developed in which Developer has withdrawn from this Declaration.

## ARTICLE II

## PURPOSE OF THIS DECLARATION

Section 2.1 General Purpose. The Subdivision is hereby subjected to the covenants, conditions and restrictions herein declared as applicable to the Subdivision, all of which shall be deemed to run with the subject property, and each and every parcel thereof, to provide for the proper use and appropriate development and improvement of the Subdivision so as to:

(a) Protect the Owners and Occupants of buildings, structures and Improvements located in the Subdivision against improper development and use of surrounding real estate;

(b) Prevent the erection or construction of Improvements with improper or unsuitable materials or improper quality;

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(c) Ensure adequate and reasonably consistent development of the Lots within the Subdivision;

(d) Encourage and ensure the erection of attractively designed permanent Improvements appropriately located within the Subdivision in order to achieve harmonious appearances and function; and

(e) Provide for maintenance of the Detention Area Easements;

(f) Provide for repair and maintenance of one or more signs located within the Subdivision.

Section 2.2 Local Ordinances. These protective covenants are further intended to complement all applicable governmental regulations, and where conflicts occur, the most strict or rigid requirements shall be applied. Specifically, the Subdivision is subject to and governed by that certain PUD Ordinance adopted by the Common Council for the City of Valparaiso on _____, 2014 and known as Ordinance No. _____. Notwithstanding the foregoing, nothing contained in this Declaration shall be construed in any way so as to restrict or affect the City of Valparaiso, or any other applicable governmental authority's power and authority to review the plans and specifications for all proposed Improvements to insure compliance with all applicable governmental regulations regarding the issuance of building permits or any other applicable permits required in connection with such improvements.

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## ARTICLE III

## DEFINITIONS

For the purpose of this Declaration, the following terms shall have the following meanings:

Section 3.1 "Association" shall mean The Lakes of Valparaiso Association, an Indiana not-for-profit corporation.

Section 3.2 "Board" shall mean the Board of Directors of the Association.

Section 3.3 "Committee" shall mean The Lakes of Valparaiso Architectural Control Committee described in Article IX hereof.

Section 3.4 "Declaration" shall mean this Declaration of Restrictive Covenants for The Lakes of Valparaiso.

Section 3.5 "Detention Area Easement" shall mean the storm water detention and drainage easement areas (including flowage easements) depicted on the Subdivision Plat recorded in the Office of the Recorder of Porter County, Indiana contemporaneously with this Declaration.

Section 3.6 "Improvements" shall mean and include buildings, outbuildings, roads, driveways, pedestrian walkways, parking area, outdoor lighting, fences, screening walls and barriers, retaining walls, stairs, decks, windbreaks, hedges, lawns, private sidewalks, planted

trees and shrubs, plantings, poles, signs, loading areas and all other structures or landscaping improvements of every type and kind although not specifically enumerated.

Section 3.7 "Lot" shall mean a portion of the Subdivision, usually a subdivided lot of record, used for or intended to be used for the construction of structures which have frontage upon a street. For the purpose of this Declaration, however, a "Lot" is not required to coincide with a lot of record.

Section 3.8 "Lot Area" shall mean the gross area, in acres, of a subdivided lot, including public utility, drainage and access easements and Detention Area Easements and excluding public street right-of-ways as shown on or determined from the Subdivision Plat presently recorded or hereafter recorded regarding the Subdivision or any additional property hereinafter made subject to this Declaration.

Section 3.9 "Signs" shall mean the sign(s) which may be erected by Developer or the Association pursuant to this Declaration.

Section 3.10 "Mortgage" shall mean either a mortgage or deed of trust creating a lien against a portion of the Subdivision given to secure an obligation of the owner of such portion of the Subdivision.

Section 3.11 "Occupant" shall mean any firm, corporation, partnership, natural person or legal entity, public or private, legally entitled to occupy or use any part or portions of a Lot.

Section 3.12 "Owner" shall mean the record owner (or the beneficiaries of a land trust which may be a record owner), of fee simple title to any Lot whether one or more Persons or entities.

Section 3.13 "Person" shall mean any natural individual, corporation, partnership, trustee, or any other legal entity capable of holding title to real property.

Section 3.14 "Subdivision" shall mean the real estate described in Article I herein to be developed consistent with the Subdivision Plat and also referred to herein as "The Lakes of Valparaiso".

Section 3.15 "Subdivision Plat" shall mean any plat of subdivision or resubdivision encompassing all or any part of the Subdivision and duly recorded in the Office of the Recorder of Porter County, Indiana.

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## ARTICLE IV

## GENERAL RESTRICTIONS

Section 4.1 Lot Maintenance. Each Owner shall maintain or cause to be maintained its Lot, and all Improvements located thereon, excluding the Detention Area Easement, maintained areas shall include the exterior of all buildings, pedestrian walks, parking lots, storage areas, refuse collection areas, and landscaped areas. The Lot shall be kept in a clean, sightly and safe condition, and each Owner shall at all times cause the prompt removal of all papers, debris and

refuse therefrom and the removal of snow and ice from paved areas and sidewalks. Snow and ice shall be kept upon the Lot and not pushed or placed on any other Lot, upon a public or private street, or within any Detention Area Easement or other common area.

Section 4.2 Damage or Destruction. In the event of damage or destruction to any Improvement by reason of fire or other casualty, the Owner of Lot on which such Improvements were located shall thereafter promptly restore such Improvements to the condition existing prior to such damage or destruction, or raze and remove such Improvements and landscape the Lot in a sightly manner, or construct new Improvements after complying with the Article IX.

Section 4.3 Diligence in Construction. In the event construction of any Improvement ceases for a period of six (6) months, the Owner, upon written demand of the Association, shall raze and remove any Improvement not enclosed and shall landscape the Lot in compliance with the requirements of this Declaration.

Section 4.4 Unlawful Activity Prohibited. No Owner shall conduct, or permit any person to conduct any unlawful activity on the Lot owned by such Owner.

Section 4.5 Equipment Loading and Unloading. All equipment used in clearing, excavating or construction on a Lot that is not rubber-tired shall be loaded or unloaded only within the boundary lines of the Lot. During clearing, excavating or construction, the Owner of the Lot on which the work is performed shall cause the roads and sidewalks within or bordering on the Subdivision to be kept clear of dirt and debris caused by such clearing, excavating or construction and shall be responsible for any damage to such roads and sidewalks.

Section 4.6 Temporary Structures Prohibited. No trailer, temporary building or structure of any kind shall be permitted except during construction of a permanent Improvement. Such trailer, temporary building or structure shall be removed as promptly as practicable and in any event not later than thirty (30) days after the issuance by the City of Valparaiso of any occupancy permit for such permanent Improvement.

Section 4.7 Pollution and Nuisances. No Owner shall cause or allow any activity which shall cause air, water, soil or noise pollution which would violate any applicable laws, ordinances, rules and regulations of any governmental authority having jurisdiction over the Subdivision. Without limiting the generality of the foregoing, no Owner shall willingly or knowingly drain dump any refuse, sewage or other materials into any detention facility located on the subdivision.

Section 4.8 Association Performance. If any Owner shall fail to perform any obligations created under these Declarations including, but not limited to, maintenance, landscaping, or lawn care, the Association may give written notice to the Owner specifying the manner in which the Owner has failed to so perform. If such failure has not been corrected within a fifteen (15) day period, has not been commenced within such period and thereafter diligently completed, the Association may enter upon the Lot and perform such work. Provided, however, if an owner disputes a determination by the Association that the Owner has failed to perform any such Obligation the Owner may request a review by The Lakes of Valparaiso Architectural Control committee to make a factual determination. Upon such review, the Committee must find an obligation by a majority vote of the members of the Committee, for the obligation to apply.

The cost of any work shall be assessed against and paid by the Owner within thirty (30) days of the date of rendering a statement therefore which statement shall specify the details of the work performed by the Association and the costs thereof. Such statements may include, at the Association's option, a charge of ten percent (10%) of the direct costs thereof to help defray the Association's administrative expenses connected with performing such work. The provisions of Article XI shall apply to the aforesaid assessment.

The Association, Committee, any Owners or the Developer by:

(a) making any determination of an unmet obligation or nuisance by an Owner or a review of the same; or

(b) the performing of any work on any Lot

shall not be liable or responsible to the Owner or Person for any losses or damage thereby sustained by the Owner, person or anyone claiming by or under the Owner or person, except for gross negligence or wanton and willful conduct.

## ARTICLE V

## NUISANCES AND PROHIBITED USES

Section 5.1 In General. Each Lot or parcel shall be used for lawful purposes in conformance with all restrictions imposed by all applicable governmental laws, ordinances, (including The Lakes of Valparaiso PUD Ordinance), codes, and regulations, and no use or operation shall be made, conducted or permitted on or with respect to all or any portion of a Lot which is illegal or unreasonably interferes the use or enjoyment of other Owners or Occupants.

Section 5.2 Specific Prohibited Uses. Throughout the term of this Declaration, it is expressly agreed that no Lot shall be used, directly or indirectly, for purposes of a tattoo parlor, pawn shop, adult book store, adult theatre, adult amusement facility, or any facility selling or displaying pornographic materials or having such displays, the outdoor housing or raising of animals, or any use which creates a nuisance. A "nuisance" shall include, without limitation, any material violation or breach of the performance standards of The Lakes of Valparaiso PUD Ordinance or such standards established in advance by Developer.

## ARTICLE VI

## DEVELOPMENT STANDARDS

Section 6.1 Compliance. No building or other structure shall be constructed, enlarged, altered or maintained on a Lot except in compliance with this Declaration, covenants and restrictions of record and with all laws, ordinances, rules and regulations of all governmental authorities having jurisdiction over the Subdivision.

Section 6.2 Landscaping. Each Owner shall provide landscaped areas on the Lot as approved by The Lakes of Valparaiso Committee under Article IX, herein for all areas not

improved with structures, buildings or pavement. Owners of vacant lots shall establish and maintain a vegetative cover over the Lot within twelve (12) months after the date of the instrument granting title to Owner. The Lakes of Valparaiso Committee may extend said twelve (12) month period during the period of actual building construction or for other good cause shown. Improved Lots shall install all landscaping and required plantings within the time provided by The Lakes of Valparaiso PUD Ordinance.

Section 6.3 Screening Required. All trash receptacles and storage areas, service yards, electrical cage enclosures, incinerators and similar equipment for the disposal of materials, and storage tanks, shall be screened from view from access streets and adjacent properties by means of a fence, berm, wall or dense opaque landscaping materials.

Section 6.4 Curb Cuts. All curb cuts shall be designed so as to create a means of ingress and egress for each Lot consistent with efficient traffic patterns and which will not unnecessarily hinder traffic flow to or from other Lots. Lots with frontage on Memorial Parkway shall not access to Memorial Parkway, but must access the Lot solely by the alternative common public or private drive or street. Only Lots without alternative access may directly access Memorial Parkway for vehicular access to a Lot.

Section 6.5 Utility Service. All electrical service, gas service and telephone lines in the Subdivision shall be placed underground, provided, however, that placement within buildings or structures or attached to their walls may be above ground so long as they are appropriately screened and approved by The Lakes of Valparaiso Committee as set forth in Article IX below.

Section 6.6 Signage. All temporary and permanent signage shall conform to the The Lakes of Valparaiso PUD Ordinance.

Section 6.7 Driveways and Parking Areas. All access driveways and parking areas shall have a wearing surface of asphalt, concrete or other similar hardsurfaced material. No Owner shall permit or allow any parking area or parking lot to be located on any Lot located between the principal structure thereon and the Highway 49 right-of-way.

Section 6.8 Fences. There shall be no fences except where they are used for screening (i.e. trash receptacles and loading areas). Where fencing is permitted for screening, it shall, at a minimum, consist of a solid opaque manmade fence or wall a minimum of six (6) feet and a maximum of eight (8) feet in height, and shall be architecturally consistent with the adjoining structure. Gates, if provided to drives, need not be solid or opaque. The type and location of screening shall be shown on the site plan, and such screening shall be located no closer than seventy-five (75) feet to a street right-of-way line. Security fences may be installed at the discretion of the Committee.

Section 6.9 Compliance with Soil Erosion Control Plan.

(a) Developer has established and implemented an erosion control plan pursuant to the requirements and conditions of Rule 5 of 327 IAC 15 relating to Storm Water Run-off Associated with Construction Activity. Each Owner shall undertake all erosion control measures contained therein as the plan applies to "land disturbing activity" initiated by Owner or Owner's builders, contractors and their subcontractors and to

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comply with the general permit under Rule 5 as well as all other applicable state, county or local erosion control authorities.

(b) Owner shall indemnify and hold Developer harmless from and against all liability, damage, loss, claims, demands and actions of any nature whatsoever which may arise out of or are connected with, or are claimed to arise out of or connected with, any work done by Owner, Owner's employees, agents, or subcontractors which is not in compliance with the erosion control plan implemented by Developer.

Section 6.10 Storm Water Management. All public storm water drainage facilities have been provided for each individual Lot. Public facilities include storm water detention basins, swales, piping, inlets, storm water quality best management practices (BMP) and other improvements. All public storm water structures and facilities shall be covered by easements allowing for access to the storm water conveyance system components for routine maintenance and replacement when required. Each individual Lot's storm water management system shall conform to the approved Master Drainage Plan of The Lakes of Valparaiso PUD. Storm water shall be maintained and managed on each Lot. Each Lot shall provide storm water detention basins, swales, piping, inlets, storm water quality best management practices (BMP) or any other structures that would be required to manage storm water. Each individual Lot shall provide "on-site" detention of storm water only when the total impervious coverage exceeds eighty percent (80%). All storm water management plans shall be approved by the City Engineer for the City of Valparaiso. Each individual Lot shall prepare a Storm Water Pollution Prevention Plan and have it approved by the City Engineer for the City of Valparaiso or his/her designated agent.

Section 6.11 Delineation of Wetlands and Restricted Use. There are designated on the final plat for the Subdivision Open Space areas in which wetlands may have been delineated. No Owner within the Subdivision may alter, remove or replace or in any manner affect the vegetation and/or other materials within the designated wetlands unless authorized by Developer and permitted by law. No Owner may engage in any filling, dredging, or other altering, modification or development of the vegetation, soils and hydrology of the wetland areas shall be undertaken except as necessary for normal detention basin maintenance. All maintenance work will be carried out in such a fashion to minimize wetland damage or alteration.

Section 6.12 Construction of Sewage Lines. All sanitary sewage lines on the Lots or any tract or parcel shall be designed and constructed in accordance with the provisions and requirements of the City of Valparaiso, Porter County Board of Health, the Indiana State Board of Health and/or the Indiana Department of Environmental Management. No storm water (subsurface or surface) shall be discharged into sanitary sewers. No utility services shall be installed under finished streets except by jacking, drilling, or boring. Copies of all permits, plans, and designs relating to the construction of a sanitary sewer service line shall be submitted in duplicate to the Committee at the time of the submission of all other plans or documents required for the obtaining from said Committee of a permit to build.

Section 6.13 Sanitary Sewer Easement Restrictions. No fences shall be permitted within any utility or drainage easements designated on the final plat of the Subdivision. Any and all landscaping and/or plantings placed within the sanitary sewer easement across the foregoing Lots shall be installed at the Lot Owner's risk and, in the event that any landscaping may be damaged as a result of a public utility utilizing said easement in a normal, customary manner, the utility

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shall not be obligated to replace or restore any plantings and/or landscaping features other than ordinary yard grass.

## ARTICLE VII

## DETENTION AREA EASEMENTS

SECTON 7.1 Easements Established. The Association shall maintain the Detention Area "Utility and Drainage Easement". The Owner, its heirs, successors and assigns shall not modify the grades or slopes of the Detention Area Easements or any other surface water runoff or flow pattern without the prior written consent of both the City of Valparaiso, its successors and assigns and the Association.

Section 7.2 Title to Detention Area Easements. Developer may retain the legal title to the Detention Area Easements so long as it owns at least one Lot in the Subdivision. On or before conveyance by Developer of the last Lot which Developer owns in the Subdivision, Developer shall convey the Detention Area Easements to the Association subject to taxes for the year of conveyance and to restrictions, conditions, limitations, reservations and easements of record.

Section 7.3 Owners' Easements of Enjoyment. Every Owner of a Lot shall have a non-exclusive common right and easement of enjoyment in and to the Detention Area Easements which shall be appurtenant to and shall pass with the title to each Lot, subject to the following:

(a) The right of Developer or the Association to take such steps as reasonably necessary to protect the above-described properties against foreclosures;

(b) All provisions of this Declaration, any plat of all or any part or parts of the Subdivision, and the Articles and By-Laws of the Association;

(c) Rules and Regulations governing the use and enjoyment of the Detention Area Easements adopted by the Association;

(d) Restrictions contained on any and all plats of all or any part of the Detention Area Easements or filed separately with respect to all or any part or parts of the Subdivision; and

(e) Easements for installation and maintenance of utilities and drainage facilities as shown on the recorded plat of the subdivision. Within these easements, no structure, planting other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may damage, interfere with, impede, or change the direction of flow of drainage facilities in the easements. The easement areas shown on each Lot and all Improvements thereon shall be continuously maintained by the Owner of such Lot, except for Improvements for maintenance of which a public authority or utility company is responsible. No Owner shall build, erect or maintain a structure of any kind on any such easement, reservation or right-at-way, and such easements, reservations and rights-of-way shall at all times be

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open and accessible to public and quasi-public utility corporations, their employees and contractors, and shall also be open and accessible to Developer, its successors and assigns of the right to use and enjoy the same non-exclusive easements, for the benefit of additional real estate owned or later acquired by Developer located on real estate contiguous to the Subdivision.

Section 7.4 Public Rights. In the event the Association, its successors or assigns shall fail to properly maintain the Detention Area Easements (or the Developer if the Developer has not conveyed the Detention Area Easement to the Association), the City of Valparaiso, its successors and assigns may, upon fifteen (15) days prior written notice, have the right to enter upon the Detention Area Easements to perform, or have performed on the City of Valparaiso's behalf, any maintenance work to or upon the easement reasonably necessary to ensure adequate storm water storage and flow of storm water through the Detention Area Easements serving the Subdivision. In the event of an emergency, the City may immediately enter upon the Detention Area Easements and give the Association timely notice as soon as practicable thereafter. The City of Valparaiso shall have a right to be reimbursed from the Association the cost of such work. Nothing in this Declaration shall prohibit the City from establishing the Subdivision, or any part thereof, as an allocation area (tax increment financing district), economic revitalization area, improvement district or any other special district for special tax treatment.

Section 7.5 Right of Entry. Developer and the Association, through their duly authorized employees and contractors, shall have the right, after reasonable notice to the Owner thereof, to enter any Lot or tract of real estate at any reasonable hour on any day to perform such maintenance as may be authorized herein including, without limitation, altering or changing Detention Area Easements.

Section 7.6 No Partition. There shall be no judicial partition of the Detention Area Easements, nor shall Developer, or any Owner or any other Person acquiring any interest in the Subdivision, or any part thereof, seek judicial partition thereof of the Detention Area Easements. However, nothing contained herein shall be construed to prevent judicial partition of any Lot owned in cotenancy.

## ARTICLE VIII

## DEVELOPMENT SIGNAGE

Section 8.1 Location. Developer hereby reserves the right to cause signs to be erected in the Subdivision which shall bear the name and legend of the Subdivision. Developer and the Association are hereby granted appropriate easement rights, as determined by Developer or the Association, to enter upon that portion of said Lots where the signs are or to be erected for the purpose of constructing, repairing and maintaining said signs. Signs shall not be located within any public right-of-way.

Section 8.2 Maintenance. The Association shall be responsible for the cost to repair and maintain the signs, including electric use, licenses and any other cost or expenses associated with the signs.

## ARTICLE IX

## LANDSCAPING

Section 9.1 Landscape Plan. All landscaping shall conform to The Lakes of Valparaiso PUD Ordinance. In addition to compliance with said ordinance, every Lot on which a building is constructed in the Subdivision shall be landscaped by the Owner in accordance with a landscaping plan designed pursuant to the following landscaping guidelines ("Landscape Plan") which shall be a necessary part of the submittal of the plans for review by the Committee or Developer, in the manner provided herein.

(a) Grass Areas. All front, side or rear yards of Lots improved with a building, including any easement areas for utilities, etc., exclusive of driveway, sidewalks, parking areas, patios and plazas or other landscaped areas, shall be seeded or sodded with Kentucky blue grass predominant seed or sod mixtures.

(b) Trees and Shrubs. Trees and shrubs shall be grouped in clusters and oriented to harmonize with adjacent landscaping in place or with any proposed Landscape Plan previously approved for improvements under construction. Street trees shall be provided by the Owner of each Lot pursuant to the Site Improvement Plan as part of The Lakes of Valparaiso PUD Ordinance and shown on the Lot's Landscape Plan.

Section 9.2 Installation. Landscaping in accordance with an approved Landscaping Plan shall be installed in a timely manner and in compliance with The Lakes of Valparaiso PUD Ordinance. Landscape Plans shall be prepared and certified by a landscape architect registered in the State of Indiana.

## ARTICLE X

## THE LAKES OF VALPARAISO

## ARCHITECTURAL CONTROL COMMITTEE

Section 10.1 Power of Architectural Control Committee. There is hereby created an Architectural Control Committee for the purpose of architectural and engineering control to secure and maintain an attractive and harmonious commercial development. Developer shall function as and grant all approvals and variances provided for herein until Developer conveys the last Lot or parcel of real estate which Developer owns, except that Developer may elect to delegate and assign such duties and responsibilities to the Committee prior to that time. A Committee appointed by Developer, need not be made up of Owners within the Association. After the Developer conveys the last Lot or parcel of real estate which Developer owns within the Subdivision, the control of the Committee shall be transferred over to the Association. A vote of the majority of the Committee shall be required to constitute the decision of the Architectural Control Committee. The Owner shall request architectural review in writing, and shall furnish sufficient copies of each of the following:

1. Proposed uses of the Lot and buildings;

2. The lot site plan, prepared by an architect, professional engineer or land surveyor, licensed or registered in the State of Indiana, showing:

(a) the location and dimensions, of all buildings and structures;

(b) parking areas including number and size of parking spaces;

(c) loading and storage facilities and areas;

(d) means of ingress, egress, curb cuts and pedestrian walkways; and

(e) grading and drainage plans.

3. The Landscape Plan, prepared by a landscape architect registered in the State of Indiana, in accordance with the Landscape Plan guidelines as set forth in The Lakes of Valparaiso PUD Ordinance, showing:

(a) the size, location, type and species of all ground cover and plantings; and

(b) any underground lawn sprinkling system;

4. Drawings and specifications of all exterior building surfaces, showing elevations and including the color, quality and type of exterior construction materials;

5. Outdoor lighting plan showing the type, style, size, color and candlepower of all outdoor light fixtures and poles. An illumination plan or photometric plan shall be included showing foot candle levels over the entire site.

6. Size, design and location of signage in compliance with The Lakes of Valparaiso PUD Ordinance.

7. Any additional information reasonably required for, or requested by the Developer committee which shall enable the Developer Committee to determine the location, character, design, use, scale and appearance of the proposed Improvements.

Changes in approved plans and specifications, or subsequent alterations, additions and changes to any existing Improvements that effects building size, placement or external appearance must be similarly submitted to and approved by the Committee.

Section 10.2 Approval or Disapproval of Site Review. The Committee, or Developer, as the case may be, shall disapprove preliminary concepts or plans and specifications submitted to it in the event the same are not in accordance this Declaration and/or The Lakes of Valparaiso PUD Ordinance or if the concept or final plans and specifications submitted are incomplete, and shall specify the reason for such disapproval. The Committee shall consider any request which is submitted in accordance with the terms hereof on the basis of its conformity and harmony of external design and location in relation to surrounding structures, relation of topography, grade and finish ground elevation of the Lot being improved to that of neighboring sites, proper facing of main elevation with respect to nearby streets, adequacy of screening of mechanical, air

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conditioning and rooftop installations, and conformity of the plans and specifications to the purpose and general plan and intent of this Declaration. The Committee shall, within thirty (30) days after the submission of such complete plans and specifications approve or disapprove any such request in writing. In the event such plans and specifications are disapproved, the Committee shall specify the reasons therefore. If the Committee fails to so approve or disapprove such request within thirty (30) days after such plans and specifications are submitted, such request shall be deemed approved. The decision of the Committee shall be final, but the Committee shall not arbitrarily or unreasonably withhold its approval of such plans and specifications.

Section 10.3 Construction Following Approval. Upon obtaining the final plan approval of The Lakes of Valparaiso Committee, the Owner shall, as soon as practicable, proceed diligently with obtaining all governmental permits and the commencement and completion of all approved Improvements.

Section 10.4 Variances by Committee. The Lakes of Valparaiso Architectural Control Committee, by the written consent of two-thirds of the members thereof, or by the decision of Developer, as the case may be, is hereby authorized and empowered to grant reasonable variances from the provisions of this Declaration, or any portion hereof, in order to overcome practical difficulties and to prevent unnecessary hardship in the application of the provisions contained herein; provided, however, that said variances shall not materially injure any of the Subdivision or Improvements within the Subdivision, and shall otherwise be subject to all applicable laws, ordinances, rules and regulations of any governmental agency or political subdivision having jurisdiction over the Subdivision. No variance granted pursuant to the authority granted herein shall constitute a waiver of any provision of this Declaration as applied to any other person, Owner, or Lot.

Section 10.5 Liability of Parties. Neither The Lakes of Valparaiso Committee, the Association, Developer nor any member, employee or agent thereof, shall be liable to any Owner, to anyone submitting plans for approval, or to any other person, by reason of good faith exercise of judgment or mistake or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any such plans and specifications or for any other action in connection with its or their duties hereunder. No member shall receive any compensation for serving on the Architectural Control Committee.

Section 10.6 Inspection. The Committee may inspect work being performed with its permission to assure compliance with this Declaration, The Lakes of Valparaiso PUD Ordinance, and applicable laws and regulations.

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## ARTICLE XI

## THE LAKES OF VALPARAISO ASSOCIATION

Section 11.1 Establishment of Association. Developer will cause to be incorporated a not-for-profit corporation known as The Lakes of Valparaiso Association and said corporation shall have the power: (a) to provide for the selection of members to serve on The Lakes of Valparaiso Architectural Control Committee as set forth in Article IX above; (b) to provide for the enforcement of the provisions of this Declaration; (c) to provide such other services and facilities as may be authorized from time to time by the affirmative vote. of 60% of the votes cast; (d) in general to maintain and promote the desired character of the development; (e) to exercise the powers of not-for-profit corporations pursuant to the Indiana Nonprofit corporation Act of 1991, as amended; and (f) to levy assessments against all or a portion of the subdivision, for maintenance fees and Declaration enforcement costs. Pursuant to this Declaration, the Board of Directors of the Association shall constitute the final administrative authority (except as otherwise expressly provided in Article IX above) and all decisions of the Board with respect to the administration of the Subdivision shall be binding. All rights, title and obligations vested or imposed upon the Association by this Declaration shall be held and performed by the Board. The By-Laws for governing the Association shall be those duly enacted by the Association.

If any Owner or Owners believe that:

(a) the disapproval of any plans and specifications;

(b) the finding of any unfulfilled Declaration obligations; or

(c) the finding of a nuisance or violation under this Declaration or the Association By-Laws is arbitrary and capricious,

the Owner must, as its sole remedy, submit the matter to final and binding arbitration pursuant to the provisions of the Indiana Uniform Arbitration Act and the rules of the American Arbitration Association not in conflict with said Act. The fees for the arbitrator and a court reporter shall be divided equally between the Owner and the Association. All other costs shall be borne by the party incurring same. The parties to arbitration agree to cooperate in providing relevant documents, witnesses, employees, agents and contractors requested by the other party. No arbitrator shall vary from, or change the provisions of this Declaration.

Section 11.2 Membership. Every Owner of a Lot shall be a member of the Association. No Owner shall have more than one membership for each Lot owned. Membership shall be appurtenant to and may not be separated from ownership of any Lot. Ownership of a Lot shall be the sole qualification for membership.

Section 11.3 Voting. The Association shall have one class of membership and each member shall have votes equal to the number of acres and fraction thereof contained in the Lot Area that Owner owns; therefore, votes may be fractional. In no event shall the votes cast with respect to any Lot be cast by more than one Person. If more than one person is the record Owner of any Lot, or an Owner is a trustee, corporation, partnership or other legal entity, the votes for such Lot shall be exercised as such Owner or Owners of that Lot shall designate. Such designation shall be made in writing to the Association or in such other manner as the Board may

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determine, however, the Board may, in good faith, rely upon a single vote cast by any Person representing the Owner without actual knowledge of a dispute or conflicting purported votes among persons. In the event that no written designation is received from an Owner, and conflicting purported votes are tendered, the Association shall disallow all votes related to the Lot.

Section 11.4 Board of Directors - Requirements for Membership. The Association shall be governed by a Board of Directors as provided in the By-Laws of the Association. Except for directors appointed by Developer, directors shall be members (or, in the case of a corporation, partnership or trustee member, any party designated by such corporation, partnership or trustee member) of the Association. Prior to the appointment of the first Board, Developer shall equally exercise all rights, powers and privileges and act in the capacity of the Board and may perform all of its functions as set forth in this Declaration and in the By-Laws of the Association.

Section 11.5 Appointment of Board of Directors by Developer. Notwithstanding anything contained in this Declaration or the By-Laws of the Association to the contrary, the first Board and each subsequent Board shall consist of three (3) directors appointed by Developer, and vacancies on the Board shall be filled by such persons, who may, but need not, be members of the Association until the first to occur: (i) ninety (90) days after the sale and transfer of title by Developer of all of the subdivided lots and interest in real estate being a part of the Subdivision, or (ii) Developer's relinquishment of it's respective rights to appoint all members of the Board, which shall be delivered in writing to the Association. Without the prior written consent of Developer, neither this Declaration of the Articles of Incorporation of the Association, nor its By-Laws shall be amended, modified or changed in any way to diminish the authority of the Board or the rights of Developer while Developer has the right to appoint any members of the Board. Developer may, from time to time, by written notice to the Association, elect to relinquish its right to appoint anyone or more directors and continue to exercise its right to appoint the remaining members of the Board for the period herein above specified. All directors not appointed by Developer shall be elected as hereinafter provided.

Section 11.6 Board of Directors - Election by Members. Upon termination of Developer's right to appoint any or all of the directors as provided in Section 10.5 above, those directors not subject to appointment by Developer, shall be elected by the members at the annual meeting of the Association called by the president of the Association, by Developer, or by any three (3) members, except as provided in Section 10.7 below. Such meeting shall be called by notice sent pursuant to the By-laws of the Association.

Section 11.7 Annual Meeting. The first annual meeting of members shall be held not later than the first to occur of: (i) ninety (90) days after the sale and transfer of title by the Developer of all of the subdivided lots and interest in real estate being a part of the Subdivision; (ii) sixty (60) days after Developer's relinquishment of its right to appoint one (1) or more members of the Board. Developer shall cause to be sent written notice of such first annual me8ting in accordance with the By-Laws.

Section 11.8 Liability of Directors and Officers. Neither the directors nor the officers of the Association shall be personally liable to the Owners or the Association for any mistake of judgment or for any other acts or omissions of any nature whatsoever as such directors or officers except for any acts or omissions found by a court to constitute gross negligence or fraud.

The Association shall indemnify and hold harmless the directors and officers, their heirs and legal representatives, against all contractual and other liabilities to others arising out of contracts made by or other acts of the directors and officers on behalf of the Owners or the Association or arising out of their status as directors or officers unless any such contract or act shall have been made fraudulently or with gross negligence. The foregoing indemnification shall include indemnification against all costs and expenses (including, but not limited to attorneys' fees, amounts of judgments paid and amounts paid in settlement) actually and reasonably incurred in connection with the defense of any claim, action, suit or proceeding, whether civil, criminal, administrative or other, in which any such officer or director may be involved by virtue of being or having been such director or officer; provided, however, that such indemnity shall not be operative with respect to; (i) any matter as to which such person shall have finally been adjudged in such action, suit or proceeding to be liable for gross negligence or fraud in the performance of his duties as such director or officer; or (ii) any matter settled or compromised, unless; in the opinion of independent counsel selected by or in a manner determined by the Board, there is not reasonable ground for such person being adjudged liable for gross negligence or fraud in the performance of his duties as such director or officer.

Section 11.9 Appropriation of Funds Collected. All funds collected by the Board shall be held and expended for the purposes designated in this Declaration and the By-Laws. All contracts and agreements entered into by the Board or the officers of the Association shall be deemed executed by said parties, as the case may be, as agent for the Owners or the Association.

## ARTICLE XII

## ASSESSMENTS LEVIED BY THE ASSOCIATION

Section 12.1 Levy of Assessments. The Association shall have the right, power and duty to levy assessments against the Owners and Lots within the Subdivision for costs incurred by the Association in carrying out the purposes of the Association including land maintenance and the costs of enforcing this Declaration.

The initial annual assessment payable to the Association shall be fixed by Developer in its reasonable discretion, giving due consideration to the cost of maintenance for the prior twelve (12) month period. Commencing with each fiscal year the Board shall estimate its costs of operation for the coming year and the same shall be assessed and paid in advance, at least annually by each Owner, and Developer, or at such other times as the Board directs. Such assessment may take into account reserves for any contemplated repair, replacement or renewal of a specific improvement used for the benefit of any portion of the Subdivision.

Section 12.2 Determination of Assessment. Each Owner's share of any assessment levied hereunder shall be determined by multiplying the total assessment times a fraction, the numerator of which is the Lot Area contained in the Lot owned by said Owner, and the denominator of which shall be the total acreage of all Lots in the Subdivision (exclusive of dedicated street right-of-ways, common area parcels or other public or quasi-public parcels maintained by the Association or non-owners of an individual Lot within the Subdivision).

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Each Owner's assessment may be increased by an additional assessment, if any, which may arise by the application of paragraph 4.8 of this Declaration. Any Owner acquiring title after the beginning of the Association's fiscal year shall have its assessment pro-rated for the time of actual ownership.

Section 12.3 Special Assessments for Capital Improvements and Major Repairs. In addition to the annual assessment, the Association may levy in any assessment year a special assessment applicable to that year only, for the purpose of defraying in whole or in part the cost of any construction, re-construction, unexpected repair or replacement of a capital improvement as approved by the Board, provided that any such assessment shall have the approval of two-third (2/3) of the members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members at least thirty (30) days in advance, and shall set forth the purpose of the meeting.

Section 12.4 Purposes for Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the Owners or Occupants in the Subdivision, including, but not limited to, the following:

(a) Any and all costs and expenses provided in this Declaration;

(b) Operational expenses incurred by the Board, including, but not limited to, management, costs, insurance premiums, professional fees for architects, landscape architects, engineers, accountants and attorneys incurred by the Board;

(c) For enforcing the provisions of this Declaration;

(d) Performance of any duty, obligation or requirement or activity permitted, allowed or determined by the Board to be prudent and arising from or pursuant to The Lakes of Valparaiso PUD Ordinance;

(e) Improvement, maintenance and repair of the common area;

(f) Water, sewer, garbage, electrical lighting, telephone, gas and other necessary utility services for the Detention Area Easements and other common area;

(g) Maintenance and repair of all storm drains, drainage easements, signs, storm water detention or retention easements, sanitary sewers, parks, private roads, and easements shown on the plat or plats of the Subdivision recorded in the Office of the Recorder of Porter County, Indiana;

(h) Fire insurance covering the full insurable replacement value of all improvements located on the Detention Area Easement or other common area with extended coverage;

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(i) Liability insurance insuring the Association and the Board, as well as each Director in their individual capacity, against any and all liability to the public, to any Owner, or to the licensees, invitees, or tenants of any Owner arising out of their occupation and/or use of the common area. The policy limits shall be set by the Association and shall be reviewed at least annually and increased or decreased in the discretion of the Association;

(j) Worker's compensation insurance to the extent necessary to comply with the Indiana law, and any other insurance deemed necessary by the Board;

(k) Acquisition of furnishings and equipment for the common area as may be determined by the Association, including, without limitation, all equipment, furnishings, and personnel necessary or proper for use of the common area; and

(l) Any other materials, supplies, equipment, labor, management, supervision, services, personnel, repairs, structural alterations, insurance, taxes, or assessments which the Association is required to secure or pay pursuant to the terms of this Declaration, or by law, or for doing any other thing necessary or desirable, in the opinion of the Board, to keep the Subdivision neat and in good order, or which in the opinion of the Board may be of general benefit to the Owners or Occupants of the land included in the Subdivision.

Section 12.5 Creation of Lien and Personal Obligation of Owner. The Association shall have a lien upon all the Lots in the Subdivision to secure the payment of maintenance charges due to become due, and the Owner of any such Lot shall be personally liable for all maintenance charges.

Upon demand, the Association shall furnish to any Owner or mortgagee or person interested in a Lot a certificate showing the unpaid maintenance charges against any Lot.

Section 12.6 Effect of Non-Payment of Assessment: The Lien, Personal Obligation, Remedies of Association. If any assessment is not paid on the date when due, such assessment shall then become delinquent and shall, together with interest thereon, and the cost of collection thereof, become a continuing lien on the Lot or Lots against which such assessment is made that shall bind such Lot in the hands of the Owner, and the Owner's heirs, devisees, personal representatives and assigns, and shall also be continuing personal obligation of the Owner against whom the assessment is levied.

If the assessment is not paid within thirty (30) days after the delinquency date the assessment shall bear interest from the date of delinquency at the rate of ten percent (10%) per annum, and the Association may, at any time thereafter, bring an action to foreclose the lien against the Lot or Lots in like manner as a foreclosure of a mortgage on real property and/or a suit on the personal obligation against the Owner, and there shall be added to the amount of such assessment the cost of any such action (including a reasonable attorneys' fee), and in the event judgment is obtained, such judgment shall include interest on the assessment as above provided and a reasonable attorneys' fee to be fixed by the Court, together with the costs of the action.

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## ARTICLE XIII

## TRANSFER OF UNIMPROVED LOTS

Section 13.1 Developer's Right of First Refusal. So long as Developer owns at least one Lot in the Subdivision, no Lot and no interest therein, upon which a primary building has not been constructed shall be sold or transferred unless and until the Owner of such Lot shall have first offered to sell such Lot or Lots to Developer and Developer has waived, in writing, the right to purchase said Lot.

Section 13.2 Notice to a Developer. Any Owner or Owners intending to make a bona fide sale of a Lot or any interest therein shall give to Developer notice of such intention, together with a fully executed copy of the proposed contract of sale (the "Proposed Contract"). Within thirty (30) days of receipt of such notice and information, Developer shall either exercise, or waive exercise of, the right of first refusal. If Developer elects to exercise the right of first refusal, Developer shall, within thirty (30) days after receipt of such notice, deliver to the Owner an agreement to purchase the Lot upon the following terms: (a) the price to be paid, and the terms of payment shall be that stated in the Proposed Contract or other terms agreed to by the Owner; and (b) The sale shall be closed within thirty (30) days after the delivery or making of the Developer's agreement to purchase.

Section 13.3 Certificate of Waiver. If Developer shall elect to waive the right of first refusal, or shall fail to exercise said right within thirty (30) days of receipt of the Proposed Contract, Developer's waiver shall be evidenced by a certificate executed by Developer in recordable form which shall be delivered to the Owner or the Proposed Contract purchaser.

Section 13.4 Unauthorized Transactions. Any sale of a Lot, or any interest therein, upon which a primary building has not been constructed, without notice to Developer and waiver of Developer's right of first refusal as aforesaid, shall be void.

Section 13.5 Exceptions. This Article shall not apply to a transfer to or sale by any bank, life insurance company, Federal or State savings and loan association, or real estate investment trust which acquires its title as a result of owning a purchase money mortgage upon the Lot concerned, and this shall be so whether the title is acquired by deed from the mortgagor or its successors in title or through foreclosure proceedings; nor shall this Article apply to a sale by any such institution which so acquires title. Neither shall this Article require the waiver by Developer as to any transfer of title to a Lot at a duly advertised public sale with open bidding which is provided by law, such as but not limited to execution sale, foreclosure sale, judicial sale or tax sale.

## ARTICLE XIV

## OTHER PROVISIONS

Section 14.1 Duration and Binding Effect. The covenants, conditions and restrictions created by this Declaration shall attach to and run with the land and shall be binding on every Person who may hereafter come into ownership, occupancy or possession of any portion of the

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Subdivision in perpetuity. By the registration or acceptance of the conveyance of a Lot or any interest or right therein (including fee or leasehold) the person to whom such interest is to be conveyed shall be deemed to accept and agree to be bound by the provisions of this Declaration, whether or not any reference to this Declaration is contained in the instrument by which such Person acquired such interest or right. The rights, liabilities and obligations set forth herein shall attach to and run with the ownership of a Lot and may not be severed or alienated from such ownership.

Section 14.2 Remedies for Violation. The result of every action or omission whereby any covenant, condition or restriction herein contained is violated in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy either public or private, available at law or in equity against an Owner or Occupant of any premises in the Subdivision shall be applicable against such nuisance and may be enforced by the Association or by any Owner.

Section 14.3 Nonwaiver. The failure of the Association of any Owner to enforce any provision herein contained shall in no event be deemed to be a waiver of the right to do so thereafter not of the right to enforce any other provision.

Section 14.4 Time in Which to Build Structures. An Owner of a Lot within the Subdivision must commence construction of the improvements within two (2) calendar years after the Owner's purchase of the Lot or the Developer's sale of said Lot if the Owner did not purchase the Lot from the Developer directly. If construction does not begin or if a habitable structure is not completed upon a Lot within the prescribed time, Developer shall have the option to repurchase such Lot for a price, in cash, equal to Owners' cost basis in the Lot, without paying the cost of improvements up to the time of repurchase. This option shall expire if Developer has not notified Owner of Developer's intent to exercise the option prior to the time of commencement of the construction.

Section 14.5 Diligence in Construction. Every building or other structure whose construction or placement on any Lot in the Subdivision is begun shall be completed within twelve (12) months after the beginning of such construction or placement and the landscaping and Lot sodded or seeded within the time set forth in The Lakes of Valparaiso PUD Ordinance. No improvement which has partially or totally been destroyed by fire, windstorm or other casualty shall be allowed to remain in such state for more than three (3) months from time of such destruction or damage.

Section 14.6 Subordination of Mortgages. All covenants, liens and other provisions set forth herein shall be subject to and subordinate to all Mortgages now or hereafter executed, encumbering any portion of the Subdivision, and none of said covenants, liens or other provisions shall supersede or in any way reduce the security or affect the validity of any such Mortgage. However, if any portion of the Subdivision is acquired by deed in lieu of foreclosure, or under the provisions of any deed of trust in the nature of a Mortgage, or sold under foreclosure of any Mortgage, or under any judicial sale, any grantee under such deed or purchaser at such sale, his or its grantees, heirs, personal representatives, successors or assigns shall hold any such portion of the Subdivision subject to all the covenants, liens and other provisions of this Declaration.

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Section 14.7 Further Subdivision. Developer reserves the right from time to time to subdivide and resubdivide portions of the Subdivision, or to seek a modification or alteration of any plat or Development Plan as anticipated by the terms of The Lakes of Valparaiso PUD Ordinance respectively owned by it for the purpose of creating additional Lots within the Subdivision without the consent of any Owner. However, no Owner shall subdivide or resubdivide any Lot or part thereof (or alter any plat or Development Plan) without the prior written approval of Developer which may be withheld without reason or justification.

Section 14.8 Partial Invalidity. If any provision of this Declaration is held to be invalid by any Court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

Section 14.9 Notice to Owner. Each Owner of a Lot in the Subdivision shall file the correct mailing address of such Owner with the Association and shall notify the Association promptly in writing of any subsequent change of address. The Association shall maintain a file of such addresses and make the same available to appropriate parties. A written or printed notice deposited in the United States Post Office: postage prepaid, and addressed to any Owner at the last address filed by such Owner with the Association shall be sufficient and proper notice to such Owner wherever notices are required in this Declaration, and shall be deemed delivered three (3) business days after mailing. In the event no address is provided by the Owner, the Association may rely upon the address on file with the Porter County Auditor for the receipt of real estate tax statements.

Section 14.10 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate its purpose of creating a uniform plan for the development for the Subdivision.

Section 14.11 Substitution by Developer. Until such time as the Board provided for in this Declaration is formed, Developer shall equally exercise any and all of the powers, rights, duties and functions of the Association and the Board.

Section 14.12 Amendment. This Declaration may be amended by an instrument executed by the Owners of no less than two-thirds ($2/3^{rd}$) of the Owners of within the Subdivision subject to assessment under this Declaration; provided:

(a) that Developer consents thereto for so long as Developer owns any part or portion of the Subdivision;

(b) that no amendment shall in any manner affect any right with respect to any storm water detention or the Detention Area Easements without the consent of all Owners of the Subdivision and the City of Valparaiso.

(c) that the manner of determining the percentage of assessments allocated to each Lot shall not be affected without the consent of the Owners of each Lot so affected; and

(d) no amendment shall affect the right of any Mortgage holder without such Mortgage holder's consent. Any amendment shall become effective upon recording with the Office of the Recorder of Porter County, Indiana. For the purpose of this section, the conveyance by Developer of legal title to a portion or all of the Subdivision, respectively,

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to a different entity which shall hold legal title for the principal benefit of Developer or its shareholders, their successors or assigns, shall not constitute a sale.

IN WITNESS WHEREOF, Developer has caused this Declaration to be executed on the day and year first above written.

SJBZ Porter Holdings, LLC an Indiana limited liability company

By:_____
As Its: _____

ATTEST:

By:_____
Its:_____

STATE OF INDIANA )
) SS:
COUNTY OF PORTER )

Before me, a Notary Public, on this date personally appeared _____ and _____, known to me to be the persons whose names are subscribed to the foregoing instrument and known to me to be the _____ and _____ respectively of SJBZ Porter Holdings, LLC, an Indiana limited liability company, and acknowledged to me that they executed said instrument for this purposes and consideration therein expressed, and as the act of said corporation.

Given under my hand and official seal this ____ day of _____, 2014.

My Commission Expires:_____

_____
Notary Public
Printed Name:_____

County of Residence:_____

I affirm under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law. *Todd A. Leeth*

This Instrument Prepared By:

Todd A. Leeth
HOEPPNER WAGNER & EVANS LLP
103 East Lincolnway
P.O. Box 2357
Valparaiso, Indiana 46384
Telephone: (219) 464-4961

March 18, 2014
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# EXHIBIT D

## SIGN PROGRAM
## The Lakes of Valparaiso

The purpose of this Sign Program (the "Sign Program") is (i) to encourage the effective use of signs as a means of communication and identification within The Lakes of Valparaiso; (ii) to maintain and enhance the aesthetic environment and The Lakes of Valparaiso 's ability to attract sources of economic development and growth; (iii) to minimize the possible adverse effect of signs on nearby public and private property; and (iv) to enable the fair and consistent enforcement of these sign restrictions.

A sign may be located only in conformance with the requirements of this Sign Program. Signs may be permitted in the Use Areas where such uses are permitted after having secured a Site Permit approving the proposed sign, except when not required by this Sign Program.

1. STATE REQUIREMENTS. Signs are also subject to the requirements of The Highway Advertising Control Act of 1967, as amended. All signs shall conform to the provisions of said Act. Should this Sign Program and the Act be in conflict, the requirements of the more restrictive shall apply.

2. CITY REQUIREMENTS. Signs shall comply with the Unified Development Ordinance, unless otherwise provided for herein. Should the two be in conflict, the requirements of this Sign Program shall apply.

3. DEVELOPER REQUIREMENTS. All signs to be constructed within The Lakes of Valparaiso must be submitted to the Developer for review and approval. No signs shall be constructed within The Lakes of Valparaiso without first having the plans for said sign(s) stamped "Approved" by Developer. Signs requiring permits by this Sign Program must be stamped "Approved" by Developer prior to submitting said plans to the Administrator. Developer shall have a minimum of ten (10) business days to review submitted sign plans before either approving or denying the submittal.

4. SIGNS ALLOWED WITH AND WITHOUT PERMITS. Signs shall be allowed on private property in accordance with the Sign Program. All types of signs permitted by the Sign Program that are required by the Unified Development Ordinance to obtain a permit shall also be required by the Sign Program to obtain a permit, unless otherwise provided for by the Sign Program. Although permitted in Section 2, a sign permitted by the Sign Program shall be allowed only if:

    a. The sum of the area of all signs on the lot conforms to the maximum permitted sign area);

b. The size, location, and number of signs on the lot conform with the requirements which establishes permitted sign dimensions by sign type, and with any additional limitations; and,

c. The characteristics of the sign conform with the requirements and to any additional limitations listed in the Sign Program.

5. DESIGN, CONSTRUCTION, AND MAINTENANCE OF SIGNS. All signs shall be designed, constructed, and maintained in accordance with the following standards:

a. All signs shall comply with applicable provisions of the Indiana Building Code and the electrical code.

b. Except for banners, flags, and window signs conforming in all respects with the requirements of the Sign Program, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building, or another structure by direct attachment to a rigid wall, frame, or structure.

c. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Sign Program.

6. SIGNS IN THE PUBLIC RIGHT-OF-WAY. No sign or sign structure may be placed on or in the right-of-way of a street, with the exception of (i) governmental and public signs; and (ii) projecting signs permitted by this Sign Program which, if required, have obtained an encroachment license or similar approval from the proper governmental agency; subject to the following:

a. Official Signs. Signs which are authorized by a government or governmental subdivision which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty. A permit shall not be required if the provisions noted above are satisfied.

b. Public Notices. Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents. A permit shall not be required.

c. Public Signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Executive Director's Approval; which may be of any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected. Provided, the Executive Director may approve public signs to be located temporarily, for a period not to exceed sixty

(60) days, for purposes of promoting specific civic, sporting or special events, on conditions that such signs be removed prior to the end of such period. A permit shall not be required.

d. Prohibition of Signs Affixed To Utility Poles, Etc. Unless part of the original design of a light standard, no sign or sign structure shall be affixed to, displayed, or located upon any utility pole, light standard, tree, public transportation or school bus passenger shelter or bench, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized under the previous paragraph,

e. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the sign owner, or person placing such a sign, the full costs of removal and disposal of such sign.

7. SIGNS EXEMPT FROM REGULATION UNDER THIS SIGN PROGRAM. The following signs shall be exempt from regulation under this Sign Program, shall be subject to the approval of Developer, and a permit shall not be required:

a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;

c. Works of art that do not include a commercial message;

d. Holiday lights and decorations with no commercial message;

e. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet the Department of Transportation standards and which contain no commercial message of any sort;

f. Project construction signs;

g. Flag, emblems or insignia of federal, or state, including one flag displaying a corporate emblem;

h. Historic or commemorative plaques;

i. Building numbers and name plates;

j. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material;

k. Real estate signs;

l. Directional signs which (i) do not exceed three (3) feet in height and six (6) square feet in surface area and are a minimum of five (5) feet from any street right-of- way line or the required building setback line, whichever is lesser; (ii) do not exceed four (4) feet in height and eight (8) square feet in surface area and are a minimum of ten (10) feet from any street right-of-way line; or, (iii) do not exceed six (6) feet in height and twelve (12) square feet in surface area and are a minimum of twenty (20) feet from any street right-of-way line;

m. Signs relating to the identification of amenities, rules of use, and warning signs.

n. Signs on equipment indicating only the contents of such devices, safety or operational instructions, legal notices or information required by law, provided that as to each such device the sign area does not exceed six square feet;

o. Public signs located outside of the right-of-way, subject to the provisions noted in Section 6c of this Sign Program; and

p. Building outline lighting of structural/architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting. If however, such outline contains text or logos, such items shall be considered signs and regulated by this Sign program according to their type and placement. In no case, however, shall such building outlining flash or be animated.

8. SIGNS PROHIBITED UNDER THIS SIGN PROGRAM. All signs not expressly permitted under this Sign Program, or exempt from regulation hereunder, are prohibited. Such signs include, but are not limited to: billboards and off-premises signs, beacons, strings of lights not permanently mounted to a rigid background, inflatable signs, tethered balloons, signs which interfere with official signs/traffic devices, signs which materially impede the view of any street or highway intersection, signs on natural features (trees, rocks or other natural features), and commercial statuary (statues utilized and intended for commercial advertising purposes).

9. GENERAL PERMIT AND INSPECTION PROCEDURES. The following shall be the procedure for the issuance or modification of all sign permits under this Sign Program.

a. Applications. All applications for sign permits shall be submitted on an application form published by the building department for the City. One application may include multiple signs on the same lot, however a separate permit will be issued and a separate fee will be collected for each sign.

b. Site Plan. For any lot on which the applicant proposes to erect one or more signs requiring a permit, the applicant shall submit a site plan containing the following:

(1) A plot plan of the lot, at such scale as may be reasonably required.

(2) Location of buildings, parking lots, driveways, property lines, utility easements, sidewalks, pathways, rights-of-way, and landscaped areas on such lot.

(3) Computation of the total sign area for all signs, the height of each sign, and the number of signs.

(4) An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not. Incidental signs need not be shown.

c. Fees. Upon the issuance of a permit, the applicant shall pay all applicable fees to the building department for the City, as established in the UDO Fee Schedule.

d. Computations.

(1) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest whole rectangle that will encompass the extreme limits of the graphic area of the sign, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets The Lakes of Valparaiso PUD Ordinance regulations and is clearly incidental to the display itself.

(2) Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the sign area of all sign faces viewed from any one point. When two identical sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

(3) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (i) existing grade prior to construction or (ii) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(4) Computation of Maximum Total Permitted Sign Area. The permitted maximum sign area of all individual signs permitted shall be computed by applying the standards in the Sign Program to the street frontage, building frontage, or wall area, as appropriate, for the Use Area in which the signs are located. Sites fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the site's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

e. Inspection. A final inspection of each permit for a new sign or modification of an existing sign will be performed six months after the issuance of such permit or earlier if the owner requests. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Sign Program and with the building and electrical codes, a permanent label identifying the sign and permit number shall be affixed. If the construction is substantially complete but not in full compliance with this Sign Program and applicable codes, the owner or applicant shall be notified of the deficiencies and shall be given an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, a permanent label identifying the sign(s) and applicable permit number shall be affixed.

f. Lapse of a Sign Permit. A continuing sign permit shall lapse automatically if the business or activity on the premises is discontinued for a period of more than 180 consecutive days.

10. NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS. Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this Sign Program, a previous applicable ordinance, or for which there is no valid sign permit issued under a previous ordinance, shall be obligated to remove such sign.

    a. Nonconforming Signs, Permits, and Terms. Any nonconforming sign shall either be eliminated or made to conform to the requirements of this Section.

    b. Lapse of Permit for a Nonconforming Sign. A permit for a nonconforming sign shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

11. VIOLATIONS. Any of the following shall be a violation of this Sign Program and shall be subject to the enforcement remedies and penalties provided by the Unified Development Ordinance, and by state or federal law:

    a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;

    b. To install, create, erect, or maintain any sign requiring a permit without such a permit;

    c. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which sign is located;

    d. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Sign Program, or for which the sign permit has lapsed; or

    e. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of the Zoning Ordinance.

12. ENFORCEMENT AND REMEDIES. A violation of this Sign Program shall be considered a violation of the Unified Development Ordinance and shall be enforced accordingly.

## BUSINESS PARK DISTRICT

Commercial Area

A. Sign and Graphic Requirements - It is the intent that the design and graphics of the signage in the Commercial Area be an additional unifying element within The Lakes of Valparaiso development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.

B. No signs shall be erected except in conformity with The Lakes of Valparaiso Sign Program.

C. Overall Design
   1. Multi-user signs shall utilize The Lakes of Valparaiso logo, to be copyrighted by the Developer, as well as directional and information signage. Individual on-site signage shall not require the logo to be incorporated into the sign.
   2. All identification and directional signs shall be consistent with those depicted on Appendix A and are deemed approved by the City. Permits shall be required for each sign.
   3. Identification Pylon Signs may identify groupings of retail buildings.
   4. Identification Monument Signs may identify individual retail or business buildings.
   5. Project signage shall be landscaped around the sign for three feet (3') or more on all visible sides of the sign structure.

D. Sign material for all identification signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
   1. Signs may indicate the name and/or logo of the PUD development.
   2. The minimum setback for all Identification Pylon Signs, District Monument Signs and Tenant(s) Identification Monument Signs shall be five feet (5') or more from all utility easements, sidewalks, pathways, property lines and rights-of-way, including a line projected vertically.
   3. Signs shall not interfere with the sight triangle requirements of the UDO.

E. Address signage shall comply with City requirements.

F. Identification Pylon Signs and Tenant(s) Identification Monument Signs shall include a landscape design package equal to one (1) square foot of landscaping for every one (1) square foot of sign area, both sides totaled if two-faced.

G. Building Identification Wall Signs
   1. The maximum sign surface area for building identification wall signs shall not exceed one and one-half (1.5) square feet of sign area per each lineal foot of building façade frontage of the street.
   2. Any combination of building identification wall signs may be utilized, so long as the total surface area on a particular building façade does not exceed the percentage noted in 1 above.

3. In addition to paragraph 2 above, the linear measurement of the sign shall not exceed eighty (80) percent of the liner frontage of the facade of the structure or tenant space.
4. There shall be no limit on the number of wall signs allowed, provided the provisions noted in 1 above are not exceeded on the facade on which the signs are located.
5. On buildings having more than one (1) street frontage, the maximum allowable square footage of wall signs are permitted for each building frontage or occupancy. Said maximum allowance, however, is not transferable either in whole or in part from one building frontage to another nor from one occupancy to another occupancy.
6. Other than logo "boxes", all building identification wall signs shall consist of individual dimensional letters with 1/8 inch minimum plastic faces which are (i) illuminated reverse metal construction channel letters with clear backs or (ii) internally illuminated self-contained channel letters with the letter back being aluminum welded to the sign sidewalls and sealed and which do not project more than eight (8) inches beyond the building wall or fascia. The type of wall sign illumination (reverse or internal), except for logo illumination, shall be consistent on each building.
7. Raceways shall not be permitted unless a waiver is granted by the Developer and raceways with a waiver shall only be used on masonry walls or facades and shall be painted to match the wall or facade.

H. Window Signs
1. The sign copy area shall (i) not exceed twenty-five (25) percent of the window surface area of door windows and door side-light windows on which it is placed or through which it is viewed and (ii) subject to the approval of the Developer, be limited to a maximum of ten (10) percent of the area of other windows.
2. The sign surface area calculation of window signs shall be included in the total area of building identification wall signs permitted.

I. Roof-Integral Signs are not permitted.

J. Temporary signs; including pennants, banners and wind signs; for grand openings which (i) do not exceed thirty-two (32) square feet in surface area, (ii) are erected no more than ten (10) days prior to the event, (iii) are removed after the event or upon the expiration of the cumulative limitation of no more than 70 days for any and all temporary signs to remain within any one calendar year; whichever is sooner.

## BUSINESS PARK DISTRICT

### Business Park District - General

A. Sign and Graphic Requirements - It is the intent that the design and graphics of the signage in the Business Park District outside of the Commercial Area be an additional unifying element within The Lakes of Valparaiso development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.

B. No signs shall be erected except in conformity with The Lakes of Valparaiso Sign Program.

C. Subdivision-Development Identification Signs shall be similar in size, design and construction as shown on Appendix "A" attached hereto and may be located at the locations indicated on the Site Improvement Plan. Type C monument signs shall be landscaped reasonably consistent with Sheet LS-2.5 of the Site Improvement Plan.

D. Overall Design
   1. Signs shall utilize The Lakes of Valparaiso logo, to be copyrighted by the Developer, consistent with the signs depicted on Appendix A. Individual on-site signage shall not require the logo to be incorporated into the sign.
   2. All identification and directional signs shall be consistent with those depicted on Appendix A. Pylon or Monument Signs may identify groupings of professional office buildings.
   3. Identification Monument Signs may identify individual business buildings permitted by this PUD Ordinance.

E. Sign material for all identification and directional signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
   1. Signs may indicate the name and/or logo of the Area.
   2. The minimum setback for all Pylon or Monument Signs, District Directional Monument Signs shall be five feet (5') or more from all utility easements, sidewalks, pathways, property lines and rights-of-way, including a line projected vertically.
   3. Signs shall not interfere with the sight triangle requirements of the Unified Development Ordinance, if any.

F. Address signage shall comply with City requirements.

F. Development Pylon Monument Signs and Tenant(s) Identification Monument Signs shall include a landscape design package appropriate to the sign and site location.

G. Building Identification Wall Signs
   1. The maximum sign surface area for building identification wall signs shall not exceed one and one-half (1.5) square feet of sign area per each lineal foot of building façade frontage of the street.
   2. Any combination of building identification wall signs may be utilized, so long as the total surface area on a particular building façade does not exceed the percentage noted in 1 above.
   3. In addition to paragraph 2 above, the linear measurement of the sign shall not exceed eighty (80) percent of the liner frontage of the facade of the structure or tenant space.

4. There shall be no limit on the number of wall signs allowed, provided the provisions noted in 1 above are not exceeded on the facade on which the signs are located.
5. Other than logo "boxes", all building identification wall signs shall consist of individual dimensional letters with 1/8 inch minimum plastic faces which are (i) illuminated reverse metal construction channel letters with clear backs or (ii) internally illuminated self-contained channel letters with the letter back being aluminum welded to sidewalls and sealed and which do not project more than eight (8) inches beyond the building wall or fascia. The type of wall sign illumination (reverse or internal), except for logo illumination, shall be consistent on each building.
6. Raceways shall not be permitted unless a waiver is granted by the Developer and all raceways with a waiver shall only be used on masonry walls or facades and shall be painted to match the wall or facade.

H. Window Signs
1. The sign copy area shall (i) not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed and (ii) be limited to door windows and door side-light windows.
2. The sign surface area calculation of window signs shall be included in the total area of building identification wall signs permitted.

I. Roof-Integral Signs are not permitted.

J. Building Identification Monument Signs
1. The maximum sign surface area for building identification monument signs shall not exceed three quarters (0.75) square feet of sign area per each lineal foot of building façade frontage of the street. One monument sign may be installed for each street frontage within the Business Park District.
2. The maximum sign surface area on the monument shall not exceed 70% of the monument face area.
3. The maximum height of the monument shall not exceed 8 feet.
4. Signage may be unlit, or internally illuminated channel letters, back lit reverse channel letters, or internally illuminated routed metal panels with acrylic letters and logo. Illuminated channel letters must be faced with translucent acrylic material no light source may be visible. No external lighting will be allowed.
5. No box signs will be allowed.
6. Within the Commercial Area, Lots 1 and 2 one additional sign on site facing Vale Park Road shall be allowed. The commercial lots will be allowed an integrated digital sign for display facing Vale Park Road monument sign. The digital sign shall be limited to one change per day and no moving or flashing graphics.
7. Any business that dispenses gasoline products at the pump to the public for motor vehicles may display additional sign area for the purpose of indicating the pump price of fuel sold and shall not exceed sixteen (16) square feet in surface area for each fuel grade sold, not to exceed three (3) grades of fuel. Said sign or signs may be attached to an existing ground sign or the wall of a building. The area of such signs shall not be counted against the total sign area

limit. Fuel pricing shall not be located on the gas pump awning or canopy. Such signs shall not require a permit and need not be erected by a person with a Sign License.

## MULTI-FAMILY RESIDENTIAL DISTRICT

Multi-Family Residential Areas

A. Sign and Graphic Requirements - It is the intent of this Sign Program that the design and graphics of the signage in the Multi-Family Residential District be an additional unifying element within The Lakes of Valparaiso development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.
B. No signs shall be erected except in conformity with The Lakes of Valparaiso Sign Program.
C. Overall Design
    1. All identification signs shall utilize The Lakes of Valparaiso logo to be copyrighted by the Developer.
    2. Ground signs shall not exceed four (4) feet in height and shall use horizontal wording. Monument signs shall be as outlined in this exhibit and may use horizontal vertical wording.
    3. Identification Signs may identify:
        a. Subdivision Entrances
        b. The Clubhouse and Office
        c. Amenity Areas
        d. Pathway/Walkway System
        e. Common Areas
D. Subdivision Identification Signs shall be similar in size, design and construction as shown on Appendix "A" attached hereto and may be located at the locations indicated on the Site Improvement Plan.
E. Sign material for permanent signs shall consist of a combination of cultured stone limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
    1. Signs may indicate the name and/or logo of the project or area within the project.
    2. Signs shall be five feet (5') or more from all utility easements, sidewalks, pathways, property lines and rights-of-way, including a line projected vertically, except as noted in D(2) above
    3. Signs shall not interfere with the sight triangle requirements of the City ordinances.
    4. Entrance wall heights for signs shall not exceed six (6) feet and column heights shall not exceed ten (10) feet.
    5. If the sign is located on a fence or wall, only the area of the actual sign itself shall be calculated in determining the maximum sign area, not the fence or wall itself.
F. Address signage on individual multi-family units shall comply with City of Valparaiso requirements.
G. Identification Signs shall include a landscape design package appropriate to the sign and site location.

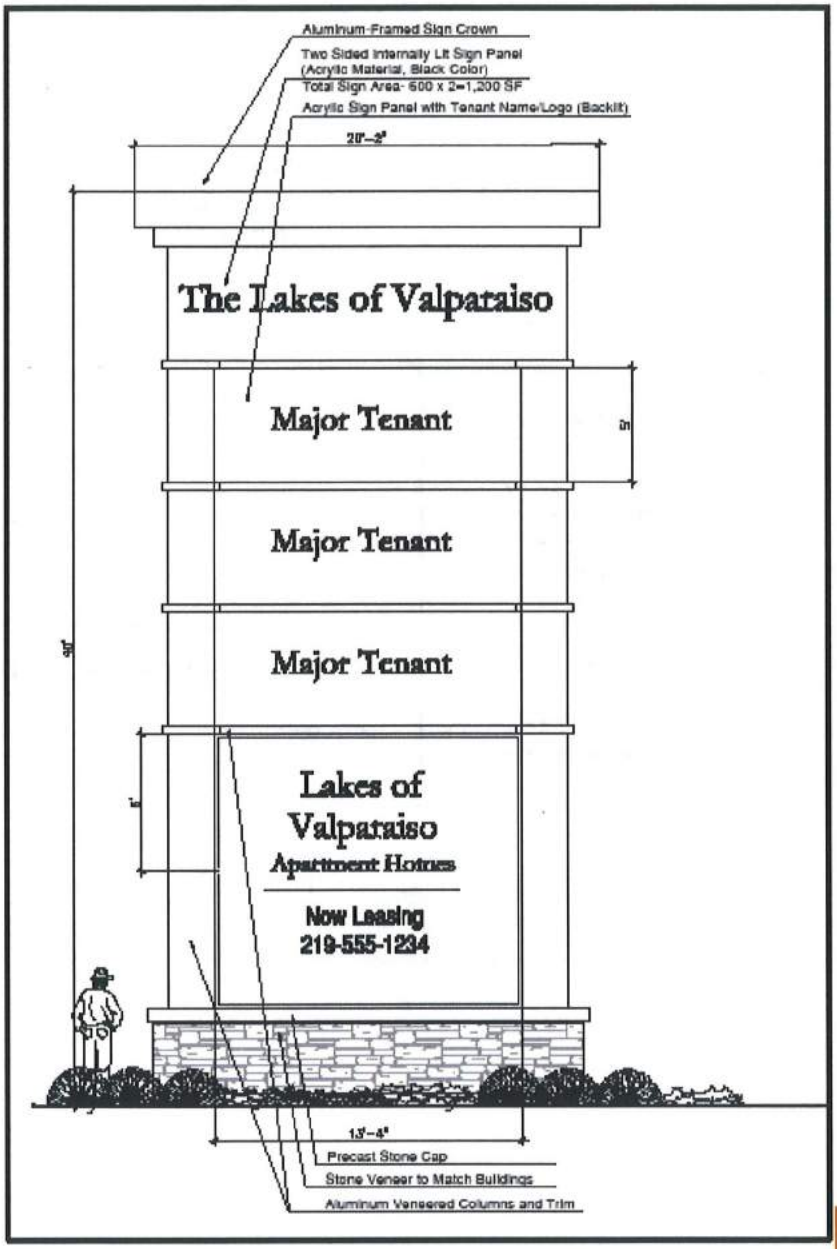
# APPENDIX A

## SIGN PROGRAM
## The Lakes of Valparaiso

Type A Monument Sign

Type B Monument Sign

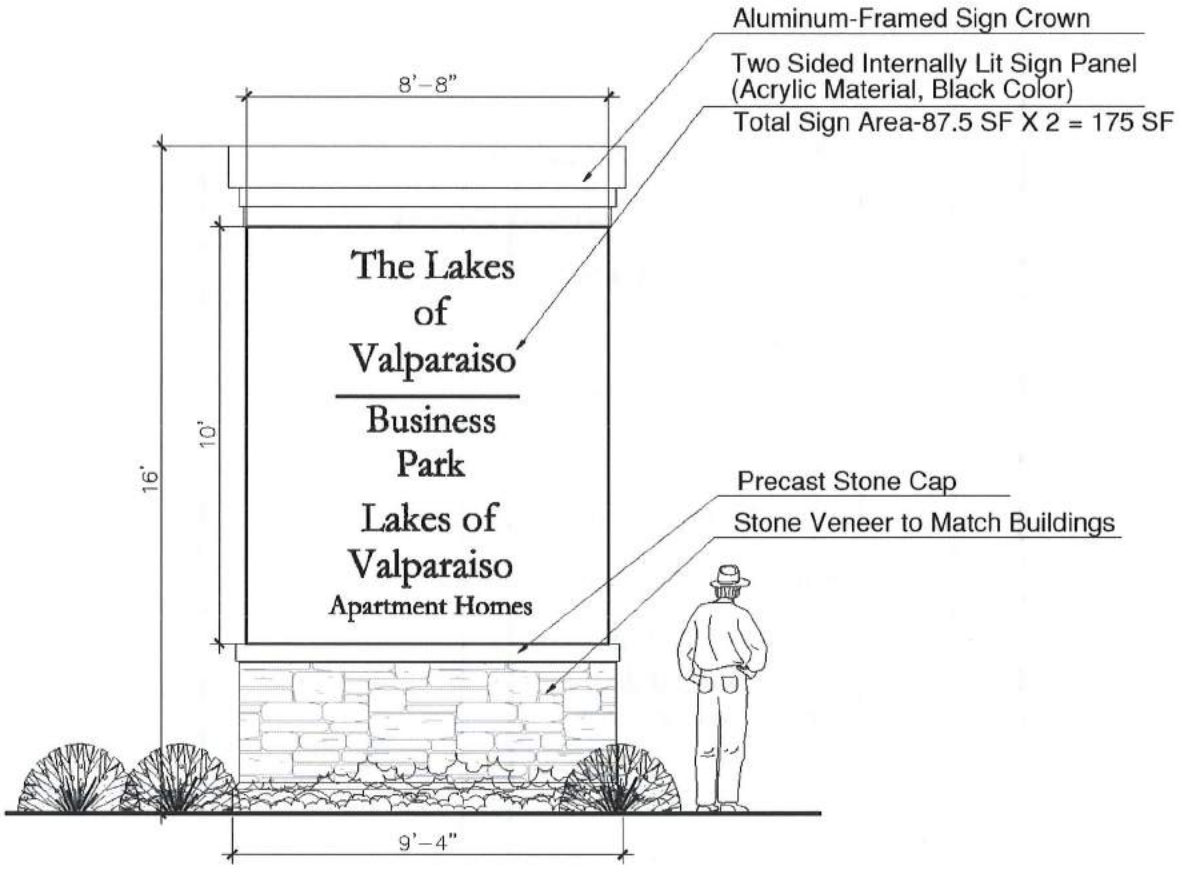
Type C Monument Sign




**SJBZ Management**

**Lakes of Valparaiso**
**Type A Monument Sign**

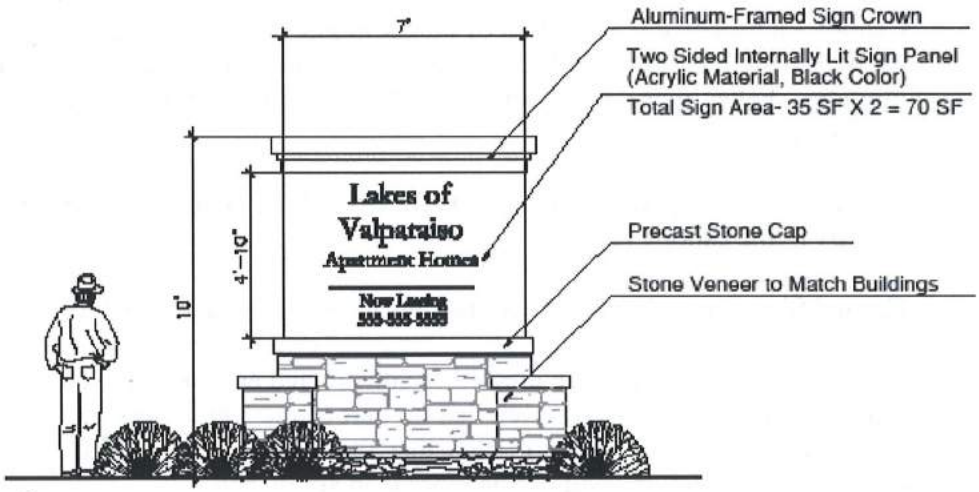
BSB DESIGN




**SJBZ Management**

**Lakes of Valparaiso**
**Type B Monument Sign**

BSB DESIGN




**SJBZ Management**

**Lakes of Valparaiso**
**Type C Monument Sign**

BSB DESIGN

# APPENDIX B

## SIGN PROGRAM
## The Lakes of Valparaiso

1. Definitions:

Awning- a roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment and which is supported by and projects from a wall or roof of a structure over a window, walk, door, or the like.

Awning Sign - any sign which is affixed or graphically printed on or.in some fashion attached directly to the awning cover.

Canopy - a roof-like cover, often of fabric, metal, plastic, fiberglass, or glass, on a support which is supported, in total or in part, from the ground and which provides shelter over, for example, a doorway, outside walk, parking area or outdoor service area.

Canopy Sign - any sign that is part of, affixed to, or in some fashion attached directly to the canopy cover.

Ground Sign – any sign that is used to designate an entrance, exit, or way finding.

Integral Roof Sign - any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof such that the closest point of the sign elements from the roof structure shall not be more than six inches.

Marquee Sign - any sign mounted, constructed or attached in any manner on the entrance cover.

Monument Sign – any sign that stands on a masonry base upon the ground.

Projecting Sign - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of the adjacent building wall face.

Subdivision Identification Signs – any sign erected by Developer or the Association of Lot owners to identify the development and major Lot owners, or their tenants, amenities and the apartment development within the Multi-Family Residential District.

Wall Sign - any sign attached parallel to, but within eighteen inches of, a wall erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Except, however, the logo portion of a wall sign may project above the limits of an outside wall with the approval of the Developer.

2. Awning and Canopy Signs:

   a. WHERE PERMITTED. Canopy and awning signs shall be permitted in the Business Park District.

   b. MAXIMUM SIGN AREA. The provisions of Section G(l) shall apply. The total sign content of copy area of awning or canopy signs shall not exceed forty-five percent (45%) of the area of the awning or canopy on which it is placed. The computation of the sign copy area of the awning or canopy sign shall be limited only to the area of the awning or canopy which contains the graphics or sign.

   c. LOCATION OF SIGNS. Signage may not be placed upon any sloping surface.

   d. CLEARANCE FROM GRADE. All portions of a canopy or awning shall be not less than eight (8) feet above the finished grade beneath the awning or canopy.

   e. MINIMUM SET BACK, FRONT. The horizontal projection of any awning or canopy may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.

3. Integral Roof Signs:

   a. NOT PERMITTED. Integral roof signs shall not be permitted in the Business Park District.

4. Marquee Signs:

   a. WHERE PERMITTED. Marquee signs shall be permitted in the Commercial Area of the Business Park District.

   b. MAXIMUM SIGN AREA. The provision of Section G(l) shall apply. The total sign area of marquee signs shall not exceed seventy-five percent (75%) of the area of the marquee on which it is placed. The computation of the sign copy area of the marquee sign shall be limited to the area of the marquee which contains the graphics or sign.

c. CLEARANCE FROM GRADE. All portions of a marquee shall be not less than eight (8) feet above the finished grade beneath the Marquee.

d. MINIMUM SETBACK, FRONT. The horizontal projection of any marquee may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.

5. Projecting Signs:

a. WHERE PERMITTED. Projecting signs shall be permitted in the Business Park District.

b. MAXIMUM SIGN AREA. The provisions of Section G.1 shall apply.

c. NUMBER OF SIGNS. One projecting sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center), subject to the provisions of Section G, 2-4.

d. MAXIMUM PROJECTION AND THICKNESS FROM A BUILDING. No projecting sign or sign structure shall extend beyond the highest point above its supporting building. No projecting sign shall be more than two inches (2") in thickness

e. CLEARANCE FROM GRADE. All portions of any projecting sign or sign structure shall be not less than eight (8) feet above the finished grade beneath the projecting sign.

f. MINIMUM SETBACK, FRONT. The horizontal projection of any projecting sign may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.

6. Suspended Signs:

a. WHERE PERMITTED. Suspended signs shall be permitted in the Business Park District.

b. MAXIMUM SIGN AREA. The maximum sign surface area for a suspended sign shall not exceed five (5) square feet. In addition, the provisions of Section G(1) shall apply.

c. NUMBER OF SIGNS. One suspended sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center).

d. CLEARANCE FROM GRADE. All portions of any suspended sign or sign structure shall not be less than eight (8) feet above the finished grade beneath the suspended sign.

# EXHIBIT D

## SIGN PROGRAM
## The Lakes of Valparaiso

The purpose of this Sign Program (the "Sign Program") is (i) to encourage the effective use of signs as a means of communication and identification within The Lakes of Valparaiso; (ii) to maintain and enhance the aesthetic environment and The Lakes of Valparaiso 's ability to attract sources of economic development and growth; (iii) to minimize the possible adverse effect of signs on nearby public and private property; and (iv) to enable the fair and consistent enforcement of these sign restrictions.

A sign may be located only in conformance with the requirements of this Sign Program. Signs may be permitted in the Use Areas where such uses are permitted after having secured a Site Permit approving the proposed sign, except when not required by this Sign Program.

1. STATE REQUIREMENTS. Signs are also subject to the requirements of The Highway Advertising Control Act of 1967, as amended. All signs shall conform to the provisions of said Act. Should this Sign Program and the Act be in conflict, the requirements of the more restrictive shall apply.

2. CITY REQUIREMENTS. Signs shall comply with the Unified Development Ordinance, unless otherwise provided for herein. Should the two be in conflict, the requirements of this Sign Program shall apply.

3. DEVELOPER REQUIREMENTS. All signs to be constructed within The Lakes of Valparaiso must be submitted to the Developer for review and approval. No signs shall be constructed within The Lakes of Valparaiso without first having the plans for said sign(s) stamped "Approved" by Developer. Signs requiring permits by this Sign Program must be stamped "Approved" by Developer prior to submitting said plans to the Administrator. Developer shall have a minimum of ten (10) business days to review submitted sign plans before either approving or denying the submittal.

4. SIGNS ALLOWED WITH AND WITHOUT PERMITS. Signs shall be allowed on private property in accordance with the Sign Program. All types of signs permitted by the Sign Program that are required by the Unified Development Ordinance to obtain a permit shall also be required by the Sign Program to obtain a permit, unless otherwise provided for by the Sign Program. Although permitted in Section 2, a sign permitted by the Sign Program shall be allowed only if:

    a. The sum of the area of all signs on the lot conforms to the maximum permitted sign area);

b. The size, location, and number of signs on the lot conform with the requirements which establishes permitted sign dimensions by sign type, and with any additional limitations; and,

c. The characteristics of the sign conform with the requirements and to any additional limitations listed in the Sign Program.

5. DESIGN, CONSTRUCTION, AND MAINTENANCE OF SIGNS. All signs shall be designed, constructed, and maintained in accordance with the following standards:

a. All signs shall comply with applicable provisions of the Indiana Building Code and the electrical code.

b. Except for banners, flags, and window signs conforming in all respects with the requirements of the Sign Program, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, building, or another structure by direct attachment to a rigid wall, frame, or structure.

c. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Sign Program.

6. SIGNS IN THE PUBLIC RIGHT-OF-WAY. No sign or sign structure may be placed on or in the right-of-way of a street, with the exception of (i) governmental and public signs; and (ii) projecting signs permitted by this Sign Program which, if required, have obtained an encroachment license or similar approval from the proper governmental agency; subject to the following:

a. Official Signs. Signs which are authorized by a government or governmental subdivision which give traffic, directional, or warning information, and signs of public service companies indicating danger and aids to service or safety which are erected by, or on the order of, a public officer in the performance of their public duty. A permit shall not be required if the provisions noted above are satisfied.

b. Public Notices. Official notices posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents. A permit shall not be required.

c. Public Signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, or Executive Director's Approval; which may be of any type, number, area, height above grade, location or illumination required by the law, statute or ordinance under which the signs are erected. Provided, the Executive Director may approve public signs to be located temporarily, for a period not to exceed sixty

(60) days, for purposes of promoting specific civic, sporting or special events, on conditions that such signs be removed prior to the end of such period. A permit shall not be required.

d. Prohibition of Signs Affixed To Utility Poles, Etc. Unless part of the original design of a light standard, no sign or sign structure shall be affixed to, displayed, or located upon any utility pole, light standard, tree, public transportation or school bus passenger shelter or bench, traffic control device, or similar structure, equipment, or appurtenance located upon any public right-of-way, utility easement, or other public or private property unless authorized under the previous paragraph,

e. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the sign owner, or person placing such a sign, the full costs of removal and disposal of such sign.

7. SIGNS EXEMPT FROM REGULATION UNDER THIS SIGN PROGRAM. The following signs shall be exempt from regulation under this Sign Program, shall be subject to the approval of Developer, and a permit shall not be required:

a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

b. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;

c. Works of art that do not include a commercial message;

d. Holiday lights and decorations with no commercial message;

e. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet the Department of Transportation standards and which contain no commercial message of any sort;

f. Project construction signs;

g. Flag, emblems or insignia of federal, or state, including one flag displaying a corporate emblem;

h. Historic or commemorative plaques;

i. Building numbers and name plates;

j. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other incombustible material;

k. Real estate signs;

l. Directional signs which (i) do not exceed three (3) feet in height and six (6) square feet in surface area and are a minimum of five (5) feet from any street right-of- way line or the required building setback line, whichever is lesser; (ii) do not exceed four (4) feet in height and eight (8) square feet in surface area and are a minimum of ten (10) feet from any street right-of-way line; or, (iii) do not exceed six (6) feet in height and twelve (12) square feet in surface area and are a minimum of twenty (20) feet from any street right-of-way line;

m. Signs relating to the identification of amenities, rules of use, and warning signs.

n. Signs on equipment indicating only the contents of such devices, safety or operational instructions, legal notices or information required by law, provided that as to each such device the sign area does not exceed six square feet;

o. Public signs located outside of the right-of-way, subject to the provisions noted in Section 6c of this Sign Program; and

p. Building outline lighting of structural/architectural elements of buildings, such as roof lines, doors, windows or wall edges using neon, incandescent, or similar type of lighting. If however, such outline contains text or logos, such items shall be considered signs and regulated by this Sign program according to their type and placement. In no case, however, shall such building outlining flash or be animated.

8. SIGNS PROHIBITED UNDER THIS SIGN PROGRAM. All signs not expressly permitted under this Sign Program, or exempt from regulation hereunder, are prohibited. Such signs include, but are not limited to: billboards and off-premises signs, beacons, strings of lights not permanently mounted to a rigid background, inflatable signs, tethered balloons, signs which interfere with official signs/traffic devices, signs which materially impede the view of any street or highway intersection, signs on natural features (trees, rocks or other natural features), and commercial statuary (statues utilized and intended for commercial advertising purposes).

9. GENERAL PERMIT AND INSPECTION PROCEDURES. The following shall be the procedure for the issuance or modification of all sign permits under this Sign Program.

a. Applications. All applications for sign permits shall be submitted on an application form published by the building department for the City. One application may include multiple signs on the same lot, however a separate permit will be issued and a separate fee will be collected for each sign.

b. Site Plan. For any lot on which the applicant proposes to erect one or more signs requiring a permit, the applicant shall submit a site plan containing the following:

(1) A plot plan of the lot, at such scale as may be reasonably required.

(2) Location of buildings, parking lots, driveways, property lines, utility easements, sidewalks, pathways, rights-of-way, and landscaped areas on such lot.

(3) Computation of the total sign area for all signs, the height of each sign, and the number of signs.

(4) An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not. Incidental signs need not be shown.

c. Fees. Upon the issuance of a permit, the applicant shall pay all applicable fees to the building department for the City, as established in the UDO Fee Schedule.

d. Computations.

(1) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest whole rectangle that will encompass the extreme limits of the graphic area of the sign, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets The Lakes of Valparaiso PUD Ordinance regulations and is clearly incidental to the display itself.

(2) Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the sign area of all sign faces viewed from any one point. When two identical sign faces are placed back to back, or at no greater than fifteen (15) degrees from one another, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.

(3) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (i) existing grade prior to construction or (ii) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(4) Computation of Maximum Total Permitted Sign Area. The permitted maximum sign area of all individual signs permitted shall be computed by applying the standards in the Sign Program to the street frontage, building frontage, or wall area, as appropriate, for the Use Area in which the signs are located. Sites fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the site's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

e. Inspection. A final inspection of each permit for a new sign or modification of an existing sign will be performed six months after the issuance of such permit or earlier if the owner requests. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Sign Program and with the building and electrical codes, a permanent label identifying the sign and permit number shall be affixed. If the construction is substantially complete but not in full compliance with this Sign Program and applicable codes, the owner or applicant shall be notified of the deficiencies and shall be given an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, a permanent label identifying the sign(s) and applicable permit number shall be affixed.

f. Lapse of a Sign Permit. A continuing sign permit shall lapse automatically if the business or activity on the premises is discontinued for a period of more than 180 consecutive days.

10. NONCONFORMING SIGNS AND SIGNS WITHOUT PERMITS. Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this Sign Program, a previous applicable ordinance, or for which there is no valid sign permit issued under a previous ordinance, shall be obligated to remove such sign.

    a. Nonconforming Signs, Permits, and Terms. Any nonconforming sign shall either be eliminated or made to conform to the requirements of this Section.

    b. Lapse of Permit for a Nonconforming Sign. A permit for a nonconforming sign shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

11. VIOLATIONS. Any of the following shall be a violation of this Sign Program and shall be subject to the enforcement remedies and penalties provided by the Unified Development Ordinance, and by state or federal law:

    a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;

    b. To install, create, erect, or maintain any sign requiring a permit without such a permit;

    c. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which sign is located;

    d. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Sign Program, or for which the sign permit has lapsed; or

    e. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of the Zoning Ordinance.

12. ENFORCEMENT AND REMEDIES. A violation of this Sign Program shall be considered a violation of the Unified Development Ordinance and shall be enforced accordingly.

## BUSINESS PARK DISTRICT

Commercial Area

A. Sign and Graphic Requirements - It is the intent that the design and graphics of the signage in the Commercial Area be an additional unifying element within The Lakes of Valparaiso development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.

B. No signs shall be erected except in conformity with The Lakes of Valparaiso Sign Program.

C. Overall Design
   1. Multi-user signs shall utilize The Lakes of Valparaiso logo, to be copyrighted by the Developer, as well as directional and information signage. Individual on-site signage shall not require the logo to be incorporated into the sign.
   2. All identification and directional signs shall be consistent with those depicted on Appendix A and are deemed approved by the City. Permits shall be required for each sign.
   3. Identification Pylon Signs may identify groupings of retail buildings.
   4. Identification Monument Signs may identify individual retail or business buildings.
   5. Project signage shall be landscaped around the sign for three feet (3') or more on all visible sides of the sign structure.

D. Sign material for all identification signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
   1. Signs may indicate the name and/or logo of the PUD development.
   2. The minimum setback for all Identification Pylon Signs, District Monument Signs and Tenant(s) Identification Monument Signs shall be five feet (5') or more from all utility easements, sidewalks, pathways, property lines and rights-of-way, including a line projected vertically.
   3. Signs shall not interfere with the sight triangle requirements of the UDO.

E. Address signage shall comply with City requirements.

F. Identification Pylon Signs and Tenant(s) Identification Monument Signs shall include a landscape design package equal to one (1) square foot of landscaping for every one (1) square foot of sign area, both sides totaled if two-faced.

G. Building Identification Wall Signs
   1. The maximum sign surface area for building identification wall signs shall not exceed one and one-half (1.5) square feet of sign area per each lineal foot of building façade frontage of the street.
   2. Any combination of building identification wall signs may be utilized, so long as the total surface area on a particular building façade does not exceed the percentage noted in 1 above.

3. In addition to paragraph 2 above, the linear measurement of the sign shall not exceed eighty (80) percent of the liner frontage of the facade of the structure or tenant space.
4. There shall be no limit on the number of wall signs allowed, provided the provisions noted in 1 above are not exceeded on the facade on which the signs are located.
5. On buildings having more than one (1) street frontage, the maximum allowable square footage of wall signs are permitted for each building frontage or occupancy. Said maximum allowance, however, is not transferable either in whole or in part from one building frontage to another nor from one occupancy to another occupancy.
6. Other than logo "boxes", all building identification wall signs shall consist of individual dimensional letters with 1/8 inch minimum plastic faces which are (i) illuminated reverse metal construction channel letters with clear backs or (ii) internally illuminated self-contained channel letters with the letter back being aluminum welded to the sign sidewalls and sealed and which do not project more than eight (8) inches beyond the building wall or fascia. The type of wall sign illumination (reverse or internal), except for logo illumination, shall be consistent on each building.
7. Raceways shall not be permitted unless a waiver is granted by the Developer and raceways with a waiver shall only be used on masonry walls or facades and shall be painted to match the wall or facade.

H. Window Signs
1. The sign copy area shall (i) not exceed twenty-five (25) percent of the window surface area of door windows and door side-light windows on which it is placed or through which it is viewed and (ii) subject to the approval of the Developer, be limited to a maximum of ten (10) percent of the area of other windows.
2. The sign surface area calculation of window signs shall be included in the total area of building identification wall signs permitted.

I. Roof-Integral Signs are not permitted.

J. Temporary signs; including pennants, banners and wind signs; for grand openings which (i) do not exceed thirty-two (32) square feet in surface area, (ii) are erected no more than ten (10) days prior to the event, (iii) are removed after the event or upon the expiration of the cumulative limitation of no more than 70 days for any and all temporary signs to remain within any one calendar year; whichever is sooner.

## BUSINESS PARK DISTRICT

### Business Park District - General

A. Sign and Graphic Requirements - It is the intent that the design and graphics of the signage in the Business Park District outside of the Commercial Area be an additional unifying element within The Lakes of Valparaiso development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.

B. No signs shall be erected except in conformity with The Lakes of Valparaiso Sign Program.

C. Subdivision-Development Identification Signs shall be similar in size, design and construction as shown on Appendix "A" attached hereto and may be located at the locations indicated on the Site Improvement Plan. Type C monument signs shall be landscaped reasonably consistent with Sheet LS-2.5 of the Site Improvement Plan.

D. Overall Design

1. Signs shall utilize The Lakes of Valparaiso logo, to be copyrighted by the Developer, consistent with the signs depicted on Appendix A. Individual on-site signage shall not require the logo to be incorporated into the sign.
2. All identification and directional signs shall be consistent with those depicted on Appendix A. Pylon or Monument Signs may identify groupings of professional office buildings.
3. Identification Monument Signs may identify individual business buildings permitted by this PUD Ordinance.

E. Sign material for all identification and directional signs shall consist of a combination of limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.

1. Signs may indicate the name and/or logo of the Area.
2. The minimum setback for all Pylon or Monument Signs, District Directional Monument Signs shall be five feet (5') or more from all utility easements, sidewalks, pathways, property lines and rights-of-way, including a line projected vertically.
3. Signs shall not interfere with the sight triangle requirements of the Unified Development Ordinance, if any.

F. Address signage shall comply with City requirements.

F. Development Pylon Monument Signs and Tenant(s) Identification Monument Signs shall include a landscape design package appropriate to the sign and site location.

G. Building Identification Wall Signs

1. The maximum sign surface area for building identification wall signs shall not exceed one and one-half (1.5) square feet of sign area per each lineal foot of building façade frontage of the street.
2. Any combination of building identification wall signs may be utilized, so long as the total surface area on a particular building façade does not exceed the percentage noted in 1 above.
3. In addition to paragraph 2 above, the linear measurement of the sign shall not exceed eighty (80) percent of the liner frontage of the facade of the structure or tenant space.

4. There shall be no limit on the number of wall signs allowed, provided the provisions noted in 1 above are not exceeded on the facade on which the signs are located.
5. Other than logo "boxes", all building identification wall signs shall consist of individual dimensional letters with 1/8 inch minimum plastic faces which are (i) illuminated reverse metal construction channel letters with clear backs or (ii) internally illuminated self-contained channel letters with the letter back being aluminum welded to sidewalls and sealed and which do not project more than eight (8) inches beyond the building wall or fascia. The type of wall sign illumination (reverse or internal), except for logo illumination, shall be consistent on each building.
6. Raceways shall not be permitted unless a waiver is granted by the Developer and all raceways with a waiver shall only be used on masonry walls or facades and shall be painted to match the wall or facade.

H. Window Signs
1. The sign copy area shall (i) not exceed twenty-five (25) percent of the window surface area on which it is placed or through which it is viewed and (ii) be limited to door windows and door side-light windows.
2. The sign surface area calculation of window signs shall be included in the total area of building identification wall signs permitted.

I. Roof-Integral Signs are not permitted.

J. Building Identification Monument Signs
1. The maximum sign surface area for building identification monument signs shall not exceed three quarters (0.75) square feet of sign area per each lineal foot of building façade frontage of the street. One monument sign may be installed for each street frontage within the Business Park District.
2. The maximum sign surface area on the monument shall not exceed 70% of the monument face area.
3. The maximum height of the monument shall not exceed 8 feet.
4. Signage may be unlit, or internally illuminated channel letters, back lit reverse channel letters, or internally illuminated routed metal panels with acrylic letters and logo. Illuminated channel letters must be faced with translucent acrylic material no light source may be visible. No external lighting will be allowed.
5. No box signs will be allowed.
6. Within the Commercial Area, Lots 1 and 2 one additional sign on site facing Vale Park Road shall be allowed. The commercial lots will be allowed an integrated digital sign for display facing Vale Park Road monument sign. The digital sign shall be limited to one change per day and no moving or flashing graphics.
7. Any business that dispenses gasoline products at the pump to the public for motor vehicles may display additional sign area for the purpose of indicating the pump price of fuel sold and shall not exceed sixteen (16) square feet in surface area for each fuel grade sold, not to exceed three (3) grades of fuel. Said sign or signs may be attached to an existing ground sign or the wall of a building. The area of such signs shall not be counted against the total sign area

limit. Fuel pricing shall not be located on the gas pump awning or canopy. Such signs shall not require a permit and need not be erected by a person with a Sign License.

## MULTI-FAMILY RESIDENTIAL DISTRICT

Multi-Family Residential Areas

A. Sign and Graphic Requirements - It is the intent of this Sign Program that the design and graphics of the signage in the Multi-Family Residential District be an additional unifying element within The Lakes of Valparaiso development. This will be accomplished through the use of similar designs, design elements, materials, location of signs, and lighting techniques.
B. No signs shall be erected except in conformity with The Lakes of Valparaiso Sign Program.
C. Overall Design
    1. All identification signs shall utilize The Lakes of Valparaiso logo to be copyrighted by the Developer.
    2. Ground signs shall not exceed four (4) feet in height and shall use horizontal wording. Monument signs shall be as outlined in this exhibit and may use horizontal vertical wording.
    3. Identification Signs may identify:
        a. Subdivision Entrances
        b. The Clubhouse and Office
        c. Amenity Areas
        d. Pathway/Walkway System
        e. Common Areas
D. Subdivision Identification Signs shall be similar in size, design and construction as shown on Appendix "A" attached hereto and may be located at the locations indicated on the Site Improvement Plan.
E. Sign material for permanent signs shall consist of a combination of cultured stone limestone, granite, field stone, brick, steel and/or aluminum, excluding the sign faces.
    1. Signs may indicate the name and/or logo of the project or area within the project.
    2. Signs shall be five feet (5') or more from all utility easements, sidewalks, pathways, property lines and rights-of-way, including a line projected vertically, except as noted in D(2) above
    3. Signs shall not interfere with the sight triangle requirements of the City ordinances.
    4. Entrance wall heights for signs shall not exceed six (6) feet and column heights shall not exceed ten (10) feet.
    5. If the sign is located on a fence or wall, only the area of the actual sign itself shall be calculated in determining the maximum sign area, not the fence or wall itself.
F. Address signage on individual multi-family units shall comply with City of Valparaiso requirements.
G. Identification Signs shall include a landscape design package appropriate to the sign and site location.

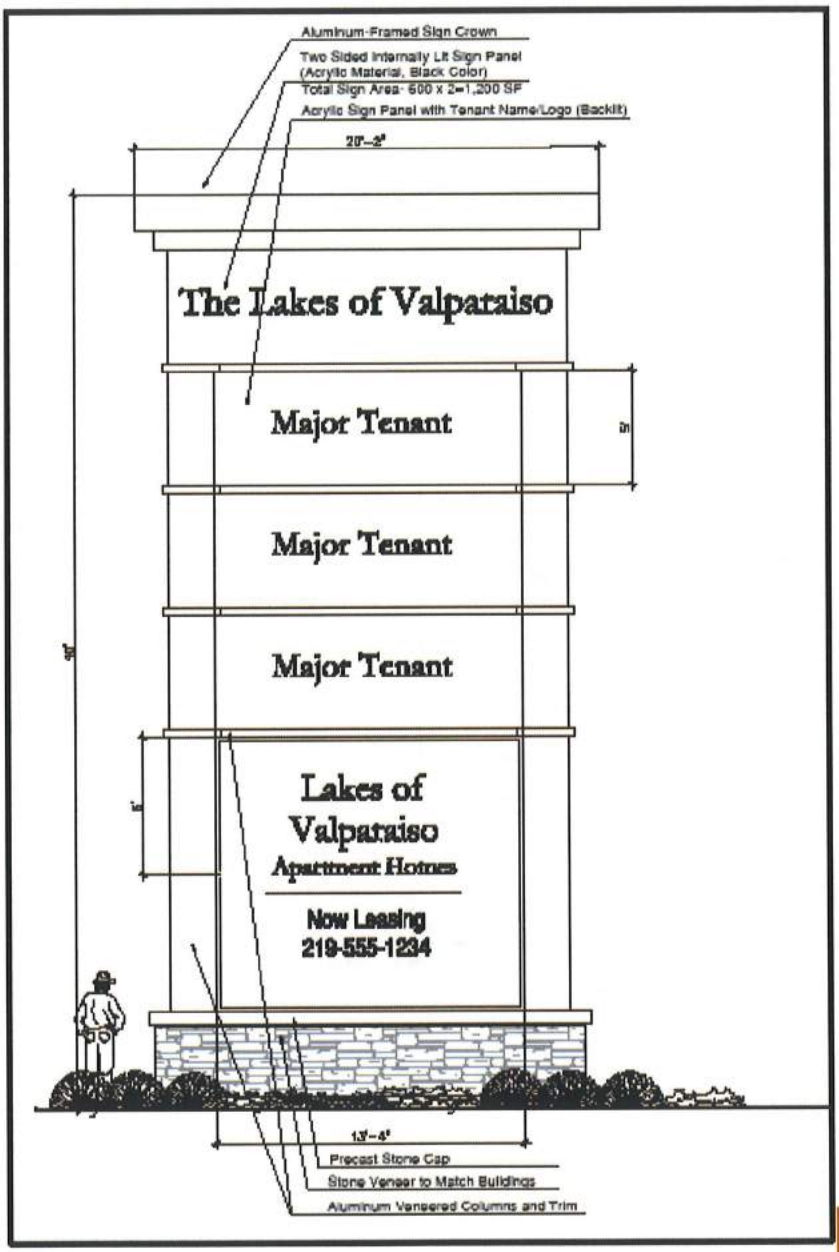
# APPENDIX A

## SIGN PROGRAM
## The Lakes of Valparaiso

Type A Monument Sign

Type B Monument Sign

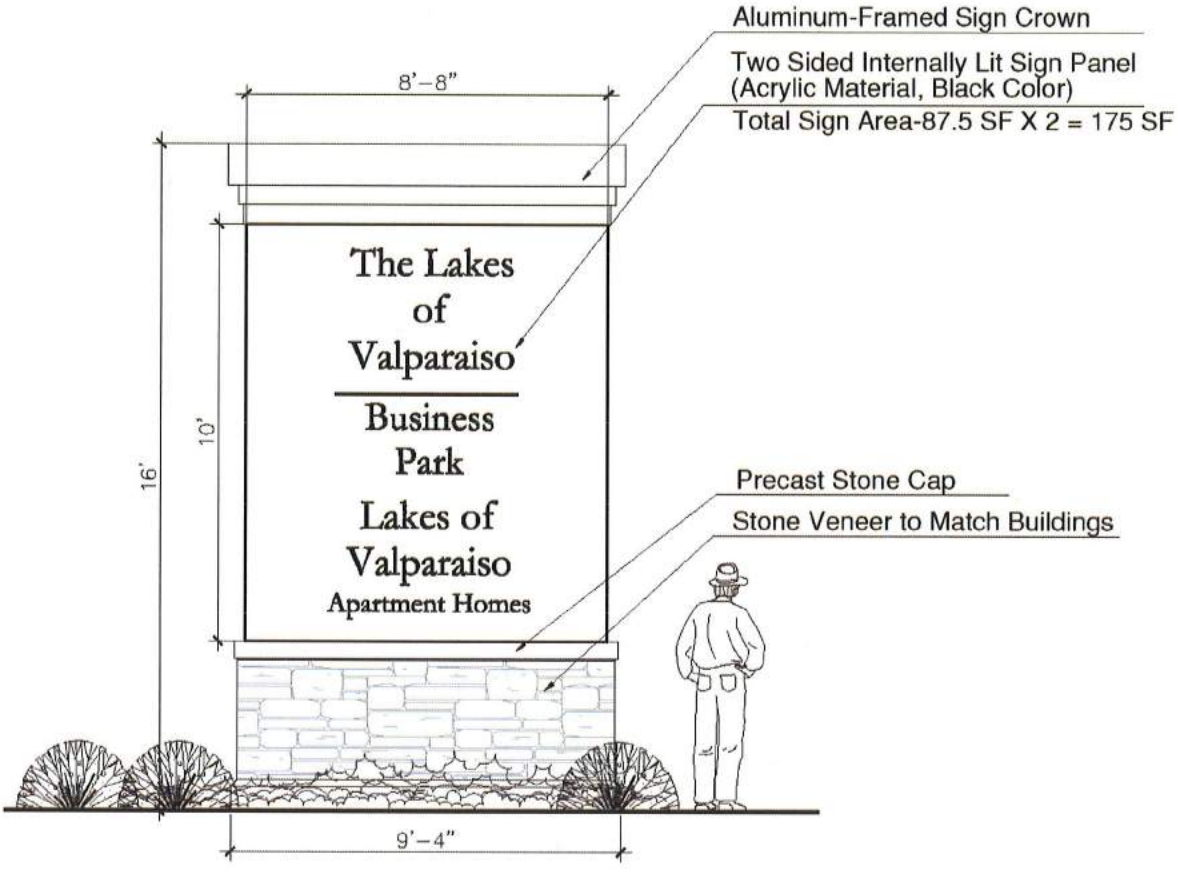
Type C Monument Sign




**Lakes of Valparaiso**
**Type A Monument Sign**

BSB DESIGN

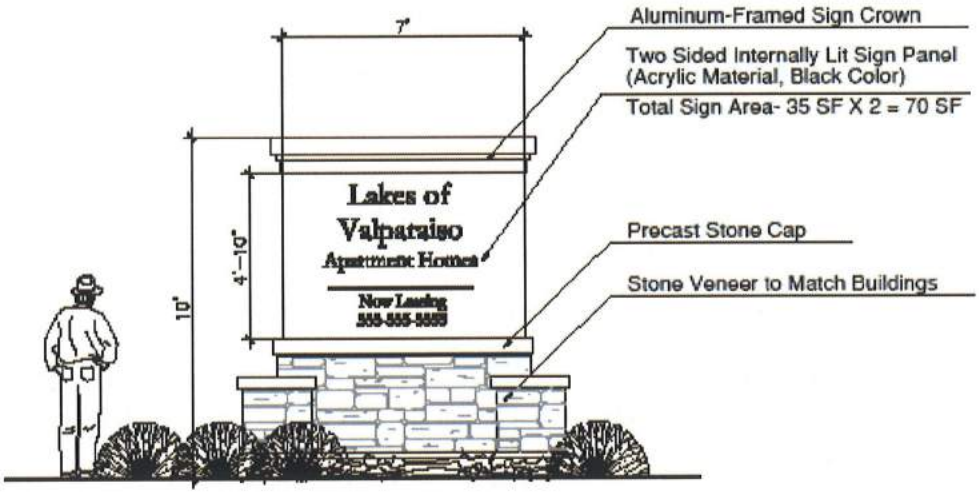
**SJBZ Management**




**SJBZ Management**

**Lakes of Valparaiso**
**Type B Monument Sign**

BSB DESIGN




**SJBZ Management**

**Lakes of Valparaiso**
**Type C Monument Sign**

BSB DESIGN

# APPENDIX B

## SIGN PROGRAM
## The Lakes of Valparaiso

1. Definitions:

Awning- a roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment and which is supported by and projects from a wall or roof of a structure over a window, walk, door, or the like.

Awning Sign - any sign which is affixed or graphically printed on or.in some fashion attached directly to the awning cover.

Canopy - a roof-like cover, often of fabric, metal, plastic, fiberglass, or glass, on a support which is supported, in total or in part, from the ground and which provides shelter over, for example, a doorway, outside walk, parking area or outdoor service area.

Canopy Sign - any sign that is part of, affixed to, or in some fashion attached directly to the canopy cover.

Ground Sign – any sign that is used to designate an entrance, exit, or way finding.

Integral Roof Sign - any sign erected or constructed as an integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof such that the closest point of the sign elements from the roof structure shall not be more than six inches.

Marquee Sign - any sign mounted, constructed or attached in any manner on the entrance cover.

Monument Sign – any sign that stands on a masonry base upon the ground.

Projecting Sign - any sign which is affixed to a building or wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of the adjacent building wall face.

Subdivision Identification Signs – any sign erected by Developer or the Association of Lot owners to identify the development and major Lot owners, or their tenants, amenities and the apartment development within the Multi-Family Residential District.

Wall Sign - any sign attached parallel to, but within eighteen inches of, a wall erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Except, however, the logo portion of a wall sign may project above the limits of an outside wall with the approval of the Developer.

2. Awning and Canopy Signs:

   a. WHERE PERMITTED. Canopy and awning signs shall be permitted in the Business Park District.

   b. MAXIMUM SIGN AREA. The provisions of Section G(l) shall apply. The total sign content of copy area of awning or canopy signs shall not exceed forty-five percent (45%) of the area of the awning or canopy on which it is placed. The computation of the sign copy area of the awning or canopy sign shall be limited only to the area of the awning or canopy which contains the graphics or sign.

   c. LOCATION OF SIGNS. Signage may not be placed upon any sloping surface.

   d. CLEARANCE FROM GRADE. All portions of a canopy or awning shall be not less than eight (8) feet above the finished grade beneath the awning or canopy.

   e. MINIMUM SET BACK, FRONT. The horizontal projection of any awning or canopy may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.

3. Integral Roof Signs:

   a. NOT PERMITTED. Integral roof signs shall not be permitted in the Business Park District.

4. Marquee Signs:

   a. WHERE PERMITTED. Marquee signs shall be permitted in the Commercial Area of the Business Park District.

   b. MAXIMUM SIGN AREA. The provision of Section G(l) shall apply. The total sign area of marquee signs shall not exceed seventy-five percent (75%) of the area of the marquee on which it is placed. The computation of the sign copy area of the marquee sign shall be limited to the area of the marquee which contains the graphics or sign.

c. CLEARANCE FROM GRADE. All portions of a marquee shall be not less than eight (8) feet above the finished grade beneath the Marquee.

d. MINIMUM SETBACK, FRONT. The horizontal projection of any marquee may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.

5. Projecting Signs:

a. WHERE PERMITTED. Projecting signs shall be permitted in the Business Park District.

b. MAXIMUM SIGN AREA. The provisions of Section G.1 shall apply.

c. NUMBER OF SIGNS. One projecting sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center), subject to the provisions of Section G, 2-4.

d. MAXIMUM PROJECTION AND THICKNESS FROM A BUILDING. No projecting sign or sign structure shall extend beyond the highest point above its supporting building. No projecting sign shall be more than two inches (2") in thickness

e. CLEARANCE FROM GRADE. All portions of any projecting sign or sign structure shall be not less than eight (8) feet above the finished grade beneath the projecting sign.

f. MINIMUM SETBACK, FRONT. The horizontal projection of any projecting sign may extend to a point not closer than two (2) feet from an imaginary perpendicular vertical plane at the street pavement edge, back of curb or outside edge of the sidewalk.

6. Suspended Signs:

a. WHERE PERMITTED. Suspended signs shall be permitted in the Business Park District.

b. MAXIMUM SIGN AREA. The maximum sign surface area for a suspended sign shall not exceed five (5) square feet. In addition, the provisions of Section G(l) shall apply.

c. NUMBER OF SIGNS. One suspended sign shall be permitted per each building facade (if a single use) or grade level tenant space (if an integrated center).

d. CLEARANCE FROM GRADE. All portions of any suspended sign or sign structure shall not be less than eight (8) feet above the finished grade beneath the suspended sign.

Exhibit - E

Valparaiso Unified Development Ordinance

## Division 1.100 Title; General Purposes; Authority; and Jurisdiction

### Sec. 1.101 Title; Short Title

A. **Title.** This Code shall be known as the City of Valparaiso, Indiana Unified Development Ordinance.

B. **Short Title.** The short title "UDO" refers to this Unified Development Ordinance.

### Sec. 1.102 Purposes

A. **General Purposes.** The general purposes of this UDO are to promote the public health, safety, comfort, morals, convenience, and general welfare by:

1. Protecting the quality of life of City residents;
2. Ensuring that highway systems are carefully planned to:
    a. Lessen or avoid congestion in public ways;
    b. Enhance opportunities for multimodal and non-vehicular travel; and
    c. Reduce vehicle miles traveled;
3. Ensuring that the community grows with adequate public way, utility, health, educational, and recreational facilities by:
    a. Promoting the orderly growth, development, improvement, and redevelopment of the community; and
    b. Protecting natural resources and the environment, including potable water supplies and sensitive ecosystems;
4. Ensuring that the needs of business and industry are recognized by:
    a. Providing for sufficient commercial and industrial property to allow for economic development within the City;
    b. Providing for a fair, orderly, and efficient development review process; and
    c. Protecting the value of property and buildings;
5. Ensuring that residential areas provide healthful surroundings for family life;
6. Protecting the fiscal and functional integrity of the City by:
    a. Ensuring that the growth of the City is commensurate with and promotive of the efficient and economical use of public funds; and
    b. Encouraging development in areas where transportation, water, sewers, schools, parks, and other public requirements exist; and limit development where such facilities do not exist;
7. Preserving, enhancing, and protecting the unique and special character of the City of Valparaiso, particularly the City's historic downtown and surrounding residential neighborhoods, by:
    a. Implementing the City's adopted plans for development and redevelopment;
    b. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
    c. Fostering a balanced community;
    d. Promoting the preservation, enhancement, development, and redevelopment of a variety of housing

types at a variety of price points, in order to provide decent, affordable housing opportunities for all City residents;

e. Preventing the overcrowding of land and undue concentration of population;

f. Promoting compact urban form;

g. Minimizing conflicts among adjacent land uses;

h. Preserving and protecting places and areas of historical, cultural, scenic, or architectural importance and significance;

B. **Specific Purposes.** Specific purposes of this UDO are set out for individual articles and for some divisions.

## Sec. 1.103 Authority

The Authority for this UDO is established by:

A. **Statutory Authority.** All relevant grants of authority in the Indiana Code, including but not limited to:

1. Title 36, Article 3, Municipal Annexation and Disannexation
2. Title 36, Article 7, Planning and Development
3. Title 36, Article 8, Chapter 2, General Powers Concerning Public Safety
4. Title 36, Article 9, Transportation and Public Works

B. **City Ordinance.** Section 31.01, Authority; Duties, City of Valparaiso, Indiana, Code of Ordinances.

## Sec. 1.104 Jurisdiction

A. **Within City Limits.** All development within the corporate limits of the City of Valparaiso, as may be expanded, contracted, or modified from time to time, and all land use applications made to the City for property within the City, shall comply with the provisions of this UDO.

B. **Outside City Limits.** *Reserved.*



Exhibit "E"
Page E-000002

## Division 2.100 Purpose

### Sec. 2.101 Purpose

This Article has the following purposes:

A. **Permitted Uses.** This Article sets out the uses that are permitted in each zoning district.

B. **Limited and Special Uses.** This Article establishes additional standards for certain uses that, left unregulated, tend to be or become incompatible with surrounding uses. These additional standards provide limitations on the intensity of use, land area, site design, and other factors that are appropriate to each class of use.

1. Limited Uses are approved by the Planning Director.
2. Special Uses are approved as provided in **Section 15.203, Discretionary Approvals.**

C. **Accessory Uses.** This Article establishes standards for accessory uses, structures, and activities that are permitted in conjunction with permitted, limited, and special principal uses.

## Division 2.200 Uses by District

### Sec. 2.201 Permitted, Limited, and Special Uses

A. **Symbols Used in Permitted, Limited, and Special Uses Table.** The following symbols are used in Table 2.201.A. and 2.201.B. to indicate whether a particular use is permitted, permitted by Limited Use review (subject to limited use standards), permissible by Special Use review (subject to special use standards), or prohibited within each zoning district:

1. "**P**" indicates a Permitted Use, where the use is permitted as a matter of right, subject to the general standards of **Division 2.300, General Standards,** and all other applicable provisions of this UDC.
2. "**L**" indicates a Limited Use, which is permitted subject to review by the Planning Director for compliance with the standards of **Division 2.300, General Standards,** and the applicable performance standards of **Division 2.500, Limited and Special Use Standards.** Not all properties or project designs may meet these requirements, thus the use may not be allowed to be established on every parcel within the district.
3. "**S**" indicates a Special Use, which is allowed only upon granting a special use permit as provided in **Section 15.203, Discretionary Approvals.** The Board of Zoning Appeals reviews special use permit applications for compliance with the standards of **Division 2.300, General Standards,** and the applicable performance standards of **Division 2.500, Limited and Special Use Standards.** Not all properties or project designs may meet these requirements, thus the use may not be allowed to be established on every parcel within the district.
4. "**X**" indicates a prohibited use.

B. **Temporary Uses.** Temporary uses are listed in Table 2.201.B. as a land use category, with designations that are the same as other uses (ie. "P," "L," "S," and "X"). **Division 2.600, Temporary Uses,** sets out the standards for approval of temporary uses.

**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 1 | SR 2 | GR 3 | UR 4 | NC 5 | RU 6 | CN 7 | CG 8 | CBD 9 | CP 10 | RT 11 | CA 12 | BP 13 | INL 14 | INH 15 | Limited / Special Use Standard |
| **Agricultural Uses** | | | | | | | | | | | | | | | | |
| Agriculture | X | X | X | X | X | P | X | X | X | X | X | P[16] | X | X | X | |
| Nursery or Greenhouses | X | X | X | X | X | L | X | X | X | X | X | P[16] | X | L | X | Sec. 2.502 |
| Farmstead | X | X | X | X | X | P | X | X | X | X | X | X | X | X | X | |
| Intensive Agriculture | X | X | X | X | X | X | X | X | X | X | X | X | X | X | X | |
| Commercial Stables | X | X | X | X | X | L | X | X | X | X | X | X | X | X | X | Sec. 2.501 |
| Kennel | X | X | X | X | X | L | S | L | X | X | X | X | X | L | X | Sec. 2.503 |
| **Residential Uses** | | | | | | | | | | | | | | | | |
| Boarding House, Dormitory, Fraternity, or Sorority | X | X | X | X | X | X | X | X | X | X | P | P[16] | X | X | X | |
| Single-Family | P | P | P | P | P | P | L | L | X | P | P | X | X | L | S | Sec. XXX |
| Single-Family Cluster | P | P | P | X | X | L | X | X | X | X | X | X | X | X | X | Sec. 2.504 |
| Single-Family Attached | X | X | L | P | X | X | X | X | X | P | S | X | X | X | X | Sec. 2.505 |
| Planned or TND[17] | P[18] | P[18] | P[18] | P[18] | X | X | X | X | X | P[18] | X | X | X | X | X | |
| Multifamily | X | X | X | P | X | X | X | L | L | L | S | P[16] | X | X | X | Sec. 2.506 |
| Manufactured Home Park or Subdivision | X | X | S | X | P[19] | X | X | X | X | X | X | X | X | X | X | Sec. 2.507 |
| Group Homes | P | P | P | P | P | L | X | X | X | X | X | P[16] | X | X | X | Sec. 2.508 |
| Live-Work Units | X | X | X | X | X | X | P | P | P | P | L | X | X | X | X | Sec. 2.509 |
| Manufactured Home[20] | L | L | L | L | L | X | X | X | X | X | X | X | X | X | X | Sec. 2.510 |
| **Home Uses** | | | | | | | | | | | | | | | | |
| Home Occupation | L | L | L | P | L | L | P | L | L | L | P | L | X | X | X | Sec. 2.511 |
| Home Business | S | S | S | S | X | L | P | L | X | L | L | L | X | X | X | Sec. 2.512 |
| Cottage Industry | X | X | X | X | X | L | L | L | X | L | L | X | X | X | X | Sec. 2.513 |
| Child Care Homes | S | S | S | S | S | S | X | X | X | S | S | L | X | X | X | Sec. 2.514 |
| **Institutional Uses** | | | | | | | | | | | | | | | | |
| Places of Public Assembly | S | S | S | S | P[21] | S | P | P | S | S | S | P[16] | L | X | X | Sec. 2.515 |
| College / University | X | X | X | X | X | X | X | L | X | X | L | P[16] | P | L | X | Sec. 2.516 |
| Institutional Residential | L | L | L | L | P[21] | X | X | L | X | S | L | P[16] | X | X | X | Sec. 2.517 |
| Protective Care | X | X | X | X | X | X | X | X | X | X | X | X | X | L | X | Sec. 2.518 |
| Private Club | S | S | S | S | X | S | P | P | L | L | L | P[16] | X | X | X | Sec. 2.519 |
| Public Service | L | L | L | L | X | X | P | P | P | P | L | P[16] | P | L | L | Sec. 2.520 |
| Respite Care Facility | L | L | L | L | L | L | P | X | X | L | L | P[22] | X | X | X | Sec. 2.553 |
| Utilities, Neighborhood | L | L | L | L | L | L | L | L | L | L | L | P[16] | P | P | P | Sec. 2.521 |
| Hospitals | X | X | X | X | X | X | X | P | X | X | X | P[16] | P | X | X | |

[1] ER: Estate Residential



Exhibit "E"
Page E-000004

[2] SR: Suburban Residential

[3] GR: General Residential

[4] UR: Urban Residential

[5] NC: Neighborhood Conservation

[6] RU: Rural

[7] CN: Commercial, Neighborhood

[8] CG: Commercial, General

[9] CBD: Central Business District

[10] CP: Central Place

[11] RT: Residential Transition

[12] CA: Campus

[13] BP: Business Park

[14] INL: Light Industrial

[15] INH: Heavy Industrial

[16] Permitted subject to approved development plan. See **Division 15.400, Procedures and Administration for Development Plan Approval.**

[17] TND is Traditional Neighborhood Development. See **Division 3.700, Traditional Neighborhood Development.**

[18] Planned and TND developments that include the multifamily development type are reviewed as Special Uses.

[19] Permitted only to the extents of existing manufactured home parks. See **Sec. 3.405, Manufactured Home Parks and Subdivisions.**

[20] Located outside of a manufactured home subdivision or manufactured home park. Single family standards shall apply to this use where it is permitted.

[21] Existing facilities as of the effective date of this UDO are permitted uses. However, their land area shall not be increased and no additional land area in the district shall be put to use as institutional residential or place of public assembly.

[22] Permitted only as part of a campus plan that includes development that is owned by the same entity as the facility.

**Table 2.201.B.**
**Nonresidential Uses**

P = permitted use; L = Limited Use review; S = Special Use review; X = prohibited use

| Land Use | Zoning District | | | | | | | | | | | | | | | Limited / Special Use Standard |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | ER 1 | SR 2 | GR 3 | UR 4 | NC 5 | RU 6 | CN 7 | CG 8 | CBD 9 | CP 10 | RT 11 | CA 12 | BP 13 | INL 14 | INH 15 | |
| **Commercial Uses** | | | | | | | | | | | | | | | | |



Exhibit "E"
Page E-000005

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Agricultural Support and Other Rural Services | X | X | X | X | X | L | X | L | X | X | X | X | X | P | X | Sec. 2.522 |
| Alcoholic Beverage Sales | X | X | X | X | X | X | S | L | S | S | S | S | X | X | X | Sec. 2.523 |
| Bed and Breakfast | X | L | X | X | S | L | P | L | P | P | L | P | X | X | X | Sec. 2.524 |
| Commercial Lodging | X | X | X | X | X | X | X | P | L | L | L | P | L | X | X | Sec. 2.525 |
| Commercial Retail | X | X | X | X | X | X | P | P | P | P | L | L | L | L | X | Sec. 2.526 |
| Heavy Retail | X | X | X | X | X | X | X | L | X | X | X | X | L | P | X | Sec. 2.527 |
| Light Automobile Service | X | X | X | X | X | X | X | L | X | X | X | X | X | L | L | Sec. 2.552 |
| Drive-in / Drive Through Facility | X | X | X | X | X | X | S | L | S | X | X | X | L | X | X | Sec. 2.528 |
| Mixed Use | X | X | X | X | X | X | L | L | P | P | L | P | L | X | X | Sec. 2.529 |
| Office | X | X | X | X | X | X | P | P | L | L | L | P | P | L | L | Sec. 2.530 |
| Car Wash | X | X | X | X | X | X | X | L | X | X | X | X | X | L | X | Sec. 2.531 |
| Restaurant | X | X | X | X | X | X | P | P | P | P | L | L | L | L | L | Sec. 2.532 |
| Services | X | X | X | X | X | X | P | P | P[16] | P | L | P | L | X | X | Sec. 2.533 |
| Shopping Center | X | X | X | X | X | X | S | P | X | X | X | X | X | X | X | Sec. 2.534 |
| Vehicle Sales, Rental, and Service | X | X | X | X | X | X | X | L | L | L | X | X | X | L | L | Sec. 2.535 |
| Veterinarian | X | X | X | X | X | X | S | L | X | X | X | P | P | X | X | Sec. 2.536 |
| **Recreation and Amusement Uses** | | | | | | | | | | | | | | | | |
| Adult Uses | X | X | X | X | X | X | X | X | X | X | X | X | X | S | X | Sec. 2.537 |
| Campgrounds | X | X | X | X | X | L | X | X | X | X | X | X | X | X | X | Sec. 2.538 |
| Commercial Amusement, Indoor | X | X | X | X | X | X | L | P | P | P | L | P | X | P | X | Sec. 2.539 |
| Commercial Amusement, Outdoor | X | X | X | X | X | P | X | P | X | X | X | P | X | X | X | |
| Recreation, Indoor | L | L | L | L | L | L | L | P | P | P | L | P | P | X | X | Sec. 2.541 |
| Recreation, Outdoor | L | L | L | L | L | P | L | P | X | X | X | P | L | X | X | Sec. 2.542 |
| **Industrial Uses** | | | | | | | | | | | | | | | | |
| Disposal[17] | X | X | X | X | X | X | X | X | X | X | X | X | X | X | L | Sec. 2.543 |
| Extraction | X | X | X | X | X | S | X | X | X | X | X | X | X | X | L | Sec. 2.544 |
| Heavy Industry | X | X | X | X | X | X | X | X | X | X | X | X | X | X | P | |
| Light Industry | X | X | X | X | X | X | X | X | X | X | X | X | L | P | S | Sec. 2.545 |
| Recycling / Salvage | X | X | X | X | X | X | X | X | X | X | X | X | X | S | P | Sec. 2.546 |
| Utilities, Community | S | S | S | S | S | X | X | L | S | S | S | P | P | P | P | Sec. 2.547 |
| Warehousing and Transportation | X | X | X | X | X | X | X | X | X | X | X | X | X | P | P | |
| Wind Energy Conversion Systems | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S[18] | S | Sec. 2.553 |
| **Special Uses** | | | | | | | | | | | | | | | | |
| Airports | X | X | X | X | X | X | X | X | X | X | X | X | X | X | S | Sec. 2.548 |
| Cemeteries | X | X | X | X | X | S | X | X | X | X | X | P | X | X | X | Sec. 2.549 |
| Parking (stand alone lot) and Transit Facilities | X | X | X | X | X | X | X | P | S | L | L | P | P | P | L | Sec. 2.550 |
| 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] | L[19] | L[19] | Sec. 2.551 |
| **Temporary Uses** | | | | | | | | | | | | | | | | |



Exhibit "E"
Page E-000006

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Commercial Outdoor Sales Event | X | X | X | X | X | X | X | P | X | X | X | X | X | X | X | |
| Contractors Office | L | L | L | L | L | X | L | L | L | L | L | L | L | P | P | Sec. 2.602 |
| Farm Stand | X | X | X | X | X | P | X | X | X | X | X | X | X | X | X | |
| Garage Sales | L | L | L | L | L | L | L | X | X | X | X | X | X | X | X | Sec. 2.603 |
| Model Homes | L | L | L | L | X | X | X | S | X | L | X | X | X | X | X | Sec. 2.604 |
| Public Interest or Special Events | S | S | S | S | S | S | S | S | S | S | S | S | X | X | X | Sec. 2.605 |
| Sales Office | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | Sec. 2.606 |
| Sidewalk Sales and Farmers' Markets | X | X | X | X | X | X | L | L | L | L | L | L | X | X | X | Sec 2.607 |
| Temporary Manufactured Structure | L | L | L | L | L | L | L | X | X | X | X | X | X | X | X | Sec. 2.608 |
| Truck Load Sales | X | X | X | X | X | X | X | L | X | X | X | X | X | X | X | Sec. 2.609 |

[1] ER: Estate Residential

[2] SR: Suburban Residential

[3] GR: General Residential

[4] UR: Urban Residential

[5] NC: Neighborhood Conservation

[6] RU: Rural

[7] CN: Commercial, Neighborhood

[8] CG: Commercial, General

[9] CBD: Central Business District

[10] CP: Central Place

[11] RT: Residential Transition

[12] CA: Campus

[13] BP: Business Park

[14] INL: Light Industrial

[15] INH: Heavy Industrial

[16] Tattoo parlors are prohibited

[17] Does not include disposal facilities operated by the City. Disposal of radioactive materials is prohibited; see **Section 2.203, Prohibited Uses.**

[18] Small wind energy conversion systems only, an accessory use to a permitted use.

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

## Sec. 2.202 Voting Places

Nothing in this UDO shall be construed in a way that interferes with the temporary use of any property as a voting place in connection with a public election.

## Sec. 2.203 Prohibited Uses

A. **Uses Not Listed.** Any use that is not listed in **Table 2.201.A., Agricultural, Residential, and Institutional Uses;** and **Table 2.201.B., Nonresidential Uses,** is prohibited.

B. PS District. Any use other than public parks, public recreation buildings, or public schools is prohibited in the PS district. See **Section 2.305, Public Parks and Public Schools.**

C. **Specific Prohibitions.** The following uses are specifically prohibited in all districts:

1. Intensive agriculture.
2. Disposal facilities involving radioactive materials.



Exhibit "E"
Page E-000007

## Sec. 2.204 Unlisted and Functionally Similar Uses

A. **Generally.** If a proposed use is not listed in **Table 2.201.A., Agricultural, Residential, and Institutional Uses**, or **Table 2.201.B., Nonresidential Uses**, or if the classification of the use is ambiguous, then the Administrator shall decide whether the proposed use is either a subcategory of a permitted, limited, or special use, or a use that is functionally similar to a permitted, limited, or special use.

1. A proposed use that is either not listed or ambiguous shall be considered a subcategory of a permitted, limited, or special use if:
    a. Its North American Industrial Classification System (NAICS) code is a subset of an NAICS code for a permitted, limited, or special use; and
    b. With regard to each of the decision criteria enumerated in subsection B., the proposed use's impacts are not materially greater than the permitted, limited, or special use with the more general NAICS code.
2. A proposed use that is either not listed or ambiguous shall be considered a functionally similar use to a permitted, limited, or special use if with regard to each of the decision criteria enumerated in subsection B., the proposed use has no greater impacts than the permitted, limited, or special use with which it is functionally similar.

B. **Decision Criteria.** The following decision criteria shall be evaluated when the Planning Director decides whether a proposed use is a subcategory of, or functionally similar to, a permitted, limited, or special use:

1. Parking demand;
2. Average daily and peak hour trip generation (cars and tucks);
3. Water demand;
4. Solid waste generation;
5. Impervious surface;
6. Noise;
7. Lighting;
8. Dust;
9. Odors;
10. Use and storage of hazardous materials;
11. Character of buildings and structures;
12. Character of operation; and
13. Hours of operation.

C. **Effect of Planning Director's Determination.**

1. If the Planning Director approves an application for a decision pursuant to this Section, then the use shall be permitted as a permitted, limited, or special use, with the same restrictions as the use to which it was compared for the purposes of the favorable decision.
2. If the Planning Director determines that a proposed use is not a subcategory of, or functionally similar to, a permitted, limited, or special use, then the proposed use is a prohibited use.

## Sec. 2.205 Public Parks, Public Recreation Buildings, and Public Schools

A. **Public Parks and Public Recreation Buildings.** Public parks and public recreation buildings may be located in:

1. Any district that also permits residential uses; or
2. The PS district.

B. **Public Schools.** Public schools may be located in:

1. The SR, GR, and UR residential districts; and
2. The PS district.

## Division 2.300 Supplemental Residential Standards

### Sec. 2.301 Exceptions to Yard Standards

A. **Generally. Table 2.301, Permitted Projections into Required Yards,** sets out projections that may be located within required yards (between the setback lines and the lot lines). Measurements in the table are taken from the setback line (A); from the lot line (B); or into the right-of-way (C). See **Figure 2.301, Measurement of Encroachments.** If a measurement is indicated for "(A) Into Yard" and "(B) From Lot Line," then the measurement that results in the larger setback from the lot line controls. If a measurement is indicated for "(A) Into Yard" and "(C) Into Right-of-Way," then the measurement that allows the smallest encroachment into the right-of-way controls.

Table 2.301:
Permitted Projections into Required Yards

| | Permitted Encroachments | | |
|---|---|---|---|
| **Location / Projection** | **(A) Into Yard** | **(B) From Lot Line** | **(C) Into Right-of-Way** |
| **All Yards** | | | |
| Awnings and structurally support d canopies without supports that extend to ground | na. | Generally: 2 ft. | **CBD, CP, and Eastgate Overlay Districts Only:** 6 ft., but not closer than 2 ft. from back of curb, subject to Board of Public Works and Safety approval. |
| Steps, 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. | 5 ft. | na. | Not Allowed |
| Chimneys | 2 ft. | na. | Not Allowed |
| Arbors and trellises | na. | 3 ft. | Not Allowed |
| Flagpoles | na. | 2 ft. | Not Allowed |
| Fences, garden walls, and hedges | na. | See **Section 2.302, Fences, Garden Walls, and Hedges** | Not Allowed |
| **Front Yard** | | | |
| One-story bay windows | 3 ft. | na. | Not Allowed |
| Overhanging eaves and gutters | 2.5 ft. | na. | **CBD, CP and Eastgate Overlay District Only:** 2 ft., subject to Board of Public Works and Safety approval. |
| Patios | 10 ft., subject to **Section 2.304, Decks, Patios, and Porches.** | 2.5 ft. | Not Allowed |
| Open porch, 40 square feet or less in floor area encroaching | 4 ft., subject to **Section 2.304, Decks, Balconies, Patios, and Porches** | 2.5 ft. | Not Allowed |
| | **Generally:** 4 ft. **CP and UR Districts:** 6 ft. | | **CP, UR and Eastgate Overlay Districts:** 3 ft., but not closer than |



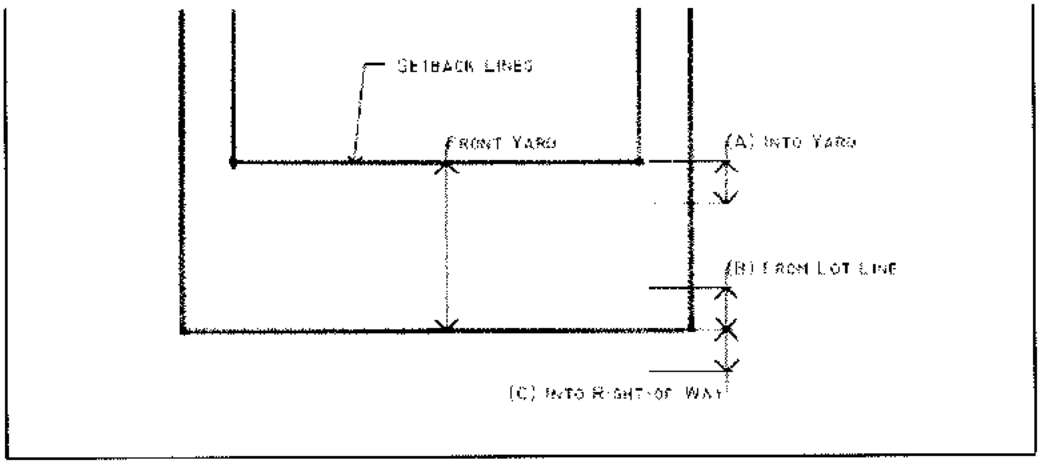
Exhibit "E"
Page E-000009

| | | | |
|---|---|---|---|
| Balconies | All are subject to **Section 2.304, Decks, Balconies, Patios, and Porches** | na. | 2 ft. from back of curb, subject to Board of Public Works and Safety approval. |
| **Side Yard** | | | |
| Overhanging eaves and gutters | 2 ft. | 1 ft. | **CBD District Only:** 2 ft., subject to Board of Public Works and Safety approval. |
| Air conditioning units | 6 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment | 2.5 ft. | Not Allowed |
| Driveways | na. | 1 ft. | Permitted perpendicular connections only |
| Decks, less than four feet above grade | na. | 3 ft., subject to **Section 2.304, Decks, Balconies, Patios, and Porches**; but 0 ft. if the adjacent lot is permanent open space | Not Allowed |
| Decks, four feet or more above grade | 6 ft. | 6 ft. | Not Allowed |
| **Rear Yard** | | | |
| Overhanging eaves and gutters | 2.5 ft. | 1 ft. | **CBD District Only:** 2 ft., subject to Board of Public Works and Safety approval. |
| Paved off-street parking spaces | na. | 3 ft., unless parking on driveway | Not Allowed |
| Rear-load garage | na. | **Generally:** 20 ft.<br>**NC District:** 8 ft. | Not Allowed |
| Side-load garage | na. | 5 ft. | Not Allowed |
| One-story bay windows | 3 ft. | 8 ft. | **CBD District Only:** 1 ft., subject to Board of Public Works and Safety approval. |
| Air Conditioning Units | 6 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment | 5 ft. | Not Allowed |
| Decks, less than four feet above grade | na. | 3 ft., subject to **Section 2.304, Decks, Balconies, Patios, and Porches** | Not Allowed |
| Decks, four feet or more above grade | 12 ft. | 5 ft., subject to **Section 2.304, Decks, Balconies, Patios, and Porches** | Not Allowed |

| **Figure 2.301:**<br>**Measurement of Encroachments** |
|---|
| **Measurement of Encroachments** |



Exhibit "E"
Page E-000010




B. **Limitations.** No projection shall cross a lot line:

1. Into separately owned property, unless a recorded document provides for access to and maintenance of the projection; or
2. Into public property, rights of way, or access easements, except as provided in **Table 2.301, Permitted Projections into Required Yards** and approved by the Board of Public Works and Safety; or
3. Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility or the City to efficiently remove the encroachment at the property owner's expense.

## Sec. 2.302 Fences, Garden Walls, and Hedges

A. **Height.** No fence shall exceed the following heights:

1. Interior side and rear yards: Six feet.
2. Street side yards: Four feet.
3. Area between front building line (or abutting property owner's front building line on the same side as the proposed fence, whichever is closer to the street) and street: Four feet.
4. In side or rear yard abutting a CG, INL, or INH zoning district: Eight feet.
5. In side or rear yard abutting an arterial or collector: Six feet.

B. **Setbacks.**

1. Sidewalks: Six inches.
2. Streets:
   a. Generally: Five feet.
   b. Intersection of street lot lines: 20 feet.
3. Alleys:
   a. Face is at least 40 percent opaque: Three feet.
   b. Face is less than 40 percent opaque: One foot.

C. **Design.**

1. All fences that face public rights-of-way, except alleys, shall be ornamental.
2. Open picket fences that are located in front yards or street side yards shall be designed such that 40 percent of the face of the fence is evenly spaced openings between pickets.
3. Slats shall not be installed on fences.



Exhibit "E"
Page E-000011

D. **Orientation.** The finished side of all fences shall face out toward neighboring property or adjacent rights-of-way. Where fences are located on the property line of residential property, the finished side of the fence shall face the yard that does not belong to the applicant, unless the applicant provides written consent of the abutting property owner to the City.

E. **Materials.**

1. Materials shall be durable, and of a character commonly used in residential applications, including: weather resistant wood species, split rail, wood treated with U.S. Environmental Protection Agency approved preservatives, painted wood, ornamental wrought iron or powder-coated aluminum, vinyl, brick, and stone.
2. Chain link fences are permitted only in interior side yards and rear yards that are not also street yards.
3. Scrap lumber, plywood, tree branches, tree trunks, 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.
4. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings or wherever the Building Commissioner finds that such are necessary to address a demonstrated security interest.

F. **Exceptions.** Fences, walls, or hedges, which are specifically required pursuant to **Article 10, Landscaping,** shall conform to the requirements of that Section.

## Sec. 2.303 Accessory Buildings and Structures

A. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.

B. **Attached Accessory Buildings.** Accessory buildings that are structurally attached to a principal building shall conform to all standards that are applicable to the principal building.

C. **Maximum Number of Accessory Buildings.** No more than two accessory buildings shall be constructed on a lot in the SR, GR, UR, or NC District.

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

1. Height: One story or 17 feet, whichever is lower.
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 more, except that:
   a. In the ER district, no detached accessory building or buildings shall cover an area that is larger than the smaller of:
      i. 50 percent of the footprint of the principal building; or
      ii. 1,800 square feet.
   b. In the RU district:
      i. Accessory buildings and structures are permitted as needed to support agricultural uses.
      ii. Non-agricultural accessory buildings and structures are limited as if the parcel proposed for development was zoned ER.
3. Setbacks:
   a. Front:
      i. Generally: Behind principal building.
      ii. Carports or garages: Behind front building line.



Exhibit "E"
Page E-000012

b. Street Side: Equal to the required front setback for the zoning district.

c. Interior Side: The greater of:

i. Three feet from the lot line; or

ii. Six feet from the closest setback line on adjacent property.

d. Rear:

i. 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.

ii. Garage with door facing alley: 20 feet.

e. Buildings on the same lot: Six feet.

4. Configuration of Detached Carports and Garages: Detached carports and garages that serve attached single-family dwellings or multifamily dwellings shall not:

a. Be located closer than 20 feet to a building setback line on an adjacent lot that is not used for attached single-family dwellings or multifamily dwellings of the same type;

b. Interfere with building ventilation; or

c. Cast a shadow that shades more than 60 percent of a ground-floor clear glass window of any dwelling unit (whether on the parcel proposed for development or on an adjacent lot) between the hours of 9:30 a.m. and 2:00 p.m., Central Standard Time, December 21. Basement windows and garden level windows shall not be used for the purposes of this calculation.

5. Easements: Accessory structures shall not be located within access or utility easements unless the easement expressly allows the encroachment. A copy of the easement shall be provided to the Planning and Building Department prior to the issuance of permits or clearances for such structures.

6. Accessory buildings shall be designed to be compatible with the principal building in terms of:

a. Color, which shall be the same as the principal building or which shall compliment the principal building;

b. Materials, which shall be the same as those used on the principal building, and in the case of siding or brick, shall be installed with the same patterns as on the principal building.

c. Roof pitch, which shall be the same as the principal building;

d. Roof materials and color, which shall be the same as the principal building;

e. Fenestration, if windows are provided, they should be of a type and aspect ratio that is similar to those on the principal building.

E. **Small Sheds.** Sheds that are less than eight feet in height to the peak of the roof and less than 20 square feet in floor area may be located anywhere in a rear yard, subject to C.5., above, provided that if they are located closer than two feet to a side or rear lot line, the area between the shed and the lot line is planted with shrubs that will grow to form a hedge with a height of three feet within not more than 18 months of planting.

F. **Residential Occupancy.** Residential occupancy of accessory buildings that are not constructed and approved for residential use is prohibited.

## Sec. 2.304 Decks, Balconies, Patios, and Porches

A. **Decks.**

1. Decks shall be set back as required by **Section 2.301, Exceptions to Yard Standards.**

2. No deck shall have a surface that is elevated higher than the level of the second floor.

3. Decks that are less than four feet in height to the top of the deck may occupy 60 percent of the rear yard.



Exhibit "E"
Page E-000013

B. **Patios.**

1. Patios shall be set back as required by **Section 2.301, Exceptions to Yard Standards.**
2. Patios may occupy 60 percent of the rear yard.
3. Any application for a patio that is more than 750 square feet in area shall include a drainage plan for approval by the City Engineer.

C. **Enclosed Porches.** Enclosed porches are subject to the same requirements as the building to which they are attached.

D. **Open Porches.** An open porch may encroach into a front yard as provided in **Table 2.301, Permitted Projections into Required Yards.** Additional encroachment shall be permitted in areas of existing development, provided that:

1. It will have at least the same front setback as the average front setback of similar existing patios on the same street on the same side of the block; and
2. It is designed so that it will not cause additional stormwater runoff onto adjacent properties compared to the pre-development condition.

## Sec. 2.305 Swimming Pools and Spas

A. **Timing of Construction.** No residential swimming pool shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.

B. **Generally.** All swimming pools and spas, whether permanent or temporary, shall comply with all of the provisions for swimming pools in the Municipal Code, which adopt by reference the applicable requirements of the Indiana Administrative Code (Chapter 675 Indiana Administrative Code, Article 20).

C. **Setbacks.**

1. Front: Behind the principal building.
2. Side: Same as side setback requirements for principal buildings.
3. Rear: The greater of:
   a. Six feet, measured from the outside wall of the pool.
   b. Any utility easement width at the rear property line.
4. Building: Six feet between pool wall and any building.

D. **Access Restrictions.** Access to pools and spas shall be restricted by either of the following means:

1. Walls or fencing not less than five feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked. In addition, the pool fence must not be built within the required front yard or required corner lot side yard.
2. A power safety pool cover which shall:
   a. Provide a continuous connection between the cover and the deck, so as to prevent access to the pool when the cover is completely drawn over the pool;
   b. Be mechanically operated by a key or key and switch such that the cover cannot be drawn open or retracted without the use of a key.

## Sec. 2.306 Antennae and Satellite Dishes

A. **TV Antennae, DTV Antennae, Wireless Cable Antennae, Satellite Dishes.**

1. The following are permitted if they are attached to a building or mounted on a mast that extends not more than 12 feet above the peak of the roof:
   a. TV antennae
   b. DTV antennae



Exhibit "E"
Page E-000014

c. Wireless cable antennae

d. Satellite dishes that are one meter or less in diameter.

2. All cabling must be run internally when feasible, securely attached, and as inconspicuous as practicable.

3. Masts that are greater than 12 feet above the peak of the roof are permitted if it is demonstrated that an adequate signal cannot be obtained at a lower height and:

   a. The mast and antenna are lower than overhead power lines, or set back from overhead power lines such that a collapse of the mast will not result in contact with the lines.

   b. The mast and antenna are designed to withstand a 90 mile per hour sustained wind load.

4. Satellite dishes that are more than one meter in diameter are permitted if:

   a. They are located on the ground in the rear yard and not visible from ground-level views from public rights-of-way or abutting properties; or

   b. If the dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the building and the dish or antenna is fully screened from view from public rights-of-way with:

      i. a masonry wall; or

      ii. an evergreen hedge or shrub and understory trees.

B. **Amateur Radio Antennae.** Amateur radio antennae are permitted if the following standards are met:

1. Height, setbacks, and screening for the antenna structure shall be as provided in **Table 2.306, Amateur Radio Antennae.**

Table 2.306:
Amateur Radio Antennae

| Lot size and zoning district | Max. Height (ft.) | Min. Street Setback (ft.) | Min. Side and Rear Setback (ft.) | Required Screening |
|---|---|---|---|---|
| Lot that is at least 5 acres that is located in an RU or ER district | more than 75, up to 200[1] | 100; or, alternatively, 40 ft. behind back wall of principal building | Greater of required building setback or 70 ft. | Continuous evergreen hedge around sides of base that face lot lines; 2 understory trees, located to maximize interruption of views from adjacent property and public rights-o f-way. Existing vegetation that provides comparable screening may be substituted for this requirement. |
| | 40 to 75 | 100; or alternatively, 15 ft. behind back wall of principal building | Greater of required building setback or 25 ft. | Continuous evergreen hedge around sides of base that face lot lines; 1 understory tree, located no more than 15 feet away from the antenna, positioned to screen view from adjacent property. Existing vegetation that provides comparable screening may be substituted for this requirement. |
| | less than 40 | Same as required for principal building. | | None. |
| All other lots (any district) | 75 or less[2] | Same as required for principal building. | | None. |

[1] The maximum permitted height in the OS and ER Districts on lots of at least 5 acres in area is 200 ft. [2] The maximum permitted height in all other districts, or on lots of less than 5 acres in the OS and ER districts is 75 ft.



Exhibit "E"
Page E-000015

2. Support structures that are not attached to the antenna structure shall be treated as accessory structures for the purposes of height, setbacks, and screening.

## Sec. 2.307 Photovoltaic Arrays

A. **Generally.** Photovoltaic arrays panels that convert sunlight into electricity. They are permitted as an accessory use to residential uses.

B. **Interconnect Agreement.** If a photovoltaic array is to be interconnected to the electric utility, proof of an executed interconnect agreement shall be provided before the system is interconnected.

C. **Photovoltaic Arrays.** Photovoltaic arrays may be roof-mounted in all districts. Other installations shall conform to the following standards:

1. The installation shall be in a location and configuration that prevents glare that interferes with the use and enjoyment of adjacent property.

2. If the highest point on the panels is more than six feet above grade, the panels shall be set back as if they were detached accessory buildings. See **Section 2.303, Accessory Buildings and Structures.**

## Sec. 2.308 Trucks and Business Vehicles

In the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR) districts, Residential Transition (RT), and Central Place (CP) districts, no vehicles, trucks, semi-trailer trucks, or vans that are heavier than 15,000 pounds gross vehicle weight shall be parked or left running unattended outside on residential lots or on streets.

## Sec. 2.309 Recreational Vehicles, Inoperable Vehicles, and Portable Storage Units

A. **Recreational Vehicles.**

1. Recreational vehicles, boats, trailers, ATVs, and personal watercraft, shall not be stored for a period of more than 14 days unless it is demonstrated that:

a. In residential districts:

i. Within enclosures; or

ii. Enclosed by a six foot tall wall or opaque fence and located behind the front building line; or

b. In nonresidential districts, the vehicle is parked on an improved parking space designated for the purpose of such storage, in locations where outdoor storage is a permitted use; or

c. The recreational vehicle is located in a recreational vehicle park, parked on a designated space.

2. Recreational vehicles, boats, and utility trailers, and any other comparably sized non-motorized vehicles shall not be parked on any public right-of-way.

B. **Inoperable Vehicles.**

1. Inoperable vehicles shall be stored within enclosures or at locations permitted pursuant to this UDO that process them.

2. Inoperable vehicles shall not be parked on any public right-of-way.

C. **Portable Storage Units.** Portable storage units are permitted, provided that:

1. They are removed within three days of the date that they are placed and they are set back at least two feet from all lot lines; or

2. They comply with requirements for accessory buildings, in which case they must be removed within 30 days of the date that they are placed; or

3. They are on-site to support construction activities and are removed promptly upon completion of construction.

## Sec. 2.310 Outdoor Storage and Refuse Containers

A. **Outdoor Storage Prohibited.** Outdoor storage is prohibited for all residential uses except manufactured homes that are located in manufactured home parks or manufactured home subdivisions.

B. **Centralized Solid Waste Facilities.** Centralized solid waste facilities may be provided for attached residential or multifamily residential uses through the use of dumpsters or common garbage bins if it is demonstrated that:

1. The facilities are located no more than 200 feet (walking distance) from the individual residential units that they are intended to serve.
2. Access to the facilities is configured to meet the requirements of the refuse service provider.
3. The facilities are located in a side or rear yard, unless it is not possible to provide service access in such locations.
4. The areas where dumpsters and/or garbage bins are stored are fully enclosed by an opaque wall constructed of brick, stone, or stucco-finished concrete block, and/or earthen berms, to a height of one foot above the top of the dumpster. A hedge shall be planted around the enclosure (except at entries), and maintained at a height of between three and five feet.
5. If an enclosure must be located in a front yard to meet the requirements of the refuse service provider, it shall be designed and constructed to be consistent and compatible with principal building in terms of materials and architecture.
6. The enclosures have service gates which remain closed at all times except when the dumpster or garbage bins are being serviced; and access gates or an access entry that screens the dumpster from view, for pedestrian access; as shown in **Figure 2.310, Trash Enclosure.**
7. The enclosures are oriented so that landscaping faces adjoining properties or streets.

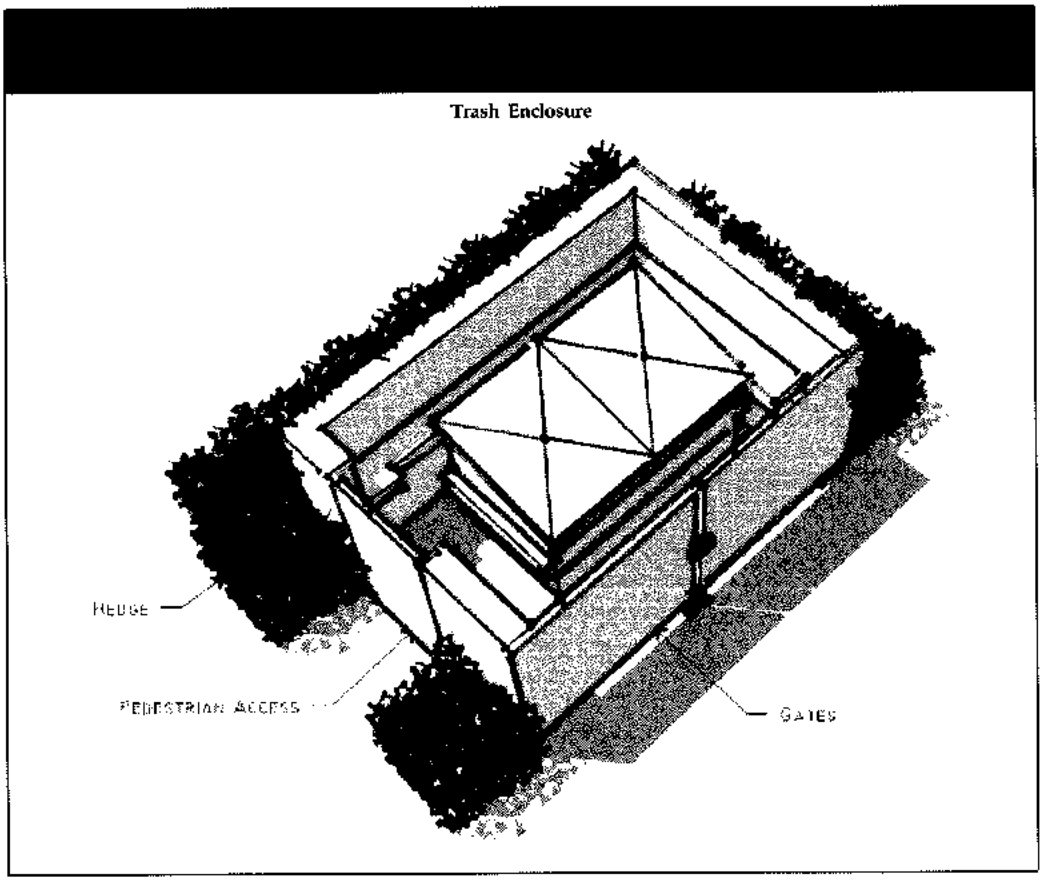





Exhibit "E"
Page E-000017

## Sec. 2.311 Easements and Utilities

A. **Required.** The applicant shall provide for electric, telephone, natural gas, and cable television connections to all building sites. Fiber-to-the-home is encouraged.

B. **Location.**

1. Where local overhead distribution lines do not already exist, all utilities shall be located underground.
2. Lot lines shall form the centerlines of easements for utilities, except at the edge of platted subdivisions, or where utilities traverse dedicated open spaces pursuant to **Section 4.414, Streets and Utilities.**
3. The locations of easements shall be established by the utility that provides the service, subject to approval by the City.
4. In instances where utilities are provided along rear lot lines, side yard easements may be required to provide access for the purposes of constructing and maintaining lines.

## Sec. 2.312 Common Areas and Gatehouses

A. **Common Areas.** Recreational equipment for the common use of all development residents shall be located on lots or out-lots in accordance with the approved plat or site plan.

B. **Gate Houses.** When a private street development is approved pursuant to **Section 8.206, Private Streets,** gate houses or security posts shall be set back as follows:

1. From private street right-of-way: No setback is required, provided that the City Engineer and the Fire Department approve the location as not conflicting with utilities and fire protection needs.
2. From public street right-of-way: 40 feet.
3. From private property that abuts the parcel proposed for development: 30 feet.

# Division 2.400 Supplemental Nonresidential Standards.

## Sec. 2.401 Exceptions to Yard Standards

A. **Generally. Table 2.401, Permitted Projections into Required Yards,** sets out projections that may be located within required yards (between the setback lines and the lot lines). Measurements in the table are taken from the setback line (A); from the lot line (B); or into the right-of-way (C). See **Figure 2.401, Measurement of Encroachments.** If a measurement is indicated for "(A) Into Yard" and "(B) From Lot Line," then the measurement that results in the larger setback from the lot line controls. If a measurement is indicated for "(A) Into Yard" and "(C) Into Right-of-Way," then the measurement that allows the smallest encroachment into the right-of-way controls.

Table 2.401:
Permitted Projections into Required Yards

| | Permitted Encroachments | | |
|---|---|---|---|
| Location / Projection | (A) Into Yard | (B) From Lot Line | (C) Into Right-of-Way |
| All Yards | | | |
| Awnings without supports that extend to ground, not less than 8 feet above sidewalk, and no interference with traffic flow | na. | Generally: 2 ft. | **CBD, CP and Eastgate Overlay District Only:** 8 ft., but not closer than 2 ft. from back of curb, subject to Board of Public Works and Safety approval. |
| Steps, 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. | 5 ft. | na. | Not Allowed |



Exhibit "E"
Page E-000018

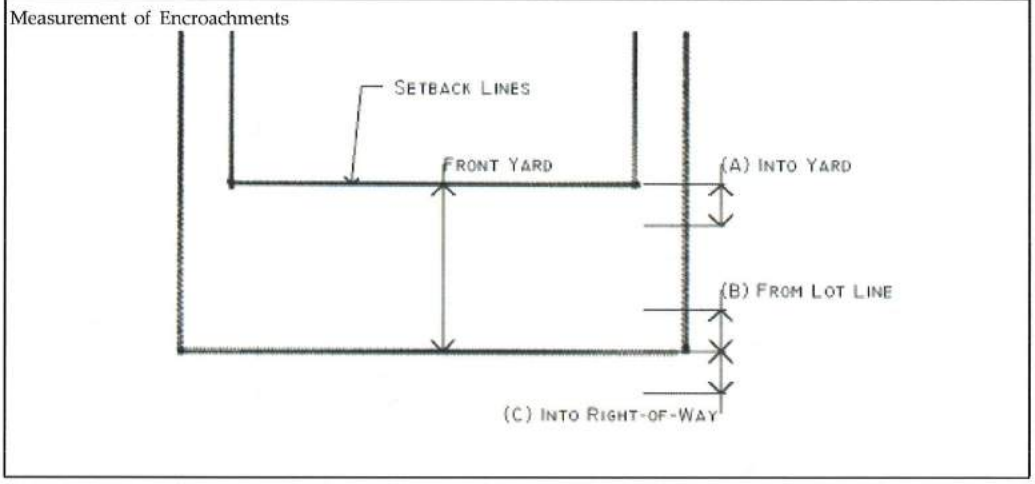
| | | | |
|---|---|---|---|
| Chimneys | 2 ft. | na. | Not Allowed |
| Arbors and trellises | na. | 6 ft. | Not Allowed |
| Flagpoles | na. | 2 ft. | Not Allowed |
| Fences, garden walls, and hedges | na. | See **Section 2.402, Fences, Garden Walls, and Hedges** | Not Allowed |
| Front Yard | | | |
| Overhanging eaves and gutters | 2.5 ft. | na. | **CBD, CP and Eastgate Overlay District Only:** 2 ft., subject to Board of Public Works and Safety approval. |
| Patios or decks, provided that decks are not more than 4 feet above grade | 15 ft. | 5 ft., or width of bufferyard, whichever is greater. | Not Allowed |
| Enclosed vestibule, 40 square feet or less in floor area encroaching | 4 ft. | 3 ft. | Not Allowed |
| Paved off-street parking spaces | na. | As required by **Section 10.405, Street Bufferyard Standards** | Not Allowed |
| Side Yard | | | |
| Overhanging eaves and gutters | 2 ft. | 1 ft. | **CBD and Eastgate Overlay District Only:** 2 ft., subject to Board of Public Works and Safety approval. |
| Air conditioning units | 6 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment | 2.5 ft. | Not Allowed |
| Paved off-street parking spaces | na. | 4 ft., or as required by **Section 10.405, Street Bufferyard Standards** | Not Allowed |
| Decks, less than four feet above grade | na. | 3 ft.; but 0 ft. if the adjacent lot is permanent open space | Not Allowed |
| Decks, four feet or more above grade | 6 ft. | 6 ft. | Not Allowed |
| Rear Yard | | | |
| Overhanging eaves and gutters | 2.5 ft. | 1 ft. | **CBD District Only:** 2 ft., subject to Board of Public Works and Safety approval. |
| Paved off-street parking spaces | na. | 4 ft. | Not Allowed |
| Air Conditioning Units, provided that the building is located in a CN district | 6 ft., if screened from view by a garden wall or hedge that is one foot taller than the equipment | 5 ft. | Not Allowed |
| Decks, less than four feet above grade | na. | 3 ft., subject to Section 2.304, Decks, Balconies, Patios, and Porches | Not Allowed |



Exhibit "E"
Page E-000019

| | | | |
|---|---|---|---|
| Decks, four feet or more above grade | 12 ft. | 5 ft., subject to Section 2.304, Decks, Balconies, Patios, and Porches | Not Allowed |

Figure 2.401:
Measurement of Encroachments




B. **Limitations.** No projection shall cross a lot line:

1. Into separately owned property, unless a recorded document provides for access to and maintenance of the projection; or
2. Into public property, rights of way, or access easements, except as provided in Table 2.401, Permitted Projections into Required Yards and approved by the Board of Public Works and Safety; or
3. Into utility easements, unless the design of the improvement and a recorded agreement allows access to the utility and allows the utility or the City to efficiently remove the encroachment at the property owner's expense.

## Sec. 2.402 Fences, Garden Walls, and Hedges

A. **Height.** No fence, garden wall, or hedge shall exceed the following heights, unless so required by **Division 10.400, Bufferyard Requirements**:

1. Front yards and street side yards:
   a. In the CN district: Three feet.
   b. In the INL and INH districts: Six feet.
   c. All other non-residential districts: Not permitted in front yards; four feet in street side yards.
2. Side and rear yards:
   a. In the INL and INH districts: Eight feet.
   b. All other non-residential districts:
      i. Generally: Six feet.
      ii. Side or rear yard abutting an INL or INH zoning district: Eight feet.

B. **Setbacks.**

1. Sidewalks: Six inches.
2. Intersection of street lot lines: 20 feet.



Exhibit "E"
Page E-000020

3. Alleys:
    a. Face is at least 40 percent opaque: Three feet.
    b. Face is less than 40 percent opaque: One foot.

C. **Design.**
1. All fences that are located in front and street side yards (but not those facing alleys) shall be ornamental (chain link is prohibited), except as provided in subsection E.2., below.
2. Open picket fences that are located in front yards or street side yards shall be designed such that 40 percent of the face of the fence is transparent.

D. **Orientation.** The finished side of all fences shall face out toward neighboring property or adjacent rights-of-way.

E. **Materials.**
1. Materials shall be durable, high-quality materials used for commercial application, including: weather resistant wood species, split rail, wood treated with U.S. Environmental Protection Agency approved preservatives, painted wood, ornamental wrought iron or powder-coated aluminum, vinyl, brick, and stone. Slats shall not be installed on fences in front yards.
2. Chain link fences shall be coated with vinyl or other durable non-metallic coating, and are permitted:
    a. Only in interior side yards and rear yards that are not also street yards; except
    b. In INL or INH districts, where they may be located in any yard that is not visible from another zoning district.
3. 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.
4. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings, industrial properties, or wherever the Building Commissioner finds that such are necessary to address a demonstrated security interest.

F. **Exceptions.** Fences, walls, or hedges, which are specifically required pursuant to **Article 10, Landscaping**, shall conform to the requirements of that Section.

## Sec. 2.403 Accessory Buildings or Structures

A. **Timing of Construction.** No accessory building or structure shall be constructed unless the principal building is constructed or under construction simultaneously with the accessory building.

B. **Attached Accessory Buildings or Structures.** Accessory buildings or structures that are structurally attached to a principal building shall conform to all standards that are applicable to main buildings.

C. **Storage and Utility Sheds.**
1. Storage buildings are permitted as accessory structures on nonresidential lots in the ER, SR, GR, UR, NC, RU, CN, CG, CP, and RT districts, if it is demonstrated that:
    a. The cumulative floor area of storage and utility buildings does not exceed two percent of the maximum floor area permitted on the lot.
    b. The floor area of any individual storage or utility building does not exceed 1,500 square feet.
    c. Storage and utility buildings are located only behind principal buildings, or if there is no principal building, at least 150 feet from street rights-of-way.
    d. Storage and utility buildings are completely screened from view from adjacent properties and public rights of way by hedges, buildings, or perimeter walls.
    e. Converted semi-trailers, manufactured homes, modular shipping containers, dumpsters, or similar



Exhibit "E"
Page E-000021

structures or equipment shall not be used for storage.

f. Storage and utility buildings are used for property maintenance purposes, and not for commercial uses or storage of goods for resale.

2. Storage buildings are permitted as accessory structures on lots in the CA district, provided that:
   a. If they are larger than 200 square feet, they are included on the approved master plan; or
   b. If they are 200 square feet or less, they are set back at least 30 feet from the boundaries of the master plan.
3. Storage buildings are permitted as accessory structures on lots in the INL and INH districts, provided that:
   a. If they are larger than 200 square feet, they are located within the building envelope; or
   b. If they are 200 square feet or less, they are situated behind the principal building and set back at least 10 feet from all side and rear property lines.

D. **Gasoline Dispensing Islands and Service Station Canopies.** Gasoline dispensing islands and service station canopies shall be permitted as accessory structures for light automobile service uses if it is demonstrated that:
1. Canopies use a similar architectural style, materials, and roofing as the principal building.
2. Canopies are not used as an extension of signage beyond that which is allowed in **Article 5, Signs.** The colors of the corporate logo (except white or black) are not painted on the canopy or trim outside of the area allowed for signage.
3. The trim of the canopy is not internally or externally illuminated.
4. Gasoline dispensing islands and service station canopies are set back 15 feet from front lot or corner side yard lot lines.

E. **Car Washes.** Car washes are permitted as accessory structures for light automobile service uses if it is demonstrated that:
1. The car wash, except for an area for manually drying and polishing vehicles, is located entirely within a building;
2. Access to the car wash is provided by doors that open on demand by customers or employees;
3. The car wash building is designed with a similar architectural style, materials, and roofing as the principal building;
4. The car wash building is buffered from public rights-of-way with a Class B bufferyard, pursuant to **Section 10.402, Bufferyard Classifications;** and
5. Outside areas for manually drying and polishing cars have sufficient capacity and do not interfere with on-site circulation.

F. **Other Detached Accessory Buildings or Structures.**
1. Footprint:
   a. In the ER, SR, GR, UR, NC, RU, CN, CG, CP, and RT districts, no detached accessory building or buildings on a nonresidential lot shall cover an area that is larger than 25 percent of the footprint of the principal building.
   b. In the CA district, accessory buildings are not subject to a specific maximum footprint. However:
      i. If they are larger than 200 square feet, they shall be included on the approved master plan; or
      ii. If they are 200 square feet or less, they shall be set back at least 30 feet from the boundaries of the master plan.
   c. In the INL and INH districts, accessory buildings are not subject to a specific maximum footprint. However:
      i. If they are larger than 200 square feet, they shall be located within the building envelope; or



Exhibit "E"
Page E-000022

ii. If they are 200 square feet or less, they shall be situated behind the principal building and set back at least 10 feet from all side and rear property lines.

2. Location and Setbacks:
   a. No detached accessory building shall be located in a required front yard.
   b. Accessory structures shall not be located in easement areas on a property unless express written permission has been granted by all easement grantees. A copy of such written permission shall be submitted to the City prior to the issuance of permits for such structures.
   c. No detached accessory building or structure shall be located closer than six feet to any other building.
3. Height: No detached accessory building shall have more than one story, nor exceed 17 feet in height, unless located within the building envelope and permitted as an accessory to business or manufacturing uses.

## Sec. 2.404 Photovoltaic Arrays

A. **Generally.** Photovoltaic arrays panels that convert sunlight into electricity. They are permitted as an accessory use to nonresidential uses.

B. **Photovoltaic Arrays.** Photovoltaic arrays may be roof-mounted in all districts. Other installations shall conform to the following standards:
   1. The installation shall be in a location and configuration that prevents glare that interferes with the use and enjoyment of adjacent property. The use of photovoltaics for covered walkways and covered parking areas is encouraged.
   2. If the highest point on the panels is more than six feet above grade, the panels shall be set back as if they were detached accessory buildings. See **Section 2.403, Accessory Buildings or Structures.**

## Sec. 2.405 Outdoor Storage

Outdoor storage is permitted in the Rural (RU); Commercial, General (CG); Campus (CA); Light Industrial (INL); and Heavy Industrial (INH) districts if the following are demonstrated:

A. **RU District.** Outdoor storage areas for agricultural equipment or materials shall be set back 100 feet from public rights-of-way and properties that have different zoning.

B. **CG District.** Outdoor storage areas are permitted if it is demonstrated that the outdoor storage area:
   1. Occupies not more than five percent of the floor area of the principal building; and
   2. Is screened in one of the following ways:
      a. Enclosed by a wall that is designed into the principal building's facade and composed of the same materials as the principal building.
      b. Enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view. Such wall or fence shall be landscaped with shrubs planted 36 inches on center that are maintained as a hedge around the entire periphery of the wall, except at points of access.

C. **CA District.** Outdoor storage areas are:
   1. No greater than ten percent of the floor area of the principal building;
   2. Located behind the principal building in relation to the closest public right-of-way; and
   3. Screened in one of the following ways:
      a. Views from public rights-of-way are completely blocked by the principal building; or
      b. The area is enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view. Such wall or fence shall be landscaped with shrubs planted 36 inches on center that are maintained as a hedge around the entire periphery of the wall, except at points of



Exhibit "E"
Page E-000023

access.

D. **INL District.** Outdoor storage areas are:

1. No greater than 25 percent of the floor area of the principal building;
2. Located in the buildable area, rear yard, or side yard; and
3. Screened in one of the following ways:
   a. Views from public rights-of-way are completely blocked by the principal building; or
   b. The area is enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view. Such wall or fence shall be landscaped with shrubs planted 36 inches on center that are maintained as a hedge around the entire periphery of the wall, except at points of access.
4. A storage area that is larger than 25 percent of the floor area of the principal building may be constructed in the INL district by Special Use permit if the screening of the storage area is accomplished with a berm or other landscape feature that provides 100 percent opacity and appears as a natural area, and either:
   a. The materials that are stored in the outdoor storage area are not hazardous and do not tend to provide habitat for pests and rodents, or
   b. The lot on which the use is located is at least seven hundred-fifty (750) feet of any other zoning district and is not bounded on any side by a public street of collector or greater capacity.

E. **INH District.** Outdoor storage areas are:

1. Located in the buildable area; and
2. Screened in one of the following ways:
   a. Views from public rights-of-way are completely blocked by the principal building; or
   b. The area is enclosed by a wall or opaque fence of sufficient height to completely screen the stored materials from public view. Such wall or fence shall be landscaped with shrubs planted 36 inches on center that are maintained as a hedge around the entire periphery of the wall, except at points of access.

F. **Other Districts.** Outdoor storage is prohibited in any district for which standards for outdoor storage are not provided in this Section.

## Sec. 2.406 Loading, Truck Access, and Solid Waste Collection

A. **Loading and Truck Access.** Except as provided in subsections D. or E., loading and truck access facilities shall be:

1. Located behind principal buildings; and
2. Screened from view from public rights-of-way by building walls, fences, landscaping, or topography (including berms).

B. **Over-the-Curb Loading.** Over-the-curb loading is permitted in the Central Business District (CBD) and Central Place (CP) districts only during hours permitted by the Board of Public Works.

C. **Solid Waste Collection Facilities, Generally.** Dumpsters or garbage bins may be provided for solid waste collection if it is demonstrated that:

1. The facilities are located:
   a. No more than 300 feet (walking distance) from all individual commercial uses that they are intended to serve;
   b. On the same lot as the property they serve, unless otherwise authorized by the Planning Director upon written proof of an agreement with an adjacent property owner and demonstration that the facilities will have the capacity to serve both properties.
2. The facilities are located behind a principal building or in a side or rear yard, unless it is not possible to

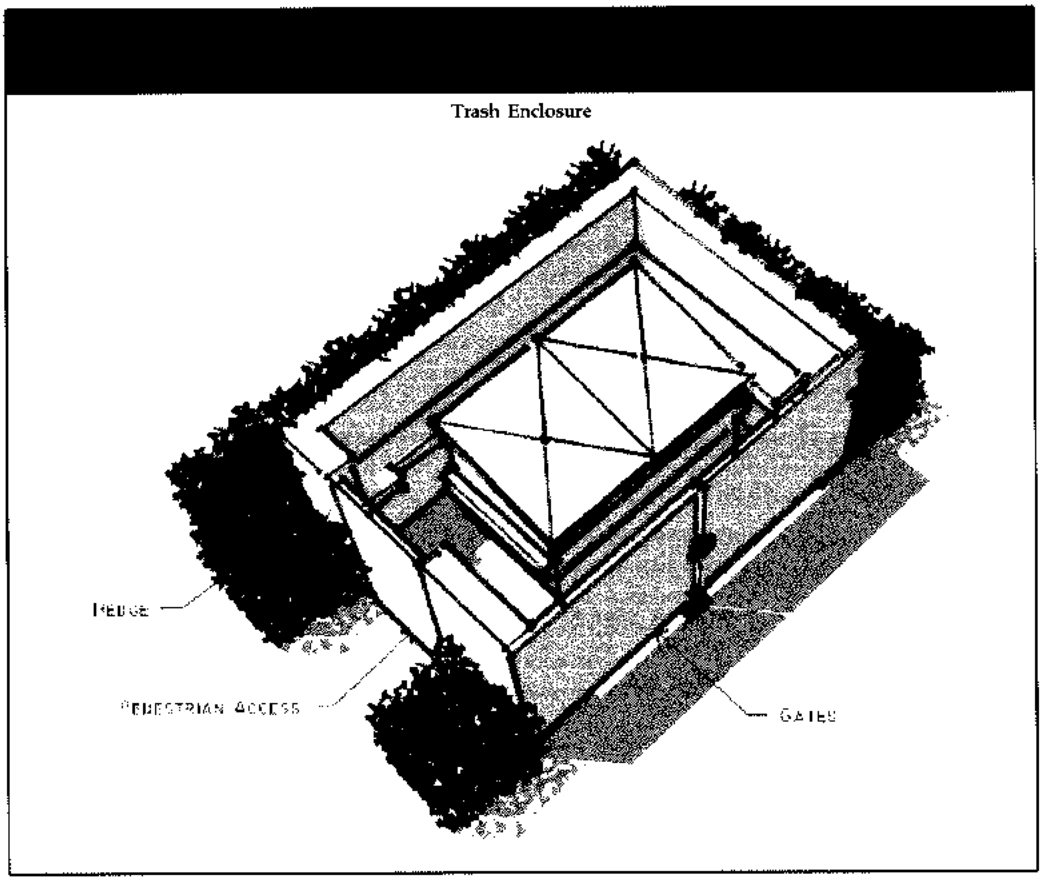


Exhibit "E"
Page E-000024

provide service access in such locations.

3. Access to the facilities is configured to meet the requirements of the refuse service provider.
4. The areas where dumpsters and/or garbage bins are stored are fully enclosed by:
   a. An opaque wall that is one foot taller than the refuse container and constructed of finished masonry painted the same color as the building, or stone, or brick; or
   b. Earthen berms improved with ground cover that are one foot taller than the refuse container and held in place with a retaining wall.
5. If an enclosure must be located in a front yard, it is designed and constructed to be consistent and compatible with principal building in terms of materials and architecture, and surrounded by landscaping in addition to that required by subsection C.7., below, that is sufficiently dense to completely conceal the enclosure from view from adjacent properties and public rights-of-way.
6. The enclosures have gates which remain closed at all times except when the dumpster or garbage bins are being serviced.
7. The enclosures are landscaped as indicated in **Figure 2.406.A., Trash Enclosure.**
8. The enclosures are oriented so that landscaping faces adjoining properties or streets.

Trash Enclosure




D. **Service Areas Adjacent to District Boundaries.** If loading, truck access, or solid waste collection facilities are located between a principal building and property that is used or zoned for residential purposes, then the following additional standards apply:
   1. The loading, truck access, or waste storage area is 100 percent screened by a bufferyard that has one level more opacity than required by the district boundary and contains at least a six-foot tall berm or low

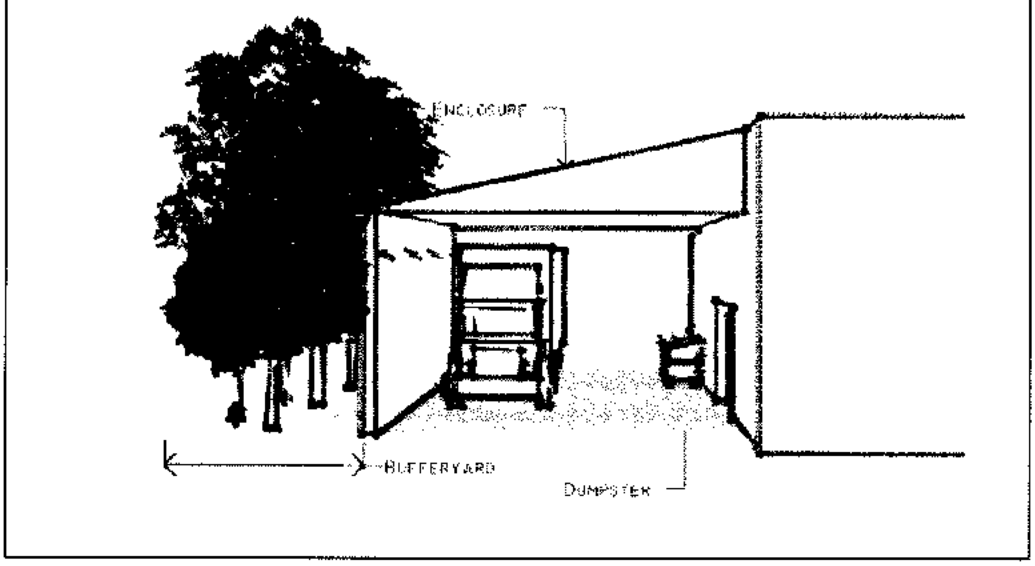


Exhibit "E"
Page E-000025

maintenance, durable solid fence or wall; or

2. The loading, truck access, or waste storage area is located under roof as indicated in **Figure 2.406.B., Roof Enclosure.** The buffer with the loading shed may be reduced by one level of opacity adjoining the shed and be the district standard elsewhere.

Figure 2.406.B.
Roof Enclosure




E. **Front Loading in INH District.** In the INH District, truck loading may be in the front yard of the building if it is demonstrated that:

1. The frontage street is not an arterial; and
2. The property on the other side of the street is also zoned INH.

## 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:

A. **Accessory Use.** The outdoor display area involves items for sale by a commercial retailer that is located within a permanent structure or designated area on the same site; and

B. **Attached to Principal Building.** Outdoor display areas that are attached to principal buildings are permitted if it is demonstrated that:

1. Adjacent to a wall of a principal structure, and configured as a walled or decoratively fenced area;
2. Within the buildable area of the site;
3. Not larger than 15 percent of the floor area of the principal building, except that garden centers or stores may have outdoor display areas that are not larger than 50 percent of the floor area of the principal building; and
4. Not located in areas that are required or used for parking or vehicular circulation.

C. **Sidewalk Displays.** Displays are permitted on sidewalks that abut the principal building if it is demonstrated that:

1. Merchandise is displayed at a height of six feet or less;
2. There is at least four feet of clear width on the sidewalk for use by pedestrian traffic;



Exhibit "E"
Page E-000026

3. All sidewalk merchandise displays are within 40 feet of an entrance to the principal use, or located in the area defined by the forward projection of the side walls of the use, whichever is a smaller display area

D. **Other Displays.**

1. Other displays of merchandise are permitted if it is demonstrated that:

a. Merchandise is displayed at a height of four feet or less;

b. Merchandise is set back the more distant of:

i. 20 feet from the edge of street pavement; or

ii. Five feet from the edge of the sidewalk that is closest to the merchandise; and

c. Merchandise does not interfere with parking or circulation.

2. Displays of merchandise pursuant to this subsection may be combined with displays permitted by other subsections.

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 CBD 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 sidewalk area provided the display does not impede persons or 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.

*Temporary outdoor sales are regulated by* **Division 2.600, *Temporary Uses.***

## Sec. 2.408 Columbaria and Memorial Gardens

A. **Generally.** Columbaria and memorial gardens shall be permitted as accessory uses to places of public assembly according to the standards of this Section.

B. **Columbaria.** Columbaria shall be:

1. Set back not less than 100 feet from residential property lines.
2. Located in or behind the principal building.
3. If located outside the principal building, shall be no more than nine feet in height.
4. Screened from view from adjacent property by a class A bufferyard.

C. **Memorial Gardens.** Memorial gardens shall be:

1. Located only on lots of 10 acres or more in size, and occupy not more than ten percent of the lot.
2. Set back not less than 100 feet from residential property lines.
3. Located behind the front building line of the principal building, adjacent to the building.
4. Enclosed by a three-foot or higher masonry wall.
5. Screened from view from adjacent property and public streets by a class A bufferyard.

D. **Trust Fund or Bond Required.** Applicants shall demonstrate financial security for permanent maintenance of the columbarium or memorial garden, and for moving the ashes to an appropriate and lawful location if the property is sold or the use is abandoned.

# Division 2.500 Limited and Special Use Standards

The Sections in this Division set out specific standards to mitigate the impacts of limited and special uses. Which uses will be limited or special uses will be determined during the development of the Code. However, it is anticipated that the following uses will be subject to limited or special use standards in at least one district.



Exhibit "E"
Page E-000027

## Sec. 2.501 Commercial Stables

A. **Generally.** Commercial stables are permitted in the Rural (RU) district, subject to the requirements of this Section.

B. **Minimum Lot Area.** The minimum lot area is ten acres or 1.2 acres per horse, whichever is greater.

C. **Setbacks.** All areas where livestock will be present shall be set back at least 150 feet from all property lines abutting residential occupancies.

D. **Buffers.** Setbacks for buildings and outdoor areas in Subsection B above are planted with a Class B bufferyard, as specified in **Section 10.402, Bufferyard Classifications.**

## Sec. 2.502 Nursery or Greenhouses

Nurseries and greenhouses are permitted in the OS and INL districts if the main customer entrance directly accesses an arterial or collector street.

## Sec. 2.503 Kennel

A. **Generally.** The following standards shall apply to outdoor dog runs:

1. Individual pens shall be limited in size to a maximum of 15 feet wide and 20 feet long.
2. Enclosing fences shall not be higher than 6 feet.
3. If there is a roof enclosure, it must be of an open mesh type material.

B. **RU, CG, and INL districts.** Kennels may be permitted as a Limited Use in the Rural (RU); Commercial, General (CG); and Industrial, Light (INL) districts, subject to the requirements of this subsection.

1. **RU District.** The use is permitted as a home business on a farmstead. It may also be permitted on lots of 10 acres. Dog runs or shall be a minimum of 50 feet from residentially zoned or residentially occupied property.
2. **CG and INL Districts.** No outdoor dog runs shall be permitted on less than one acre. Dog runs shall be used only during daylight hours and shall be a minimum of 100 feet from residentially zoned or residentially occupied property.

C. **CN District.** Kennels may be permitted as a Special Use in the Commercial, Neighborhood (CN) district if it is demonstrated that:

1. There are no outdoor dog runs; and
2. The building is soundproofed such that no noise generated by the use is perceptible from the property line.

## Sec. 2.504 Single-Family Cluster

A. **Generally.** Single-family cluster development is allowed as a Limited Use in the Rural (RU) district, subject to the requirements of this Section.

B. **Cluster Setback.** No building is located closer than 150 feet to an arterial or collector street; and

C. **Required Bufferyard.** A Class C bufferyard surrounds the cluster. See **Section 10.402, Bufferyard Classifications.**

## Sec. 2.505 Single-Family Attached

A. **Generally.** Single-family attached is permitted as a limited use in the General Residential (GR) and Residential Transition (RT) districts, subject to the requirements of this Section.

B. **GR District.** Single-family attached is permitted only in a twin-home format, which shall be located as follows:

1. On through lots which back up on, but do not take access to, arterial streets;
2. On corners of minor streets and collector streets; or
3. On cul-de-sac or loop streets, in clusters of not less than seven units, occupying not less than 80 percent of



Exhibit "E"
Page E-000028

the lots along the street frontage.

C. **RT District.**

1. **Format.** The dwelling units shall be designed in a townhome format.
2. **Bulk.** Not less than three units, and not more than six units, shall be attached in any one building.
3. **Access.** Parking shall be accessed from an alley.
4. **Location.** The townhomes shall be located such that:
   a. They front on a street that forms the boundary of the RT district; and
   b. The district on the other side of the street must be a non-residential district.

## Sec. 2.506 Multifamily

A. **Generally.** All multifamily development is subject to **Section 11.205, Multifamily Design Standards.**

B. **CG and CBD Districts.** Multifamily development shall be permitted as a Limited Use in the Commercial, General (CG), and Central Business (CBD) districts, provided that they are:

1. In mixed use buildings; and
2. Located above the ground floor.
3. Within the Eastgate Overlay District multiple family units shall be permitted on the first floor or ground level for student or age-targeted developments fronting on all public streets except within 100 feet of the right of way line of Lincolnway.

C. **RT District.** Multifamily development shall be permitted as a Limited or Special Use in the Residential Transition (RT) district based on the following:

1. Multiple family uses with up to four units shall be permitted as a limited use within three blocks of property zoned CA Campus District that is associated with an institution of higher learning if it is demonstrated that adequate off-street parking and adequate stormwater management has been provided on the project site as approved by the City Engineer, and the buildings are multiplexes, with the character of a single-family building or duplex.
2. Multiple family uses with five or more units shall be permitted only as a special use if it is demonstrated that the buildings are multiplexes, with the character of a single-family building or duplex, and are located on corner lots.

D. **CP District.**

1. All units shall be accessed by interior hallways;
2. Parking may be surface or structured, but shall be located:
   a. Behind the building; or
   b. Underneath the building.
3. Each unit shall be designed and constructed with:
   a. A balcony; or
   b. For ground floor units, a patio with a railing.
4. Buildings shall be at least three stories in height.

## Sec. 2.507 Manufactured Home Parks and Subdivisions

A. **Generally.** A manufactured home park or subdivision shall be a Special Use in the General Residential (GR) district, subject to the requirements of this Section.

B. **Permanent Foundations.** All manufactured homes in manufactured home parks or manufactured home subdivisions shall be mounted on a permanent foundation pad consisting of masonry or concrete. Each

foundation pad shall provide anchors and tie-downs such as cast-in-place concrete "dead men," eyelets embedded in concrete foundations, runway screw augers, arrowhead anchors, or other devices, which secure the stability of the unit and shall be placed at least at each corner of a manufactured home.

C. **Utilities.** All units shall be served with sanitary sewer, water, and electrical power, which shall be placed underground.

D. **Unit Specifications.** All manufactured homes shall meet the following specifications:

1. The average height of a manufactured home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet from the top of the foundation pad.
2. The roof of each manufactured home unit shall be pitched with a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run.
3. The wheels, axles, tongue, towing apparatus, and transporting lights shall be removed prior to final installation of the unit.

E. **Skirting.** The vacant space between the finished grade of the property on which a manufactured home is located and the exterior edges of the finished floor of the unit must be skirted with rock, brick, manufactured vinyl, or concrete masonry construction installed on a concrete footing so there is not a visible gap between the finished floor and the ground. All skirting materials shall be compatible in appearance with the home and shall allow for adequate ventilation and drainage. The skirting must be a continuous, complete, opaque, and rigid surface that lends permanency to the appearance of the unit and totally screens the crawl space under the unit.

F. **Site Design.** Manufactured home parks shall meet the following standards:

1. A minimum of 20 percent of the lot area shall be public open space.
2. Where a manufactured home park contains more that eight units, at least two public accesses shall be provided.
3. A six-foot solid fence shall be provided along any property line adjoining a residential district or use.
4. Laundry and maintenance buildings are permitted as an accessory use.
5. All units are required to have an enclosed area for outdoor storage, which shall be permanently affixed to the land, set back a minimum of five feet from all property lines, and shall have a minimum floor space of 80 square feet.
6. All manufactured homes and manufactured home parks shall provide Class C bufferyards on all borders, unless a more opaque bufferyard is required by **Article 10, Landscaping.**

G. **Area.** Parks shall have a minimum site area of five acres and a maximum site area of 15 acres. Subdivisions shall have a minimum area of five acres, but no maximum area.

H. **Unit Inspection.** When a unit is to be released, it shall be inspected by the City. All units that do not comply with standards for manufactured housing shall be given a complete interior and exterior inspection focusing on habitability and safety. If the unit is deemed unfit, the City may require improvements or replacement with a newer unit certified by the U.S. Department of Housing and Urban Development (HUD).

## Sec. 2.508 Group Homes

Group homes are permitted in the Rural (RU) district in existing single-family buildings.

## Sec. 2.509 Live-Work Units

Live-work units shall be permitted as a Limited Use in Residential Transition (RT) district if it is demonstrated that they have frontage on an arterial or collector street.

## Sec. 2.510 Manufactured Home

A. **Generally.** Manufactured homes shall be permitted on individual lots as a Limited Use in the Estate Residential

(ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), and Neighborhood Conservation (NC) districts subject to the following requirements:

B. **Compatibility.** Manufactured homes shall be compatible in appearance with site-constructed residences. The structure shall:

1. Have more than 950 square feet of occupied space in a double-section or larger multi-section unit. Each single-family dwelling with 1.5 or more stories shall have a minimum first floor area of not less than 950 square feet;
2. Be placed onto a permanent exterior perimeter retaining wall, in accordance with approved Installation Standards, as subsection C.
3. Be placed onto a permanent, underfloor, foundation in accordance with subsection D.
4. Be anchored to the ground, in accordance subsection E.
5. Have wheels, axles and hitch mechanisms removed.
6. Meet appropriate utility connection standards, in accordance with subsection F.
7. Have siding material of a type customarily used on site-constructed residences, as listed in subsection G.
8. Have roofing material of a slope and type customarily used on site-constructed residences, as listed in subsection H.
9. Have a minimum width of 24 feet.

C. **Perimeter Retaining Wall.** The space between the floor joists of the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter retaining wall. The wall shall be closed of solid masonry, concrete, all-weather wood, or other approved materials, which in all cases shall extend below the frost line. The design, by a registered professional engineer or architect, shall safely support those loads, as determined by the character of the soil.

D. **Support System.**

1. **Foundations.** All foundations shall be installed in conformance with the regulations in the One and Two Family Dwelling Code and with the manufacturer's installation specifications.
2. **Pier Design.** In addition to the above code requirements, the following minimum design standards shall apply:
    a. **Piers and Caps.** Piers of load bearing supports or devices shall be designated and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the home or extend at least six inches from the centerline of the frame member. Manufactured load bearing supports or devices shall be approved for the use intended, or piers shall be constructed as follows:
        i. When single 8 inch x 8 inch x 16 inch concrete blocks are used, they shall not exceed 3 inches high, with open cells vertically pieced upon the footing and with the 16 inch dimension perpendicular to the I-beam frame, and than shall be covered with 2 inch x 8 inch x 16 inch preservative-treated hardwood or solid concrete block caps;
        ii. When 4 inch high and 5 inch high block piers are used, they shall be double blocked with interlocking concrete blocks and they shall be covered with 4 inch x 8 inch x 16 inch preservative-treated hardwood or solid concrete block caps,
        iii. For piers extending more than 40 inch above finished grade level, they shall be double blocked with interlocking concrete blocks, with Number Three reinforcing steel in the four corners, poured solid with 2,500 psi concrete, and they shall be covered with 4 inch x 8 inch x 16 inch preservative treated hardwood or concrete caps.
    b. **Plate and Shims.** The plate shall be a cushion of preservative-treated hardwood or other approved material no exceeding two inches in thickness. The preservative-treated hardwood shims, which cannot exceed one inch thick, shall be used to fill the gap between the top of the pier cap and the



Exhibit "E"
Page E-000031

frame of the home. Two-inch or four-inch solid concrete blocks may be used to fill the remainder of any gap. Shims shall be fitted and driven tight between the plate and the main frame.

E. **Anchoring System.** All manufactured homes shall be anchored meeting one of the following approved standards:
   1. Installation pursuant to manufacturer's specifications.
   2. Installation pursuant to the design of the entire support and anchoring system by a registered professional engineer or architect.
   3. Installation pursuant to the regulations established in the ANSI/N-FPA 501 A Installation Standards.
   4. Installation pursuant to standards and requirements of the building department.

F. **Utilities.** Installation pursuant to the standards and requirements of the utility company, as approved by the building department.

G. **Approved Siding.** Siding shall consist of any of the following materials:
   1. Residential horizontal aluminum lap siding
   2. Residential horizontal vinyl lap siding
   3. Cedar or other wood siding
   4. Wood grain, weather resistant, press board siding
   5. Stucco siding
   6. Brick or stone siding

H. **Approved Roofing.** Roofing shall consist of any of the following
   1. Fiberglass shingles
   2. Shake shingle
   3. Asphalt shingles
   4. Tile

## Sec. 2.511 Home Occupation

A. **Generally.** Home occupation accessory uses shall be permitted as Limited Uses in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Neighborhood Conservation (NC), Rural (RU), Commercial, General (CG), Central Place (CP), and Campus (CA) district provided it complies with the requirements of this Section.

B. **Maximum Floor Area.** Home occupations shall not exceed more than 10 percent of the gross floor area of the principal building.

C. **Common Ownership.** Home occupations shall be managed and owned by a person residing in the dwelling unit.

D. **Employees.** Home occupations shall not employ on-site any person other than a member of the immediate family living in the structure.

E. **Access.** No entrance shall be specifically dedicated for the home occupation, unless otherwise required by law.

F. **Building Character.** No alteration shall be made to the building that changes the residential character or appearance of the dwelling to accommodate the home occupation.

G. **Outdoor Storage.** No outdoor storage is allowed.

H. **Outdoor Display of Merchandise.** No commercial display of materials, merchandise, goods, or equipment shall be visible from the exterior of the dwelling unit.

I. **Signage.** No signage relating to the home occupation is allowed.

J. **Deliveries.** The home occupation shall not require the delivery or shipment of materials, merchandise, goods, or



Exhibit "E"
Page E-000032

equipment by other than passenger motor vehicles, one ton step-up vans, or similar sized trucks.

K. **Commercial Vehicles.** The home occupation shall not involve vehicles or trailers parked on the premise in a place that is visible from adjoining property or public rights-of-way, which identifies by sign, logo, or emblem the occupation, business, or activity.

L. **Nuisance.** The home occupation shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties;

M. **Risk.** The home occupation shall not be more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to a dwelling unit used solely for residential purposes;

N. **Parking.** The home occupation shall be conducted so that it does not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding homes as places of residence; and

O. **Other Permits.** The home occupation shall be operated in accordance with all applicable laws and, if a state permit is required, such permit shall be obtained prior to beginning operation.

P. **Prohibited Home Occupations.** The following uses are prohibited as home occupations:

1. Barber, beauty, and other personal service shop;
2. Animal care facility, such as hospitals, stables, or kennels;
3. Dance studio or school;
4. Repair shop;
5. Rooming/Boarding House; or
6. Day Care Facility.

## Sec. 2.512 Home Business

A. **Generally.** Home businesses shall be permitted as a Special Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), and a Limited Use in Commercial, General (CG), Central Place (CP), and Campus (CA) districts. All home businesses shall conform to the requirements of this Section.

B. **Relationship to Dwelling.** The home business shall not occupy more than 60 percent of the dwelling's floor area.

C. **Use.** Office uses and service businesses shall be permitted. No stock-in-trade shall be displayed or sold upon the premises except that in the Commercial, General (CG) district, any permitted retail occupancy permitted may also be permitted in a single-family dwelling that is used for both residence and retail uses.

D. **Employees.** No more than two persons other than members of the immediate family residing in the dwelling unit shall be employed on the site of the home business.

E. **Signs.** A single non-illuminated sign or nameplate is permitted up to two square feet in size, which shall comply with the standards contained in **Article 5, Signs.**

F. **Parking.** All off street parking shall comply with the provisions of **Article 9, Parking, Loading, and Lighting,** and shall be fully screened from public view with a berm, solid fence, and/or hedge.

## Sec. 2.513 Cottage Industry

A. **Generally.** Cottage Industry uses shall be permitted as a Limited Use in the Rural (RU), Commercial, General (CG), Commercial, Neighborhood (CN), Central Place (CP), and Residential Transition (RT) districts, in accordance with the standards of this Section.

B. **Use.** Cottage industry may include crafts, such as cabinetry, furniture making, weaving, pottery, and arts, food processing, blacksmithing and welding, and contractors, well drilling, or light industrial uses. Products manufactured on the premise may be sold on the premise.

C. **Employees.** No more than five persons other than members of the immediate family residing in the dwelling unit shall be employed on the site of the cottage industry.



Exhibit "E"
Page E-000033

D. **Parking.** All parking shall comply with the provisions of **Article 9, Parking, Loading, Access, and Lighting,** and shall be fully screened from public view with a berm, solid fence, and/or hedge.

E. **Signs.** A single non-illuminated sign or nameplate is permitted up to six square feet in size, which shall comply with the standards contained in Article 6, *Signs*.

F. **Accessory Buildings.** Except as provided in Subsection G.1.b. below, accessory buildings may be used for cottage industry uses if they are built to in a manner that is similar in style and materials used for the principal structure.

G. **Additional Standards by Zoning District.**

1. In the RU district:
   a. Cottage industries are only conducted on farmsteads.
   b. Accessory buildings may be used for the cottage industry if they are either existing farm buildings that are converted to the cottage industry use or new buildings that are built in the character of the farmstead's traditional buildings.
2. In all other districts, cottage industries shall only conducted within the buildable area of lots that are at least 2.5 acres in area.

## Sec. 2.514 Child Care Homes (Day Care)

A. **Generally.** Child care homes shall be permitted as a Limited Use in the Campus (CA) district and as a Special Use in the Rural (RU), Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Central Place (CP), and Residential Transition (RT) districts subject to the restrictions of this Section.

B. **Compliance with Statutes.** Child Care Homes shall either be exempt from Indiana licensing requirements (five or less unrelated children) or meet the state licensing requirements as either a Class I (up to 12 children under school-age) or Class II (up to 16 total children) Child Care Home under the provisions of IC 12-17.2-5.

C. **Principal Use as Residential.** The operator of the facility must live in the building.

D. **Location.**

1. No more than five children, excluding children of the family providing day care, shall be accommodated by a facility that fronts on a local street or higher functional classification.
2. Class I and II licensed facilities with more than five unrelated children shall front a collector or arterial street or be situated on a corner lot that includes arterial or collector street frontage.
3. Class I and II licensed facilities with more than five unrelated children shall be permitted as a Special Use in all districts designated in this section.

E. **Exterior Requirements.** Exempt and non-exempt facilities shall comply with the following exterior requirements:

1. **Play Areas.**
   a. Uses shall provide an on-site, fenced, outdoor play area, which shall have a fence beginning at ground level and extending to a minimum height of 42 in. so as to prevent children from crawling under or through the fence or otherwise becoming entrapped.
   b. If the fenced outdoor play area is located within 10 ft. of any property line, it shall be fully screened by shrubs or other vegetation with a minimum height equal to the fence height.
2. **Pick-up/Drop-off.** An off-street pick-up/drop-off area shall be provided, which may be a driveway provided it is kept free of parked vehicles and other obstructions for such use.
3. **Parking.** For Class I and II licensed facilities, one space per four children shall be reserved for on-site parking during the normal hours of operation.

## Sec. 2.515 Places of Public Assembly

A. **Generally.** The standards of this section are intended to ensure land use compatibility, protect the integrity of neighborhoods, and preserve community character, while allowing uses that serve the community to locate near and among residential uses. Places of public assembly shall be permitted as a Special Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Rural (RU), Central Business (CBD), Central Place (CP), Residential Transition (RT), and Business Park (BP) districts, subject to the requirements of this Section.

B. **Location.** The place of public assembly complies with the provisions of **Section 3.801, Non-Residential Scale Regulations,** and is located on the classification of roadway that is required for the scale of the use.

C. **Minimum Lot Size.**

1. In all SR, GR, and UR districts, places of public assembly shall have a minimum site area that is the greater of:
    a. Four times the minimum lot size of the respective district; or
    b. The following minimum site areas, which are listed by specific type of use:
        i. School: 10 acres.
        ii. Places of worship, libraries, museums: 3 acres.
        iii. Child care centers: 1 acre.
2. In all other zoning districts in which places of public assembly are a limited or special use, the minimum site area shall be as required by **Table 3.301.B., Nonresidential and Mixed Use Standards**

D. **CBD District.**

1. Places of public assembly shall not be located on the ground floor of any building that fronts on Lincolnway or any street within one block on either side of Lincolnway (i.e., between the centerline of Napoleon and the centerline of Morgan).
2. Adequate public lot; on-street; or private off-street parking (via ownership or private agreements) shall be provided within 300 feet of the place of public assembly. The use shall not place material demands upon on-street and public parking during peak demand hours for retail, restaurant, and office uses.

E. **CP District.** Places of public assembly shall not be located on the ground floor of any building, except child care centers that provide outdoor recreation areas.

F. **BP District.** Places of public assembly are limited to adult day care, child care, and conference center facilities that are for use by businesses and employees within the district.

## Sec. 2.516 College/University

A. **Generally.** A college or university shall be permitted as a limited use in the Commercial, General (CG), Residential Transition (RT), and Industrial, Light (INL) districts subject to the standards of this Section.

B. **CG District.** The college or university facility is intended to:

1. Provide outreach to the community; or
2. Provide temporary facilities for college or university use for a period of not more than two years during the construction of permanent facilities within a CA district.

C. **RT District.** The college or university facility is an adaptive re-use of an existing single-family dwelling, or is a new building that has the character of a single-family dwelling.

D. **INL District.** The college or university facility to be located in the INL district is engaged in vocational training or research and development that is consistent with the purposes of the INL District.

## Sec. 2.517 Institutional Residential

A. **Generally.** Institutional residential use shall be permitted as a Limited Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Commercial, General (CG), and

Residential Transition (RT) districts and as a Special Use in the Central Place (CP) district subject to the requirements of this Section.

B. **Access.** Access to the use is provided by a street that is classified as collector or greater in capacity.

C. **Building Character.** The buildings are residential in character.

D. **Fence.** An opaque fence that is six feet high is constructed between the institutional residential use and abutting lot that is occupied by or zoned to permit single-family dwellings.

## Sec. 2.518 Protective Care

A. **Generally.** Protective Care shall be permitted as a Limited Use in the Industrial, Light (INL) district subject to the standards of this Section.

B. **Spacing From Residences, Schools, and Day Care Facilities.** The property lines of the protective care facility are at least one mile away from the property lines of any property that is occupied by or zoned for residential purposes, schools, or day care facilities.

C. **Approval by State Regulating Authority.** The design and operation of the protective care facility has been approved by the appropriate State regulating authority (*e.g.*, the Indiana Department of Corrections).

D. **Emergency Plan Required.** The protective care facility has an emergency plan filed with the police, emergency services, and disaster and emergency agencies indicating that the facility has a plan ensuring against any form of emergency to protect the adjoining properties.

## Sec. 2.519 Private Club

A. **Generally.** Private clubs shall be permitted as Special Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), and Rural (RU) districts, and a Limited Use in the Central Business (CBD), Central Place (CP), and Residential Transition (RT) districts, subject to the requirements of this Section.

B. **Building Character.** The building in which the use is located:

1. Has the character of a residential building, and

2. Has a floor area that is not greater than 1.5 times the floor area of the largest dwelling that is located on the same street face.

C. **Street Access.** The use shall be accessed by a public street that is classified as a collector or greater capacity, or within 300 feet of an intersection with a road that is classified as a collector or greater capacity.

## Sec. 2.520 Public Service

A. **Generally.** Public service uses shall be permitted as a Limited Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Residential Transition (RT), Industrial, Light (INL), and Industrial, Heavy (INH) districts if it is demonstrated that:

B. **Building Character.** In residential districts, the building accommodating the public service use has a physical character that resembles a residence.

C. **Buffer.** If the public service use is a structure that is not a building, then it is buffered on all sides with a Class D bufferyard, pursuant to **Section 10.402, Bufferyard Requirements.**

## Sec. 2.521 Utilities, Neighborhood

A. **Generally.** Neighborhood utilities are permitted in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Rural (RU), Commercial, Neighborhood (CN), Commercial, General (CG), Central Business (CBD), Central Place (CP), and Residential Transition (RT) districts subject to the standards of this Section.

B. **Utility Substations.** Electrical, gas, or other utility substations shall be screened from view from public rights-of-



Exhibit "E"
Page E-000036

way and abutting properties by:

1. Enclosure in structures that are designed to appear to be buildings; or
2. A class E bufferyard, which may include a fence if necessary for safety or security reasons.

C. **Other facilities.** Lift stations, telephone switches, ground-mounted transformers, and similar facilities shall be screened from view from public rights-of-way and abutting properties by:

1. Enclosure within a building; or
2. Enclosure by a hedge composed of shrubs planted 36 in. on center and maintained at a height that is at least equal to the utility facility. A fence may be located behind the hedge if necessary for safety or security reasons. An opening on one side of the facility of a size that is sufficient to provide access is permitted, provided that it does not face a public right-of-way, unless otherwise required by the City Engineer in the case of public facilities which require such access.

## Sec. 2.522 Agricultural Support and Other Rural Services

A. **Generally.** Agricultural supplies, storage, and related uses shall permitted as a Limited Use in the Rural (RU) and Commercial, General (CG) districts subject to the requirements of this Section.

B. **Minimum Yard Requirements:**

1. **Buildings:** 35 ft., all yards
2. **Bulk Petroleum, LP/Propane Gas, and Ammonia Storage Tanks:** 150 ft., all yards

C. **Access.** The site shall have frontage on and access to a collector or higher classification street, provided the authority with jurisdiction over the subject road may approve alternative access.

D. **Screening.** Trucks, tractors, portable storage tanks, and trailer or motorized agricultural implements shall be screened from view of any residential zoning district located within a 500 ft. radius of the property.

E. **Intended Purpose.** Sales shall be primarily to serve the agricultural community.

## Sec. 2.523 Alcoholic Beverage Sales

A. **Generally.** Alcoholic beverage sales and drinking establishments shall be permitted as a Limited Use in the Commercial, General (CG) district, and as a Special Use in the Commercial, Neighborhood (CN); Central Place (CP); Residential Transition (RT); Central Business (CBD); and Campus (CA) districts subject to the following provisions:

B. **Spacing.** The sale of alcoholic beverages by any dealer within the City at a location within 500 feet of any place of public assembly, or within 1,000 feet of a public or private school if the city receives a request from the governing body of a school district or private school.

1. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
2. The measurement of the distance between the place of business where alcoholic beverages are sold and public or private school, daycare centers and other child care facilities and university shall be in a direct line from the property line of the private or public school, daycare center and other child care facilities or university to the property line of the place of business, and in a direct line across intersections.

C. **Separation.**

1. When the premises of a drinking establishment abuts any residential district, the structure(s) shall be at least 50 feet from the nearest point within that residential district.
2. When the premises of a drinking establishment abuts any residential district, all off-street parking areas must be at least 20 feet from the nearest point within that residential district.

D. **Hours of Outdoor Service.** Body responsible for approving the Special or Limited Use may restrict the hours of



Exhibit "E"
Page E-000037

outdoor operation of a drinking establishment when it is determined that the noise, glare or traffic might adversely impact a nearby residential neighborhood.

## Sec. 2.524 Bed and Breakfast

A. **Generally.** A bed and breakfast shall be permitted as a Limited Use in the Suburban Residential (SR), Rural (RU), Commercial, General (CG), Residential Transition (RT) districts and as a Special Use in the Neighborhood Conservation (NC) district subject to the requirements of this Section.

B. **Building.** The bed and breakfast is a reuse of an existing single-family building having a minimum floor area of 2,000 square feet. Additions shall amount to no more than 60 percent of the total floor area, subject to the provisions of **Article 3, District Intensity and Bulk Standards.**

C. **Signs.** Signs must be constructed of wood or other durable, non-plastic material, and shall be affixed flat against the principal structure or constructed as a monument sign that is no more than four feet in total height. The maximum sign area is as follows:

1. In the Rural (RU) district: 16 square feet.
2. Other districts where permitted as a Limited or Special Use: 5 square feet.

D. **Parking.** Bed and breakfast uses must provide for all parking off-street, which shall be fully screened from adjoining land uses by hedges and canopy trees. The Planning Department may permit on-street parking to be substituted for off-street parking upon determining that the street can accommodate the required parking and that off-street parking would be detrimental to the character of the area.

## Sec. 2.525 Commercial Lodging

A. **Generally.** Commercial lodging shall be permitted as a Limited Use in the Central Business (CBD), Central Place (CP), Residential Transition (RT), and Business Park (BP) districts, subject to the standards in this Section.

B. **CBD District.** In the CBD district, the use must provide retail or restaurant uses at the ground floor level, and is not exempt from the on-site parking requirements of **Article 9, Parking, Loading, Access, and Lighting.**

C. **CP District.** In the CP district, the use must provide retail or restaurant uses at the ground floor level.

D. **RT District.** In the RT district, the use must be associated with a University either as a teaching facility or a university hotel or inn.

E. **BP District.** In the BP district, the use is limited to not more than 10 percent of the floor area within contiguous district boundaries.

## Sec. 2.526 Commercial Retail

A. **Generally.** Commercial retail uses shall be permitted as a Limited Use in the Residential Transition (RT), Campus (CA), Business Park (BP), and Light Industrial (INL) districts, subject to the standards of this Section.

B. **RT District.** The use:

1. Shall occupy no more than 3,000 square feet of floor area;
2. Shall open no earlier than 7:00 AM and close no later than 9:00 PM; and
3. Shall not have any detached signage.

C. **CA District.** The use:

1. Shall be located as indicated on the approved campus master plan;
2. Shall occupy not more than 15,000 square feet of floor area;
3. Shall not have detached signage that is visible from off-campus locations; and
4. Shall be functionally related to the purpose of the campus or scaled to correspond to the needs of those who visit the campus for other purposes.



Exhibit "E"
Page E-000038

D. **BP and INL Districts.** The use shall be:

1. Co-located with a manufacturing use, selling products that are manufactured on-site, with only incidental sales of other related items; or
2. Less than 5,000 square feet and located not less than 2,000 feet from any other commercial retail use in the same district that is not co-located with a manufacturing use; or
3. In the BP district, located inside an office building and:
   a. Occupying not more than 15 percent of the floor area of the office building; and
   b. Without signage that is visible from outside the office building.

## Sec. 2.527 Heavy Retail

A. **Generally.** A heavy retail establishment shall be permitted as a Limited Use in the Commercial, General (CG) district subject to the standards of this Section.

B. **CG District.**

1. Minimum Lot Size: Two acres
2. Minimum Separation from Residential District Boundaries: 300 feet
3. Required Access: The premises shall abut and draw access from an arterial or collector street.

C. **BP District.** The heavy retail use shall:

1. Be co-located with a manufacturing use, selling products that are manufactured on-site, with only incidental sales of other related items; and
2. Be screened from view from public rights-of-way and abutting properties by a Class C Bufferyard.

## Sec. 2.528 Drive-In / Drive Through Facility

A. **Generally.** Drive-in facilities shall be permitted as a Limited Use in the Commercial, General (CG) and Business Park (BP) districts, and as a Special Use in the Central Business (CBD) district and Commercial, Neighborhood (CN) district, as provided in this Section.

B. **Noise Buffer.** In all districts, where the use abuts any residential zoning district, the ordering/communications station shall be buffered with a wall and landscaping to reduce noise transmission.

C. **CG District.** In the CG district, the drive-in facilities shall be designed and configured such that the service area and outdoor speakers are directed away from any abutting properties that are occupied or zoned for residential use, or a class D bufferyard, including a fence or wall shall screen the drive-in facility from such properties.

D. **BP District.** In the BP district, drive-in facilities are prohibited. Drive-through facilities are permitted if it is demonstrated that:

1. The drive-through facilities are designed and configured such that the service area and outdoor speakers are directed away from any abutting properties that are occupied or zoned for residential use;
2. A class D bufferyard, including a fence or wall, screens the drive-in facility from abutting properties that are occupied or zoned for residential use; and
3. The drive-through facilities are accessory to an office use (*e.g.*, a bank).

E. **CBD District.** In the CBD district, access to drive-in facilities shall be:

1. From a private or public alley, where the circulation is on the rear or interior sides of the facility so that the streetscape or primary frontage of the use retains an urban character; or
2. From within a parking structure, configured such that the drive-in facility itself is not obvious from the street.

F. **CN District.** In the CN district, drive-in facilities are prohibited. Drive-through facilities are permitted if it is demonstrated that:



Exhibit "E"
Page E-000039

1. The drive-through facilities are designed and configured such that the service area and outdoor speakers are directed away from any abutting properties that are occupied or zoned for residential use;
2. A class D bufferyard, including a fence or wall, screens the drive-in facility from abutting properties that are occupied or zoned for residential use; and
3. The drive-through facilities are accessed from a collector or arterial street.

## Sec. 2.529 Mixed Use

A. **Generally.** Mixed use developments shall be permitted as a Limited Use in Commercial, Neighborhood (CN), Commercial, General (CG), Residential Transition (RT), and Business Park (BP) districts subject to the standards of this Section.

B. **CN, CG, and RT Districts.** Mixed use development in CN, CG, and RT districts is permitted, subject to the following standards:

1. The project has different use types on different floors, one of which shall be a residential use.
    a. Other uses may include commercial lodging, commercial retail, office, restaurant, services, and places of assembly.
    b. Any other use permitted in the district is also permitted.
2. The following standards apply to residential uses in mixed use developments:
    a. At least 30 percent of the total floor area shall be devoted to residential use.
    b. Each residential unit shall have 75 square feet of public or private outdoor recreation or activity space in the form of balconies, roof top areas, or ground level space such as a plaza that is designed for the use and enjoyment of the residents.
3. Where there are more than four buildings, not all buildings shall be required to have residential use, nor shall all buildings be required to accommodate mixed use, provided the following are met:
    a. At least 65 percent of the buildings shall accommodate residential use at full project build-out.
    b. Residential uses must be included in the first building constructed.
    c. If any building is to be solely residential or nonresidential, the City shall require its phasing to ensure that the project meets the desired mix if it is not completely built as originally approved.
    d. Institutional uses may be housed by single-use buildings, unless their primary use is an office function.
    e. Such complexes shall have a unified site plan, which shall include a pedestrian-oriented circulation plan that is a key element in the overall site plan.

C. **BP District.** In the BP district, mixed-use developments may include any use that is permitted in the district, but shall not include residential uses.

## Sec. 2.530 Office

A. **Generally.** Offices shall be permitted as a Limited Use in the Central Business (CBD), Central Place (CP), Residential Transition (RT), Light Industrial (INL), and Heavy Industrial (INH) districts subject to the requirements of this Section.

B. **CBD and CP Districts.**

1. Offices shall generally be located on upper floors.
2. Offices may be located on ground floors if it is demonstrated that:
    a. They are situated as follows:
        i. They are located within one block in any direction from City Hall;



Exhibit "E"
Page E-000040

ii. They do not front on Lincolnway; or

iii. They front on Lincolnway, but no two ground floor offices are located on the same block face; or

b. They are an adaptive re-use of a single-family residential building.

C. **CP District.** In the CP district, office occupancy shall not exceed 40 percent of the total ground floor area within the boundaries of the contiguous district.

D. **RT District.** In the RT district, offices shall be located in buildings that have a residential character.

E. **INL and INH Districts.** In the INL and INH districts, office occupancy shall not exceed 20 percent of the total floor area within the boundaries of each zoned district.

## Sec. 2.531 Car Wash

A. **Generally.** Car washes are permitted as a Limited Use in the Commercial, General (CG) and Light Industrial (INL) districts subject to the provisions of this Section.

B. **Enclosure Required.** All mechanical equipment, excluding self-service vacuum units, shall be enclosed within a building.

C. **Preliminary Spraying and Drying Areas.** All facilities shall be designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting properties that are occupied or zoned for residential use, or a class D bufferyard, including a fence or wall shall screen the drive-in facility from such properties.

## 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 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.

## Sec. 2.533 Services

A. **Generally.** Services shall be permitted as a Limited Use in the Residential Transition (RT) and Business Park (BP) districts, provided that:

B. **RT District.** Services are allowed in the RT district, provided that:

1. The use occupies a building that has the character of a single-family dwelling; and
2. The use has a maximum floor area of 2,000 square feet.

C. **BP District.** Services are allowed in the BP district, provided that they are:

1. Less than 5,000 square feet and located not less than 500 feet from any other service or commercial retail use in the same district; or
2. Located inside an office building and:
   a. Occupy not more than 15 percent of the floor area of the office building; and
   b. Have no signage that is visible from outside the office building.



Exhibit "E"
Page E-000041

## Sec. 2.534 Shopping Center

Shopping centers shall be permitted as a Special Use in the Commercial, Neighborhood (CN) district provided that the total floor area of the center does not exceed 15,000 square feet.

## Sec. 2.535 Vehicle Sales, Rental, and Service

A. **Generally.** Vehicle sales, rental, and service shall be permitted as a Limited Use in the Commercial, General (CG), Central Business (CBD), Central Place (CP), Light Industrial (INL), and Heavy Industrial (INH) districts subject to the standards of this Section.

B. **Use of Right-of-Way Prohibited.** No vehicles shall be parked on the public right-of-way. Violating vehicles will be towed by the City without notice at the owner's expense, and shall constitute a zoning violation.

C. **Standards for All Districts Except CBD.** Vehicle sales, rental, and service establishments are permitted if it is demonstrated that:

1. Repair bays do not front an adjacent public right-of-way or toward land that is zoned for residential use.
2. No more than one elevated display is used, and the display raises the vehicle no more than three feet off the ground.
3. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) are set back a minimum distance of 50 feet from all rear and side yards of a residentially zoned or used property.
4. No existing buildings shall be re-used for vehicle sales, rental and service unless:
    a. All lighting is brought into compliance with **Article 9, Parking, Loading, Access and Lighting**.
    b. All outdoor vehicle display areas / lots are screened in accordance with **[@@563], Landscaping.**

D. **CBD and CP Districts.** Vehicle sales, rental, and service establishments are permitted if it is demonstrated that:

1. The use is in a building that contains all sales and service areas with no outdoor vehicle storage, except an expanded sidewalk area may contain a display of up to three vehicles located entirely on the property. Design of such display area shall enhance the streetscape, as approved by the City.
2. The first floor facade of the building is 70 percent glass to provide a view of the showroom.
3. No vehicles shall be sold that have engine displacements of more than 500 cubic centimeters, or wheel diameters of more than fourteen inches.

## Sec. 2.536 Veterinarian

A. **Generally.** Veterinarians shall be permitted as a Limited Use in the Commercial, General (CG) district and as a Special Use in the Commercial, Neighborhood (CN) district subject to the following provisions:

1. No livestock or large animal veterinary clinics are permitted.
2. The use is conducted within a fully enclosed building, which is to be designed with noise resistant materials, the minimum floor area shall be 2,000 square feet in a shopping center or 4,000 square feet for freestanding buildings. Plans and specifications for noise reduction materials shall be approved by the City through the site plan approval process.

B. **Kennels.** Kennels may be co-located with veterinarian uses, but shall be permitted separately according to the applicable standards of this UDO as if they were free-standing uses.

## Sec. 2.537 Adult Uses

A. **Generally.** Adult uses shall be permitted as a Special Use in the Light Industrial (INL) district subject to the standards of this Section.

B. **Separation.** The following separation standards shall apply to all sexually-oriented establishments

1. No such use shall be located within a 1,000 ft. radius of any other such use.



Exhibit "E"
Page E-000042

2. No such use shall be located within a 1,000 ft. radius of any parcel located in a residential zoning district or portion of a planned unit development designated for residential purposes whether inside or outside of the corporate boundaries of the City of Valparaiso

3. No such use shall be located within a 1,000 ft. radius of any school whether public or private, day care home or center or nursery, religious institution, park, playing field, pool or billiard hall, coin-operated amusement center, dance center, ice or roller-skating rinks or parks or other public recreational facility typically catering to minors, indoor or outdoor theaters, art gallery, museum, libraries, other areas where large numbers of minors travel or congregate, and entryways/gateways to the City.

4. The aforementioned separation and radius standards shall be measured in a straight line from the closest points between property line to property line, without regard to intervening structures or objects, for sexually-oriented establishments that are located on a single tenant parcel. If said establishment is located within a multi-tenant building the measurement shall be from the property line of the entire multi-tenant premises to the property line of other uses, without regard to the intervening structures or objects, which requires the separation.

C. **Nearby Residential Occupancy.** No such use shall be allowed within the same block or portion thereof where a residential occupancy exists.

D. **Single Use Within Premises or Building.** Not more than one such use shall be located in one building or on one parcel or zoning lot.

E. **Non-Accessory Use.** No adult use shall be permitted to operate as an accessory to an otherwise permitted use for a particular use unless it is permitted by this ordinance.

F. **Conduct of Business.** No sexually oriented establishment shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified anatomical areas and or specified sexual activities by display, decorations, signage, show window, or other opening from any public right of way.

G. **Signage.**

1. Signage for such establishments shall be subject to the applicable standards as set forth in **Article 5, Signs** in industrial districts.

2. Signage for such establishments shall not display any pictures, photographs, silhouettes, drawing, or other pictorial representations of a sexually oriented nature, and may contain only the legal name and address of said establishment.

## Sec. 2.538 Campgrounds

A. **Generally.** Campgrounds shall be permitted as a Limited Use in the Rural (RU) district subject to the provisions of this Section.

B. **Residential use prohibited.** No recreational vehicle or tent shall be used as a permanent place of residence.

C. **Intensity.** The overall density shall not exceed three campsites or RV sites per acre for the entire site.

D. **Open Space.** Open space for common areas shall be planned and provided for at convenient, centralized locations to provide at least 200 sq. ft. per recreational vehicle space. Such open space may include play yards, pools, and recreation buildings, but shall not be deemed to include public facilities and open areas that are not accessible to the tenants.

E. **Sites.** Campsites must be between 4,000 and 8,000 sq. ft. in size and must be clustered. The minimum size of a cluster is four campsites and the maximum size is 12 campsites.

F. **Utilities.** All RV spaces shall be served with sanitary sewer, water, and electrical power, which shall be placed underground. All tent campsites shall have water and electric power provided underground to the site.

G. **Improvement.** Each parking space shall be improved with asphalt or comparable hard-surface covering in order to maintain a dust-free condition.



Exhibit "E"
Page E-000043

H. **Buffers**. This use shall have a minimum of a Class C bufferyard on all sides, except that the bufferyard shall be Class D if the adjoining property is in residential use.

I. **Floodplain.** No campsites shall be allowed in the 100-year floodplain.

J. **Site Area.** The minimum site area for this use shall be 10 acres.

K. **Access.** Site access shall be from an arterial or collector road.

## 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.

## Sec. 2.540 Vehicle Sales, Rental, and Service

A. **Generally.** Vehicle sales, rental, and service shall be permitted as a Limited Use in the Commercial, General (CG), Central Business (CBD), Central Place (CP), Light Industrial (INL), and Heavy Industrial (INH) districts subject to the standards of this Section.

B. **Use of Right-of-Way Prohibited.** No vehicles shall be parked on the public right-of-way. Violating vehicles will be towed by the City without notice at the owner's expense, and shall constitute a zoning violation.

C. **Standards for All Districts Except CBD.** Vehicle sales, rental, and service establishments are permitted if it is demonstrated that:

1. Repair bays do not front an adjacent public right-of-way or toward land that is zoned for residential use.
2. No more than one elevated display is used, and the display raises the vehicle no more than three feet off the ground.
3. Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors) are set back a minimum distance of 50 feet from all rear and side yards of a residentially zoned or used property.
4. No existing buildings shall be re-used for vehicle sales, rental and service unless:
    a. All lighting is brought into compliance with **Article 9, Parking, Loading, Access and Lighting**.
    b. All outdoor vehicle display areas / lots are screened in accordance with **[@@563], Landscaping**.

D. **CBD and CP Districts.** Vehicle sales, rental, and service establishments are permitted if it is demonstrated that:

1. The use is in a building that contains all sales and service areas with no outdoor vehicle storage, except an expanded sidewalk area may contain a display of up to three vehicles located entirely on the property. Design of such display area shall enhance the streetscape, as approved by the City.
2. The first floor facade of the building is 70 percent glass to provide a view of the showroom.
3. No vehicles shall be sold that have engine displacements of more than 500 cubic centimeters, or wheel diameters of more than fourteen inches.

## Sec. 2.541 Recreation, Indoor

A. **Generally.** Indoor recreation shall be permitted as a Limited Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Rural (RU), Commercial, Neighborhood (CN), Residential Transition (RT), and Business Park (BP) districts, subject to the standards of this Section.

B. **All Districts.** The use shall be:

1. Located at least 100 feet from any residential building;
2. Constructed of sound-resistant materials; or
3. Limited in operation such that it is closed between 10:00 p.m. and 7:00 a.m.



Exhibit "E"
Page E-000044

C. **ER, SR, GR, UR, and NC Districts.** In the ER, SR, GR, UR, and NC districts, access to the use is limited to residents of the development or neighborhood in which it is located and their invitees.

## Sec. 2.542 Recreation, Outdoor

A. **Generally.** Outdoor recreation shall be permitted as a Limited Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Commercial, Neighborhood (CN), and Business Park (BP) districts, subject to the standards of this Section.

B. **All Districts.**

1. The premises shall be closed between 9:00 p.m. and 7:00 a.m.; or
2. Portions of the use, such as an athletic field, that are open later than 9:00 p.m. shall be located at least 300 feet from any property that is used for residential purposes.

C. **BP District.** Outdoor recreation facilities shall be an amenity of the district that is for use only by businesses and employees within the district.

## Sec. 2.543 Disposal

A. **Generally.** Waste disposal shall be permitted as a Limited Use in the Heavy Industrial district subject to the requirements of this Section.

B. **Agency Approvals.**

1. All waste disposal facilities shall provide:
   a. Copies of all permits required by state statute or federal law for the type of disposal facility proposed.
   b. Copies of all environment impact assessment reports required by state and/or federal agencies.
   c. A Facility Plan approved by the Board of Public Works and Safety. This shall include a drainage plan to prevent ponding that could promote waste decay and carry unstable organic materials into nearby water supplies.
2. No local permits will be issued until:
   a. All other required permits are issued;
   b. All pertinent "Right to Know" documents are submitted pursuant to **42 U.S.C. §116, Emergency Planning and Community Right-to-Know Act.**
   c. A site review has been held and all issues identified have been solved.

C. **Bond.** All local permits will require a two-year bond. If any regulated pollutants are found in excess of state and/or federal standards, the bond funds will be used towards corrective measures as determined by the state and/or federal agencies with legal jurisdiction.

D. **Size, Separation and Buffering, Generally.** The following standards apply to disposal facilities that do not process or store automobiles.

1. Minimum lot size: three acres.
2. The facility shall be separated from other uses as follows:
   a. 1,320 feet from property with residential or mixed-use zoning; and
   b. 600 feet from property with commercial zoning.
3. All collection and processing facilities must have class C buffer around all activities in addition to any other buffering that may be required by **Article 10, Landscaping**.
4. All containers shall be clearly marked to identify type of material that may be deposited and in accordance with EPA, DOT and OSHA requirements.
5. Truck access shall be from an arterial or collector street, and the site is located such that trucks may travel



Exhibit "E"
Page E-000045

from an arterial to the site without passing through areas that are zoned for residential use.

E. **Size, Separation and Buffering, Automotive Disposal or Scrap Metal Processing.** The following standards apply to automotive disposal or scrap metal processor facilities:

1. Minimum lot size: five acres.
2. The facility shall be separated from other uses as follows:
   a. 300 feet from property with residential or mixed-use zoning; and
   b. 100 feet from property with commercial zoning.
3. All collection and processing facilities must have class C buffer around all activities in addition to any other buffering that may be required by **Article 10, Landscaping.**
4. Vehicles shall not be stacked to heights greater than twelve feet.
5. Truck access shall be from an arterial or collector street, and the site is located such that trucks may travel from an arterial to the site without passing through areas that are zoned for residential use.

F. **Operation and Inspection.**

1. The facility shall be maintained free of litter, rodents, and other undesirable material and/or pests; and will be inspected for cleanliness at least once a year by the Porter County Environmental Officer. A copy of all inspection reports will be sent to the Valparaiso Building Commissioner.
2. A notice shall be displayed on all facilities prohibiting dropping off of materials outside recycling enclosures or containers.

G. **Prohibited Practices.**

1. No hazardous waste or materials shall be accepted or deposited at any disposal facility, transfer site, or transfer station, except as permitted by local, county, state and federal law.
2. It shall be unlawful for any person to set fire or allow fire to be set to any solid waste at a transfer site or transfer station.
3. No person shall cause or allow open burning of solid waste at a solid waste disposal facility.
4. No person shall discard or deposit solid waste onto the ground at or on property adjacent to a transfer site or transfer station.

## Sec. 2.544 Extraction

A. **Generally.** Extraction shall be permitted as a Limited Use in the Heavy Industrial (INH) district and as a Special Use in the Rural (RU) district subject to the requirements of this Section.

B. **Wellhead Protection Zone.** Extraction uses are prohibited in wellhead protection zones.

C. **Spacing.** Extraction uses shall not be located closer than 1,320 feet to any residential or educational occupancy.

D. **Hours of operation.** Extraction uses shall restrict hours of operation to 8:00 a.m. to 6:00 p.m., weekdays.

E. **End Use Plan.** An end use plan shall be submitted providing the following:

1. The ground surface shall be restored to a condition permitting one of the following uses: agriculture, residential, recreational (see 2 below), or nonresidential. Either an escrow account or an annual fee shall be required, as approved by the City Attorney and City Common Council, to ensure that there are sufficient funds set aside to guarantee the restoration.
2. If future recreational use is identified, management of such use shall be established. Risks from any subsurface materials to future uses shall be identified.
3. Monitoring and post-closure maintenance plans shall be submitted and adequate funding provided.

F. **Buffers.** All buffers shall contain berms.



Exhibit "E"
Page E-000046

1. The buffer must be at least 100 feet inside the property boundary and used for an agricultural use or forested.
2. Noise studies shall be conducted to determine the berm's exact height based on the equipment operated at the site. The berm shall ensure the Day Night Level (DNL) does not exceed 55 at the property line or any building with a line of sight to the property.

G. **Ground and Surface Water.** Different types of extraction uses have different potential impacts on ground water. The following standards shall be applied to the review and approval of these uses:
1. The depth of natural soil and type of soil shall be reviewed. The City may impose requirements for drainage systems, monitoring, and pumping systems to prevent potential ground and surface water pollution.
2. Monitoring wells may be required.
3. An emergency response plan must be reviewed and approved. The City may impose fees or require security to ensure that an adequate emergency response fund is available.

## 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 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. 2.546 Recycling/Salvage

A. **Generally.** Recycling and salvage activities shall be permitted as a Special Use in the Light Industrial (INL) district, and a Limited Use in the Heavy Industrial (INH) district subject to the requirements of this Section.

B. **Reverse Vending Machines.**
1. Do not require additional parking spaces
2. Shall not be located within 30 feet of an entrance to a commercial/industrial structure and shall not obstruct pedestrian or vehicular traffic.
3. Shall not occupy parking spaces required by primary use.
4. Shall be no more than 50 sq. feet or more than eight feet high.
5. Shall be constructed and maintained with durable waterproof and rustproof material.
6. Shall be clearly marked to identify type of material to be deposited, operating instructions, and identify and phone number of operator.
7. Shall be maintained in a clean litter-free condition on a daily basis.
8. Operating hours shall be consistent with primary use and can be set by the City Plan Commission.
9. Shall be illuminated if operating hours are between dusk and dawn.

C. **Collection Facilities.**
1. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from scavenging, and shall be of a capacity sufficient to accommodate materials collected and a collection schedule.



Exhibit "E"
Page E-000047

2. All materials shall be stored in containers or in a mobile unit vehicle when the attendant is not present.
3. If located within 1,000 ft. of residentially-zoned land, any power-driven collection facility shall not operate between 7:00 PM and 7:00 AM.

D. **Automotive Salvage Rebuilder or Automotive Salvage Recycler.** Automotive salvage rebuilders, automotive salvage recyclers, and junkyards shall be:
1. Licensed pursuant to **IC 9-22-4, Licensing of Vehicle Salvaging.**
2. Surrounded by a class E bufferyard pursuant to **Section 10.402, Bufferyard Classifications.**
3. Configured so that inoperable vehicles and other junk are not visible from public rights-of-way.
4. Spaced from other districts as follows:
   a. From residential or mixed-use zoning districts: 300 feet.
   b. From commercial zoning districts: 100 feet.

E. **Processing Facilities.**
1. All power-driven processing must meet all performance standards in **[@@81], General Environmental Standards.**
2. All outside storage of materials shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.
3. No storage, excluding trucks, shall be visible above the height of the buffer area if located within 1000 feet of residentially zoned land, the power-driven processing facility shall not operate between 7 p.m. and 7 a.m.

F. **Composting Facility.** Composting facilities shall be:
1. Located on a site that is a minimum of five acres in size.
2. Surrounded by a class E bufferyard pursuant to **Section 10.402, Bufferyard Classifications.**
3. Spaced from other districts as follows:
   a. From residential or mixed-use zoning districts: 900 feet.
   b. From commercial zoning districts: 300 feet.

G. **Prohibited Practices.**
1. No hazardous waste or materials shall be accepted or deposited at any recycling or salvage facility, except as permitted by local, county, state and federal law.
2. No person shall discard or deposit waste or recyclable materials onto the ground at or on property adjacent to a transfer site or transfer station.

## Sec. 2.547 Utilities, Community

A. **Generally.** Community utilities shall be permitted as a Limited Use in the Commercial, General (CG) district and as a Special Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Central Business (CBD), Central Place (CP), and Residential Transition (RT) districts subject to the standards of this Section.

B. **Demonstration of Need.** The applicant shall demonstrate that the intended use cannot be located in a district in which it is has been established as a Permitted Use and is required to be located in one of the above districts for essential service reasons.

C. **Buffer.**
1. A class D bufferyard shall be provided on all sides in all districts except the CBD District.
2. In the CBD district, the design of the community utilities shall be compatible with the urban environment. Masonry walls, rather than fences, shall be used to screen the facility. The street faces shall be improved to

provide an expansion of the sidewalk areas with landscaping and seating to make the utility a useful part of the streetscape.

## Sec. 2.548 Airports

A. **Generally.** Airports shall be permitted as a Special Use in the Heavy Industrial (INH) district subject to the standards of this Section.

B. **Minimum Site Area.** The minimum site area for this use shall be 300 acres.

C. **Noise Impact.** All airport development shall be submitted with a noise impact assessment. The assessment shall identify the initial and 20-year projected Day Night Level (DNL) noise contour lines beginning with 50 DNL and proceeding to 75 DNL. The following standards shall be met:

1. **Airport Boundary.** The 20-year, 65 DNL line shall lie completely within airport property or Heavy Industrial (INH) zoned land that has been granted a noise easement.

2. **55 DNL Limited Development Area**

   a. No new residential development shall be permitted within the 55 DNL line. If for some reason a new residential use must be permitted, the building shall have insulation and windows that limit aircraft noise within the building to 50 DNL. The applicant shall demonstrate that there is no residentially zoned land in the 55 DNL area, or that noise easements have been granted to the airport.

   b. Existing residential uses shall have five years to remodel to provide insulation meeting the standards in 1 above.

   c. If the 55 DNL area expands, a zoning and land use plan for all land within the 55 DNL noise contour shall be submitted. This plan shall indicate the feasibility of restricting such land to nonresidential uses. Airport approval shall be based on the ability to minimize noise intrusion into existing residential areas and to prohibit new residential development that would hinder future airport expansion.

   d. Once established, the City shall require all rezonings that would permit residential use within the 55 DNL noise contour to record the noise contours on the property. In addition, all developments and all individual lot surveys shall show the noise contours, with an accompanying warning indicating the City will not restrain future airport growth because of residential development inside the 55 DNL noise contour.

## Sec. 2.549 Cemeteries

A. **Generally.** Cemeteries shall be permitted as a Special Use within the Rural (RU) district subject to the requirements of this Section.

B. **Minimum Lot Size.** The minimum lot size shall be five acres

C. **Location of Buildings.** No building with a floor area larger than 1,000 sf. shall be located within 50 ft. of any lot line of an abutting residentially zoned lot.

## Sec. 2.550 Parking and Transit Facilities

A. **Generally.** Commercial parking and transit terminal facilities shall be permitted as a 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



Exhibit "E"
Page E-000049

as Special Uses 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 1/2 block north or south of Lincolnway, between Napoleon and Michigan Streets nor the 1/2 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 use in the CBD. Such facilities shall not be located on the 1/2 block north or south of Lincolnway, between Napoleon and Michigan Streets nor the 1/2 block surrounding the Courthouse Square.

## Sec. 2.551 Wireless Telecommunication Facilities

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. 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.

B. **Permitted Facilities.** Subject to the standards of this Section, the classifications of communications facilities that are permitted in each zoning district are set out in **Table 2.551, Permitted Facilities.**

**Table 2.551**
**Permitted Facilities**

| Zoning District | Attached Facility | Minor Facility | Major Facility |
|---|---|---|---|
| ER - Estate Residential | Allowed | Not Allowed | Not Allowed |
| SR - Suburban Residential | Allowed | Not Allowed | Not Allowed |
| GR - General Residential | Allowed | Not Allowed | Not Allowed |
| UR - Urban Residential | Allowed | Not Allowed | Not Allowed |
| NC - Neighborhood Conservation | Allowed | Not Allowed | Not Allowed |
| RU - Rural | Allowed | Not Allowed | Not Allowed |
| CN - Commercial, Neighborhood | Allowed | Not Allowed | Not Allowed |
| CG - Commercial, General | Allowed | Not Allowed | Not Allowed |
| CBD - Central Business District | Allowed | Not Allowed | Not Allowed |
| CP - Central Place | Allowed | Not Allowed | Not Allowed |
| RT - Residential Transition | Allowed | Not Allowed | Not Allowed |
| CA - Campus | Allowed | Not Allowed | Not Allowed |
| BP - Business Park | Allowed | Not Allowed | Not Allowed |
| INL - Light Industrial | Allowed | Allowed | Allowed |
| INH - Heavy Industrial | Allowed | Allowed | Allowed |



Exhibit "E"
Page E-000050

C. **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.

1. Lighting: Towers shall not be illuminated by artificial means and shall not display strobe lights unless such is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

2. Signs and Advertising: The use of any portion of a communications facility for signs other than warning or equipment information signs is prohibited.

3. Abandoned or Unused Towers or Portions of Towers: Abandoned or unused communications facilities shall be removed within 120 days from the date of ceasing operations. A copy of the notice to the Federal Communications Commission of intent to cease operations of subject facility shall be submitted to the City of Valparaiso. If the lot or parcel for the facility is leased, a copy of the relevant portions of a signed lease which requires the removal of the communications facility upon cessation of operations at the site shall be submitted at the time of application for a building permit.

4. Antenna Capacity/Wind Load: Communications facilities shall be certified by a qualified and licensed professional engineer in the State of Indiana to conform to the latest structural standards and wind loading requirements of the International Code Council (ICC) Building Code, as amended by the State of Indiana and the Indiana Electric Code.

5. Radio frequency Emissions (RF): Documentation the proposed communications facility will comply with the latest health and safety standards established by the Federal Communications Commission on RF emissions and exposures.

6. Liability Insurance: Proof of adequate liability insurance shall be filed with the City of Valparaiso annually.

7. Tower Color: The color of the proposed tower will be of a light tone or color (except as required by the FAA) so as to minimize visual impact.

8. Communications Facility Report: A report shall be submitted to the City describing the type of proposed communications facility, its effective range, and the technical reasons for its design and placement. If the proposed communications facility cannot be accommodated on an existing or approved facility within a one mile search radius of the proposed site, the report shall specify the reasons and conditions along with supporting proof. And in an effort to promote long-range planning to minimize the number of towers and their impact on the community, providers of commercial wireless communications service shall include a plan delineating existing and any proposed and\or anticipated facilities within Porter County.

9. Visual Impact Statement: A statement and visual material (i.e., a plan, pictures, etc) indicating where within a one mile radius any portion of the proposed facility can be seen from ground level.

10. Bond: All applicants will furnish a surety bond or make an equivalent cash deposit in an amount to be determined by the Building Commissioner to be necessary to remove an abandoned facility in the event the persons responsible for such removal default.

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

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

1. All façade-mounted wireless telecommunications facilities shall be positioned and designed to appear as an integral part of the structure.

2. Facade-mounted antennas shall be integrated architecturally with the style and character of the structure or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view.



Exhibit "E"
Page E-000051

3. To the extent feasible, facade-mounted antennas should not be located on the front or most prominent facade of a structure and should be located out of the pedestrian line-of-sight, unless stealthing techniques reasonably eliminate visual impacts.

4. Whenever possible, equipment structures, back-up generators, and other equipment associated with building-mounted antennas shall be installed within the existing building compound. If this is not feasible, the equipment shall be screened, fenced, or landscaped to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable).

5. Roof-mounted antennas and associated equipment shall be located as far back from the edge of the roof as technically possible to minimize visibility from street level locations. Where appropriate, construction of a rooftop parapet wall or other appropriate screening may be required to hide the facility.

E. **General Standards Applicable to Minor and Major Facilities.** All major and minor communications facilities shall comply with the following regulations as shown by the submittal of necessary documentation and/or inclusion on a site plan. No building permit shall be issued until complete compliance is demonstrated.

1. Maximum Height. No tower shall exceed the lesser of:
    a. A height which, in the location at which the tower is proposed, would require lights pursuant to the rules of the Federal Aviation Administration, or
    b. The following maximum heights:
        i. Major facilities: 200 ft.
        ii. Minor facilities: 125 ft.
2. Minimum Tower Separation: 1,320 ft.
3. Placement: Towers shall be sited within the rear yard unless located on a vacant lot or parcel.
4. Setbacks: Minimum setback requirements for communications facilities shall be based on the following, provided setbacks are not less than the requirements of the underlay or overlay zone:
    a. Monopole type towers shall provide a minimum setback of the tower designed fail area plus 10% of the tower height.
    b. Guyed and lattice type towers shall provide a minimum setback of the tower designed fail area plus 25% of the tower height.
    c. Towers sited on a lot or parcel which borders on a residential and\or commercial district, shall provide a minimum setback of 150% of the tower height from said residential district and 75% of the tower height from said commercial district unless a. or b., above, is greater.
    d. Communications ancillary buildings shall comply with setback requirements established in **Section 2.403, Accessory Buildings or Structures,** for accessory structures.
5. Screening: The lowest ten feet of a communications ancillary building and tower shall be visually screened on a year-round basis with suitable vegetation and\or nearby buildings. The scale and nature of vegetation shall be of sufficient density to conform with the above requirements within three years, as determined by the Valparaiso Department of Parks and Recreation.
6. Security Fence: Ground ancillary buildings and towers shall have a security fence erected within the visually screened area. The security fence shall be not less than eight feet in height.
7. Co-Location Agreement: A proposal for a new communications tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is 100 feet or more in height and for at least one additional user if the tower is over 60 feet in height, but less than 100 feet in height. The tower owner shall allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared



Exhibit "E"
Page E-000052

use. The conditions and terms for shared use shall be submitted to the City of Valparaiso. If the land for the tower is leased, a copy of the relevant portions of a signed lease allowing the tower owner to add additional users and associated facilities on the tower shall be submitted at the time of application to the City for tower erection.

F. **Radio Frequency Emissions and Sounds.** The following radio frequency emissions standards shall apply to all wireless telecommunications facility installations:

1. Federal law gives the Federal Communications Commission ("FCC") exclusive jurisdiction over the regulation of radio frequency ("RF") emissions, and wireless communications facilities that do not exceed the FCC standards shall not be conditioned nor denied on the basis of RF impact.
2. In order to provide information to its citizens, the City may request copies of FCC information concerning wireless telecommunications facilities and RF emissions standards.
3. Applicants for wireless telecommunications facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how it meets the FCC standards.
4. No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

G. **Technical Assistance Fee.** In the course of its consideration of an application, the Planning and Zoning Staff, the Plan Commission or the Board of Zoning Appeals may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless telecommunication facilities to assist the city in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the City not to exceed $3,000 for the technical review and recommendation shall be reimbursed by the applicant, provided in the form of a cashier's check or money order by the applicant prior to the final hearing on filing a petition for the proposed wireless telecommunication facility.

## Sec. 2.552 Light Automobile Service

A. **Pump and Canopy Setbacks.** Gasoline dispensing pumps and service station canopies shall be set back 15 feet from all street frontages.

B. **Canopy Design.**

1. Canopies shall use a similar architectural style, materials, and roofing as the principal building.
2. Canopies shall not be used as an extension of signage beyond that which is allowed in **Article 5, Signs.** The colors of the corporate logo (except white or black) shall not be painted on the canopy or trim outside of the area allowed for signage.
3. The trim of the canopy shall not be internally or externally illuminated.

## Sec. 2.553 Wind Energy Conversion Systems

A. **Generally.**

1. Small wind energy conversion systems are wind turbines that are designed to generate 100 kW or less. They are permitted as an accessory use to residential uses pursuant to the standards of this Section that apply to small wind energy conversion systems.
2. Wind farms are wind energy conversion systems that are designed to generate more than 100kW. Wind farms are permitted in the Heavy Industrial (INH) district subject to the standards of this Section that apply to wind farms.

B. **Small Wind Energy Conversion Systems.** Small wind energy conversion systems shall conform to the following standards:

1. Maximum Height: 120 feet to the top of the rotor blade at its highest point.
2. Minimum Height of Rotors on Horizontal Axis Turbine: 30 feet.
3. Minimum Setbacks: Equal to the height of the tower measured from all:

a. Property lines; and

b. Overhead utility lines (except those connecting to the principal building).

4. Access shall be limited by:
   a. A six-foot high fence around the base of the tower;
   b. Limiting tower climbing apparatus to not lower than 12 feet above the ground; or
   c. A design that does not include climbing apparatus because the turbine is lowered for service.
5. Noise levels from the generator shall not exceed 40 dBA at the property line.
6. Generators shall not produce detrimental electromagnetic interference on adjacent properties.
7. Wind Turbines shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the community. Small wind energy towers shall maintain galvanized steel, brushed aluminum or white finish, unless FAA standards required otherwise. The City may require a photo of a small wind energy system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
8. Small wind energy conversion systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.
9. Electrical controls and control wiring and power-lines shall be wireless or underground except where small wind energy system wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
10. All access doors or panels to wind turbine towers and electrical equipment shall be lockable.
11. Appropriate warning signage (e.g., electrical hazards) shall be placed on wind turbine towers, electrical equipment, and small wind energy conversion systems.
12. If a small wind energy conversion system is to be interconnected to the electric utility, proof of an executed interconnect agreement shall be provided before the system is interconnected.

C. **Wind Farms.** Wind farms shall comply with the following standards:

1. Maximum Height: No turbine shall be more than 160 feet in height to the top of the rotor blade at its highest point.
2. Minimum Setbacks:
   a. Buildings shall be set back as required by the INH district regulations.
   b. Electrical substations shall be set back not less than 70 feet from all property lines.
   c. All turbines shall be set back not less than 110 percent of their height from all property lines.
3. Wind farms shall be surrounded by a class D bufferyard.

## Sec. 2.554 Respite Care Facility

A. **Generally.** A Respite Care Facility shall be permitted as a Limited Use in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC). Rural (RU), Central Place (CP) and Residential Transition (RT) districts subject to the requirements of this Section.

B. **Building.** The respite care facility is a reuse of an existing single-family building or new construction of a residential style building that is compatible with surrounding residential properties in terms of architecture, character, and overall residential appearance. Additions shall be subject to the provisions of **Article 3, District Intensity and Bulk Standards.**

C. **Signs.** Signs advertising the name of the facility or managing agency or entity which owns or operates the facility



Exhibit "E"
Page E-000054

shall be prohibited in the Estate Residential (ER), Suburban Residential (SR), General Residential (GR), Urban Residential (UR), Neighborhood Conservation (NC), Rural (RU), and Residential Transition (RT) Districts.

D. **Minimum floor area.** The minimum floor area for a facility shall be 2,500 sf for a two-story or greater structure or a minimum of 1,500 sf for a one-story structure.

E. **Parking.** Respite Care Facility uses must provide for all required off-street parking, which shall be fully screened from adjoining residential land uses by a solid hedge of not less than three (3) feet in height. The Planning Department may permit on-street parking to be substituted for off-street parking directly adjacent to the property on which the facility is located upon determining that the street can accommodate the required parking and that off-street parking would be detrimental to the character of the area.

F. **Location.** Respite Care Facilities in residential districts shall be located on a collector street or higher as classified in the city's Official Thoroughfare Plan.

G. **Fenced Yard.** The rear or side yard of a respite care facility shall provide a fenced play/activity area enclosed with a residential style fence of at least 4 feet in height.

H. **Separation.** All respite care facilities shall be separated from other respite care and group home facilities by a distance of no less than 3,000 linear feet.

### Sec. 2.555 Single Family

A. **Generally.** In some cases, existing single family residences are located in commercial or industrial districts. It is not the intent of the ordinance to create a nonconformity for these residences, therefore they are allowed to remain or be rebuilt in the condition they were in at the time of passag of the ordinance.

B. **CN, CG, and INL Districts.** Existing single family residences in the Commercial Neighborhood (CN), Commercial General (CG) and Industrial Light (INL) districts may remain or be rebuilt in the condition they were in at the time of adoption of this ordinance as a limited use. However, no new construction of previously non-existent single family residential dwellings shall be permitted in these districts.

C. **INH Districts.** Existing single family residences in the Industrial Heavy (INH) district may seek approval to be rebuilt in the condition they were in at the time of adoption of the ordinance in the form of a Special Use.

## Division 2.600 Temporary Uses

The Sections of this Division provides the standards for approval of temporary uses, including such temporary uses as temporary outdoor sales, concrete and asphalt batch plants, contractor's offices (on-site), farm stands, garage sales, model homes, and the like.

### Sec. 2.601 General Standards for All Temporary Uses

A. **Standards.** All temporary uses shall be reviewed against the following criteria:

1. **Traffic circulation.** The temporary use shall have adequate sight distances for safe vehicular ingress and egress. It shall have adequate turn lanes or provide for police control to move traffic in and out of the use. The adjacent street shall have adequate capacity to handle the anticipated additional flow of traffic.

2. **Public convenience and litter control.** Adequate on-site restroom facilities may be required to handle the expected attendance. Adequate waste containers shall be required and a written guarantee shall be required that all litter generated by the event shall be removed at no expense to the City. This shall include adjoining public rights-of-way.

3. **Signs.** A sign permit is not required; however, the Planning Director shall review and approve all signage. The Planning Director may approve signs up to 50 percent larger than would be permitted in Article 6, *Signs*, and may also approve attention getting devices. The number, type, and size of signs and attention getting devices shall be determined using the following criteria.

   a. The need for obvious way-finding information, based on the location of the event and its likelihood of attracting visitors who are unfamiliar with the area, who may lose their way or become confused



Exhibit "E"
Page E-000055

if signs are limited to the sign area otherwise allowed by this Code.

b. The type, length, and size of the proposed event or use.

c. Sight distances, other signage in the area or on the property, sidewalks, traffic volumes, and speed on the road.

d. Other lighting in area, type of neighbors, light intensity, and glare potential.

e. Logical travel routes to the site.

B. **Modification of provisions.** The Planning Department may establish additional conditions deemed necessary to ensure land use compatibility or minimize potential adverse impacts on neighboring properties, public streets, or the City. These may include, but are not limited to, the following:

1. Modification or restrictions on hours of operation or duration of the event.

2. Posting of a performance bond to ensure clean up and removal of signage.

3. Arrangements satisfactory to the City for the provision of special or extraordinary services or equipment, such as traffic control or security personnel, or equipment that is needed to ensure safe operation of the use or event. This may also include liability insurance.

4. The Planning Department may refuse to issue a permit if the event is too large to be safe for the site, neighborhood, street, or other infrastructure, or may place limits on attendance to ensure it can be properly managed.

## Sec. 2.602 Contractors Office

A. **Generally.** Contractors' offices are permitted as temporary uses subject to the standards of this Section.

B. **Occupancy.** The offices will not be opened or occupied until after the latest of the following:

1. Final plat or development plan approval which identifies the location of the sales or contractor's office; or

2. Issuance of a curb cut permit for the development.

C. **Removal.** The office structure shall be removed or converted to a use permitted in the district upon the earlier of:

1. 10 days after the issuance of a certificate of occupancy for the final unit or building; or

2. In residential developments, after the last house is framed.

D. **Hours of Operation.** Contractors' offices shall operate from no more than one hour before to one hour after permitted construction hours in the City.

## Sec. 2.603 Garage Sales

A. **Generally.** Garage sales, porch sales, yard sales and the like are permitted as a Temporary Use, subject to the standards of this Section.

B. **Household Goods Only.** No merchandise other than that normally found in the household may be sold.

C. **Duration.** The sale shall not exceed more than three days.

D. **Number of Annual Sales.** Not more than three sales per year are allowed at any one location.

E. **Joint Sales.** In the event that more than one household desires to conduct a joint garage sale, porch sale or yard sale, then each participant in the multiple-owner sale shall be considered to have had an individual sale. Neighborhood or community garage sales that involve more than ten parcels upon which sales will take place, or more than one acre of common open space upon which sales will take place shall be permitted pursuant to **Section 2.605, Public Interest or Special Events.**

F. **Signs.** All yard sale signs should be removed upon the conclusion of the sale.

## Sec. 2.604 Model Homes



Exhibit "E"
Page E-000056

Permits for model homes shall be issued after the roads and all utilities are installed and the subdivision plat is recorded or a guarantee in the form of a letter of credit or other similar instrument is filed with the City. The units shall have approved landscaping and paved parking prior to use as model homes.

## Sec. 2.605 Public Interest or Special Events

A. **Generally.** Special events in athletic stadiums or City parks shall be regulated by the City and are not limited by this section. All other special events shall meet the standards of this Section.

B. **Frequency.** Special events shall not be held on a property more than two times per calendar year.

C. **Duration.** The special event shall be limited to no more than four successive days.

D. **Access.** If deemed necessary by the Police Department, property access shall be controlled by special traffic personnel paid for by the applicant. Prior to receiving a permit, the applicant must provide written communication from the Police Department indicating adequate provisions have been made.

E. **Sanitation.** The City, or another applicable department or agency, shall approve the sanitary provisions. Prior to receiving a permit, the applicant must provide written communication from the applicable department or agency indicating adequate provisions have been made.

F. **Electrical Service and Lighting.** The City's Inspector shall approve all electric and lighting facilities. Prior to receiving a permit, the applicant must provide written communication from the Inspector indicating adequate provisions have been made.

G. **Noise.** Maximum noise levels may be established. The levels shall be based on the distance of the site to adjoining residential uses and any history of complaints about similar events.

H. **Surety.** The applicant shall provide surety for complete site restoration upon the event's conclusion or should the permit be revoked.

## Sec. 2.606 Sales Office

A. **Generally.** Sales offices are permitted as a temporary use subject to the requirements of this Section.

B. **Residential Property.**

1. Sales offices are permitted only if the development includes five or more residential units to be constructed on contiguous lots.

2. Sales offices will not be opened or occupied until a final plat or development plan is approved and the road and utilities are installed or a letter of credit or similar guarantee is filed with the City.

3. Sales offices will be removed after the last house is framed, or the office structure will be converted to a use permitted in the district within 10 days after the issuance of a certificate of occupancy for the final unit or building.

4. The preliminary plat or development plan shall identify the location of the sales office.

C. **Commercial, Business Park, and Industrial Property.** Sales offices for office, business, or industrial park uses will be removed when the first building that is not built for a single occupancy is completed.

## Sec. 2.607 Sidewalk Sales and Farmers' Markets

A. **Generally.** A City-designated farmers' market may be established by the City and permit issued after review by the Planning Department. Individual businesses may hold sidewalk sales within the Central Business (CBD) and Commercial, General (CG) districts without an individual permit on sales event days when established by the City for specific weekends or weeks, and/or they may apply for an individual permit, subject to the standards of this Section.

B. **Sidewalks.**

1. There shall be four feet of unobstructed space on the sidewalk during the sales event.



Exhibit "E"
Page E-000057

2. 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.

C. **Parking Area Closures.** The City may close part of the parking area for an event in the CBD district, which may be used for sales in accordance with a City-approved plan.

D. **Duration.** Individual sales shall be limited to a total of 10 days each calendar year, with no more than three applications per year. City-designated sales events shall not count against individual events.

## Sec. 2.608 Temporary Manufactured Structure

A temporary manufactured home may be used to supply classroom space for a public or private school for a period of not more than two years while permanent facilities are being planned and constructed.

## Sec. 2.609 Truck Load Sales

A. **Generally.** Truck load sales shall only be permitted when hosted by a shopping center as a center-wide event, where the owner or operator of the center has submitted a plan for the location and types of merchandise to be sold, and shall meet the standards of this Section.

B. **Site Area.** The minimum site area for shopping centers applying for this use is three acres.

C. **Sale Area.** It shall be permitted only where no more than two percent of the required parking area is used.

D. **Setback.** No such use shall be closer than 150 feet from any public road frontage.

E. **Frequency and Duration.** Each shopping center is permitted two temporary use permits per year. Each permit shall terminate after 72 hours from initiation of the sale.



Exhibit "E"
Page E-000058

## Division 3.100 Purpose

### Sec. 3.101 Purpose

A. **Generally.** The purpose of this Article is to establish the general standards for the character of development that is allowed within each zoning district.

B. **Standards Applicable to Parcels Proposed for Development.** This Article establishes general regulations for the character of entire parcels proposed for development through the use of limitations on density and intensity, through minimum requirements for open space (residential and mixed-use development) and landscaped surface area (nonresidential development), through a minimum area requirement for the parcel proposed for development (which is based on the proposed use and zoning district), through minimum requirements for the provision of utilities, and in the case of planned development, the minimum required mix of housing types.

C. **Standards Applicable to Individual Lots.** The character of development of individual lots is regulated by minimum requirements for building height, lot dimensions, setbacks, floor area ratios, and open space or landscaped surface (if the individual lot is the entire parcel proposed for development).

## Division 3.200 Calculation of Height and Bulk Requirements

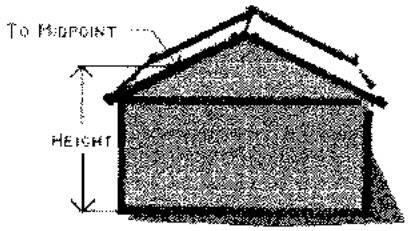
### Sec. 3.201 Height

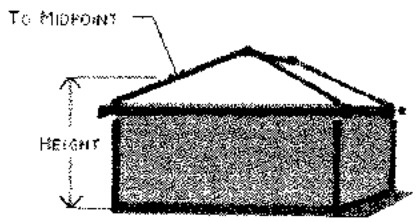
A. **Buildings.** Building height is calculated by measuring the vertical distance from the finished ground level at the center of the front of the building, or the average grade at the front building line, whichever is lower, to:

1. The mean height between the eaves and ridge or peak for gabled, hipped, shed, and gambrel roof styles. *See* **Figure 3.201.A., Height Measurement by Roof Style.**
2. The highest point of the roof or parapet wall, whichever is higher, for a flat or butterfly roof style. *See* **Figure 3.201.A., Height Measurement by Roof Style.**
3. The deck line for the mansard roof style. *See* **Figure 3.201.A., Height Measurement by Roof Style.**
4. The mean height between the eaves and ridge or peak of the higher roof plane for the double shed roof style. *See* **Figure 3.201.A., Height Measurement by Roof Style.**
5. The mean height between the lower eave and ridge or peak for the western roof style. *See* **Figure 3.201.A., Height Measurement by Roof Style.** If the structure that supports the roof peak satisfies the criteria for an exception pursuant to subsection C., General Exceptions, then the height of a western roof style shall be measured as a gabled roof style, using the ridge line that would be created by the intersecting the shed roof planes.

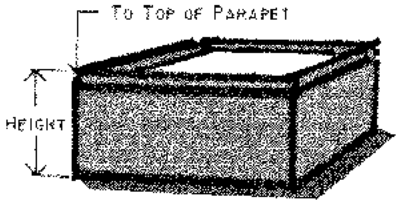
Figure 3.201.A.:
Height Measurement by Roof Style



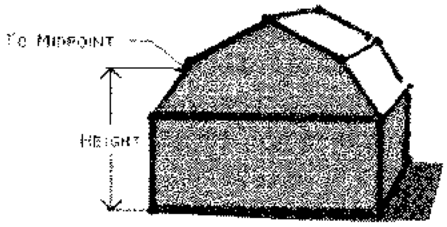


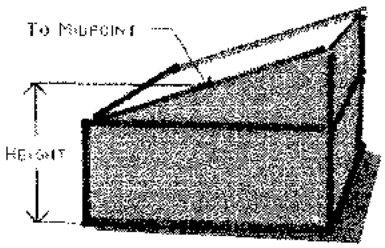

**Flat**



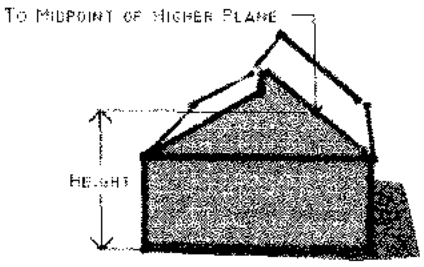

**Gambrel**




**Shed**

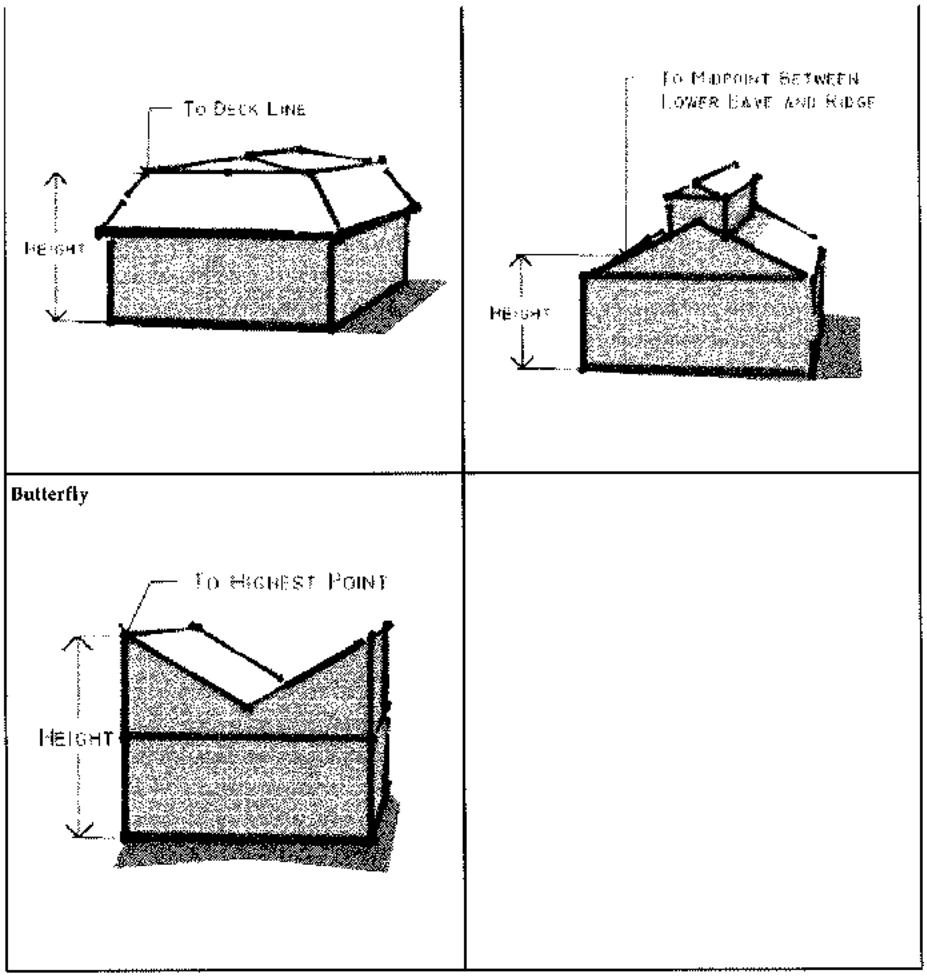



**Double Shed**




**Mansard**

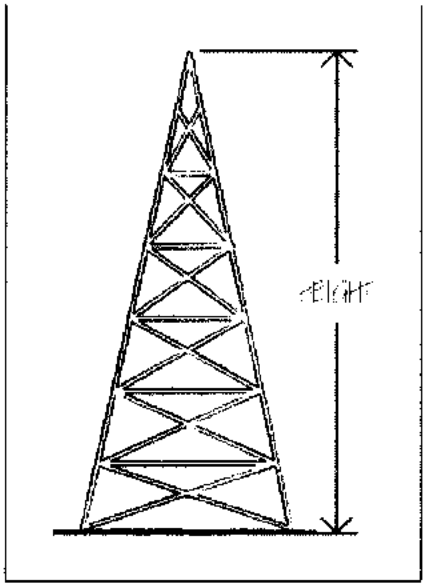
**Western**




B. **Other Structures.** Structure height is calculated by measuring the vertical distance from the average finished ground level around the base of the structure to the highest point on the structure. *See* **Figure 3.201.B., Height Measurement for Structures.** This measurement applies to:

1. Structures without roofs; and
2. Amateur radio antennae, whether mounted on a roof, the ground, or another structure.

Figure 3.201.B.:
Height Measurement for Structures




C. **General Exceptions.**

1. The exceptions listed in C.2., below shall not be counted in the calculation of building height, provided that:
    a. They project not more than:
        i. 15 feet above the highest point on the building for buildings that are two stories in height or higher; or
        ii. Seven feet above the highest point on the building for buildings that are less than two stories in height.
    b. They occupy not more than ten percent of the total roof area of the building; and
    c. They are not used for human habitation, commercial, or industrial purposes, except as incidental to the operation of the building.
2. Exceptions.
    a. Roof structures for the housing of elevators, stairways, tanks, or similar equipment required to operate and maintain the building;
    b. Architectural towers, steeples, flagpoles, ventilating fans, chimneys, smokestacks;
    c. Skylights, photovoltaic (solar-electric) panels, and solar water heaters; and
    d. Satellite dishes and antennae that are regulated by **Section 2.306, Satellite Dishes and Antennae.**

D. **Smokestacks.** Smokestacks shall be permitted to a height of 90 feet in the INH district. In other districts, they are subject to subsection C., above.

## Sec. 3.202 Base Site Area

A. **Generally.** Base Site Area is used to calculate gross density, and is used in the resource protection analysis calculations set out in **Article 4, Site Capacity and Environmental Standards.**

B. **Calculation.** Base Site Area equals the total area of the parcel proposed for development (gross site area), minus the sum of the areas of the following:

1. Land within existing roads' ultimate right-of-way or land within existing major utilities' rights-of-way (rights of way with a minimum of 50 feet in width);
2. Land cut off from use by railroads, highways, or water bodies;

3. Water bodies and delineated wetlands; and
4. Land that has previously been delineated as protected open space (*e.g.*, subject to a conservation easement, plat restriction, or condition of development approval.).

## Sec. 3.203 Lot Area

A. **Generally.** Lot area is the area within the lot lines, except when the lot abuts an alley, in which case, subsection B below also applies.

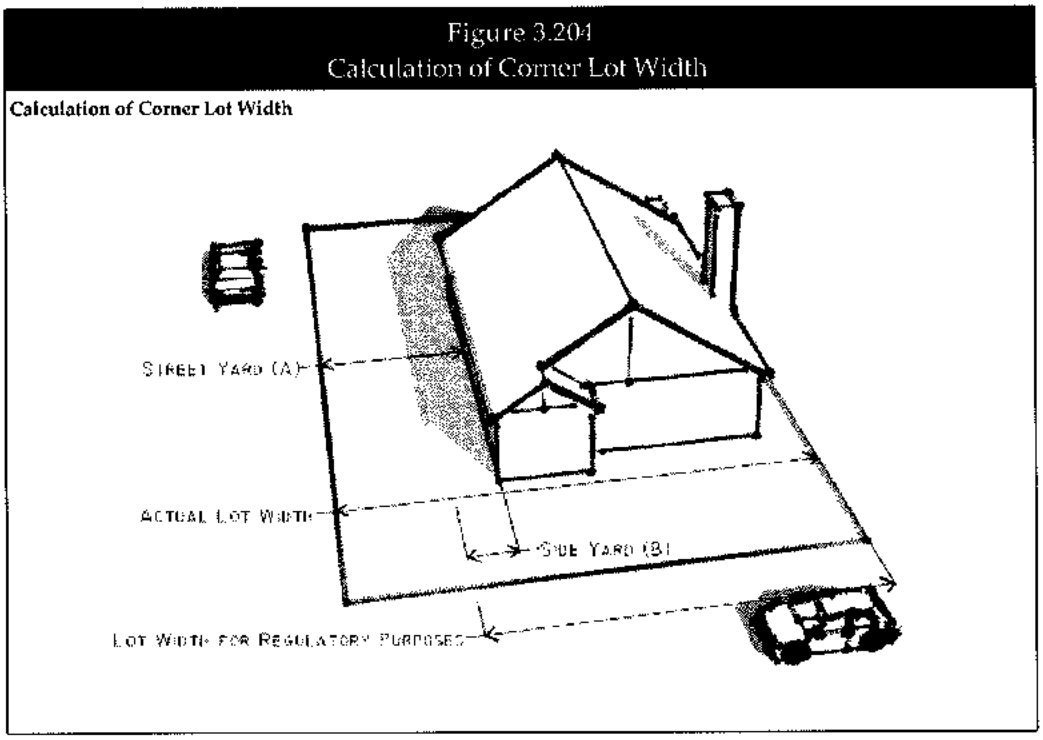
B. **Lots Abutting Alleys.** In calculating the area of a lot that abuts an alley, one-half of the width of such alley abutting the lot shall be counted as part of such lot, provided that:
   1. In any ER or SR district, the actual rear setback is not less than 15 feet; and
   2. In any other district, the actual rear setback is not less than 10 feet.

## Sec. 3.204 Lot Width

A. **Generally.** Lot width is the distance from one side lot line to the opposite side lot line at the front setback line.

B. **Corner Lots.** Lot width is the distance from the interior side lot line to the side street lot line, minus the difference between the street yard setback and the side yard setback. See **Figure 3.204, Calculation of Corner Lot Width.**

Figure 3.204
Calculation of Corner Lot Width




## Sec. 3.205 Density

A. **Generally.** Density is measured in two ways: gross density and net density.

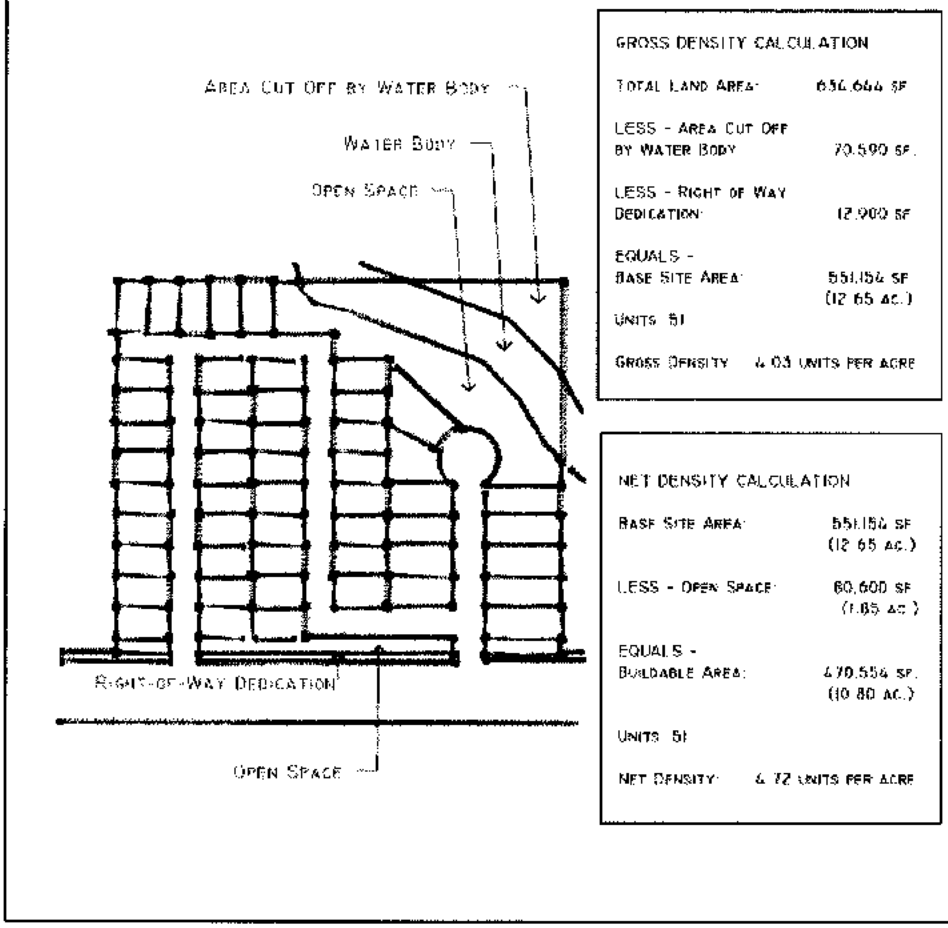
B. **Gross Density.** Gross density is calculated by dividing the number of proposed dwelling units by the base site area (calculated as set out in **Section 3.202, Base Site Area**). An example calculation is provided in **Figure 3.205, Density Calculation.**

C. **Net Density.** Net density is calculated by dividing the number of dwelling units by the net buildable area of the parcel proposed for development. An example calculation is provided in **Figure 3.205, Density Calculation.**



Exhibit "E"
Page E-000063

Figure 3.205:
Density Calculation




## Sec. 3.206 Intensity

A. **Generally.** The unit of measurement for intensity is called Floor Area Ratio (FAR).

B. **Calculation.**

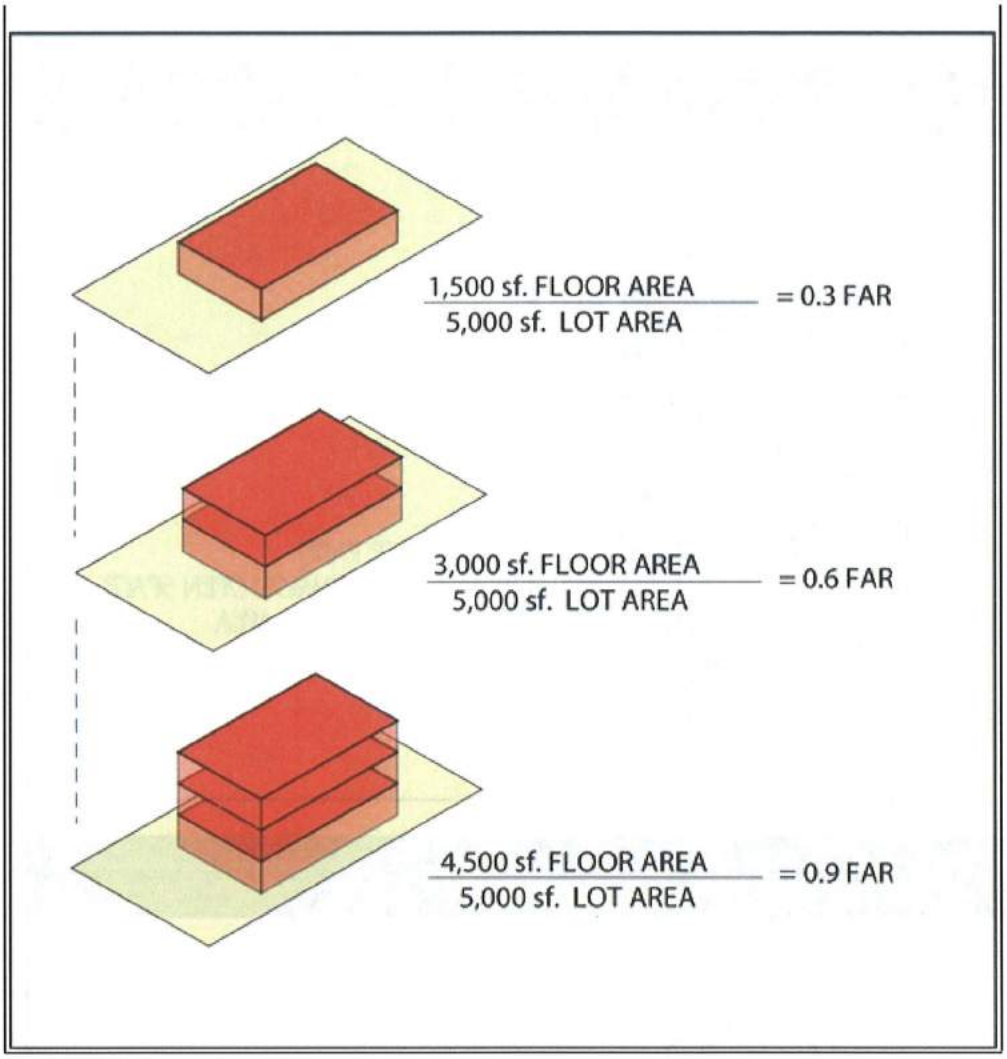
1. For individual lots, FAR is calculated by dividing the total floor area on the lot by the lot area. *See* **Figure 3.206, Measurement of Floor Area Ratio.**

2. For parcels proposed for development, gross FAR is calculated by dividing the total floor area on the parcel proposed for development by the base site area.

3. For parcels proposed for development, net FAR is calculated by dividing the total floor area on the parcel proposed for development by the difference between the base site area and the required area of landscaped open space.

C. **Structured Parking Exception.** The floor area of structured parking is not included in the calculation of FAR.

Figure 3.206
Measurement of Floor Area Ratio




## Sec. 3.207 Open Space Ratio and Landscape Surface Ratio

A. **Generally.**

1. Open Space Ratio (OSR) and Landscape Surface Ratio (LSR) are related concepts that measure the amount of "green" open space on a parcel proposed for development. Open Space Ratio applies to commonly-owned open spaces in residential development. Landscape Surface Ratio applies to landscaped spaces in commercial development.

2. Bufferyard requirements, parking lot landscaping, natural resource protection standards, and other requirements of this UDO that require common areas to be landscaped or remain undeveloped shall count as open space, and may, in the aggregate, require more open space than the OSR or LSR would require.

B. **Calculation.**

1. OSR is calculated by dividing the total amount of commonly-owned open space on the parcel proposed for development by the area of the parcel proposed for development. Open areas on individual lots are not counted toward the calculation of OSR. *See* **Figure 3.207.A., Measurement of Open Space Ratio.**

2. LSR is calculated by dividing the total amount of landscaped and open space area on a parcel proposed for development by the area of the parcel proposed for development. *See* **Figure 3.207.B., Measurement of Landscape Surface Ratio.** Twenty-five percent of the area of a green roof counts as landscaped area in the



Exhibit "E"
Page E-000065

calculation of LSR.

Figure 3.207.A
Measurement of Open Space Ratio

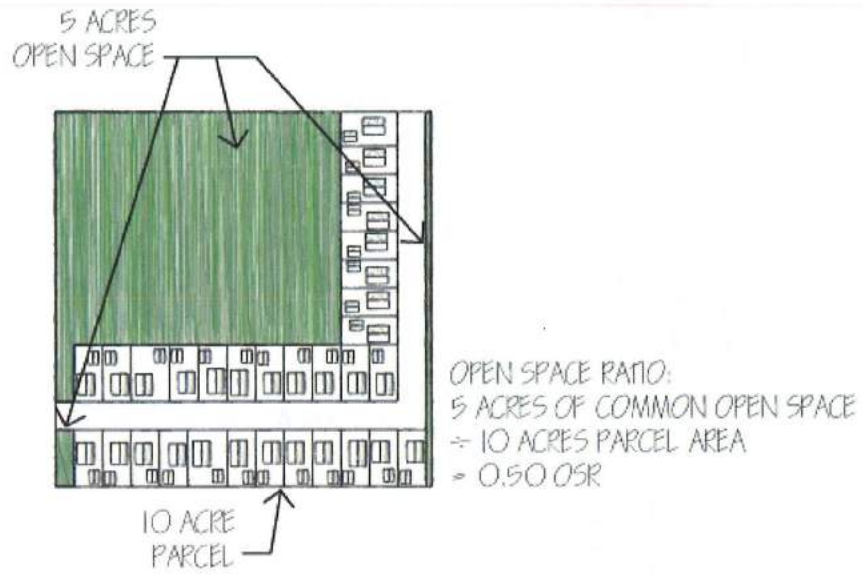
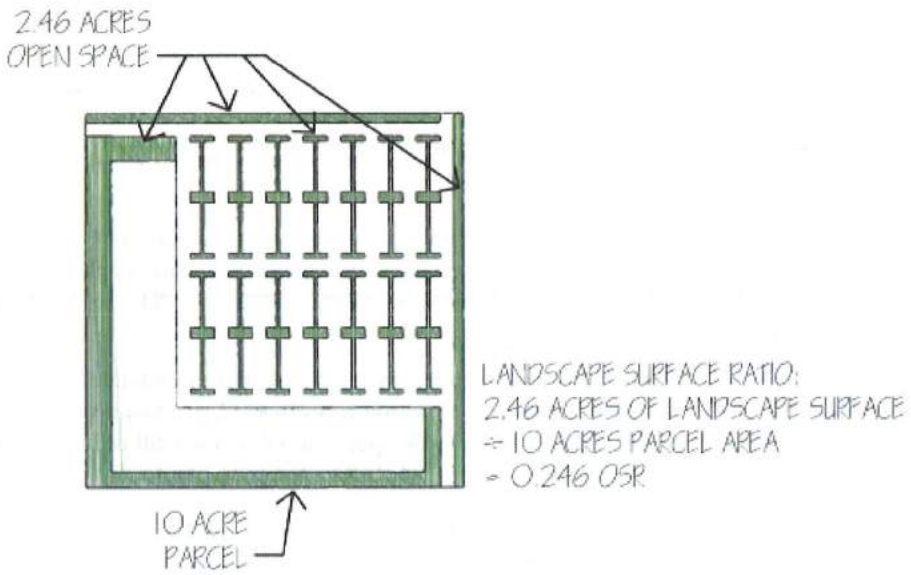



Figure 3.207.B
Measurement of Landscape Surface Ratio

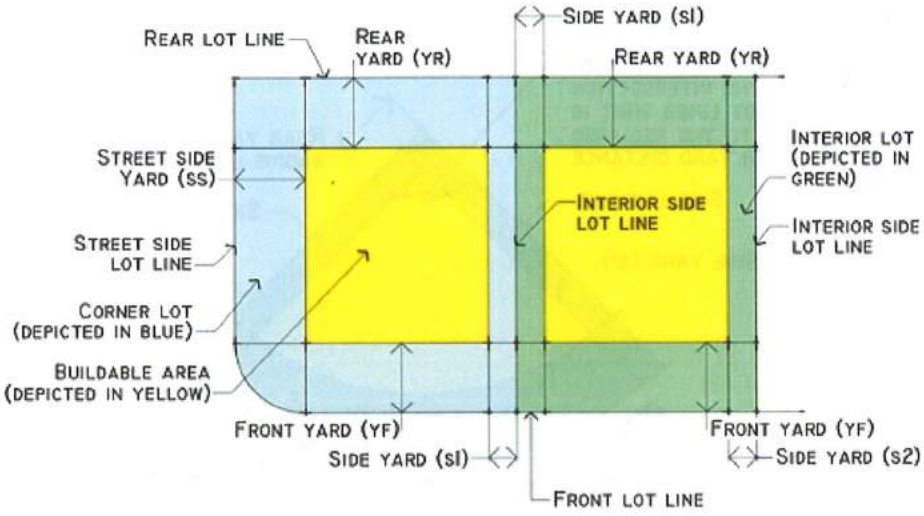



## Sec. 3.208 Yards and Setbacks

A. **Standard Lots.** Setbacks are measured from lot lines toward the center of the lot as follows:

1. Front yard setbacks (abbreviated "YF") are measured from the front lot line. The front lot line is the lot line that abuts and is shared with the edge of the right of way of the street from which the lot takes its address. For corner lots with standard curb radii, the front yard 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 Figure 3.208 A).
2. Rear yard setbacks (abbreviated "YR") 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 yard setbacks (abbreviated "S1 and S2") are measured from the side lot lines. Side lot lines are lot lines that intersect with front and rear lot lines.
4. Street side yard setbacks (abbreviated "SS") are measured from street side lot lines.

Figure 3.208 A
Measurement of Open Space Ratio



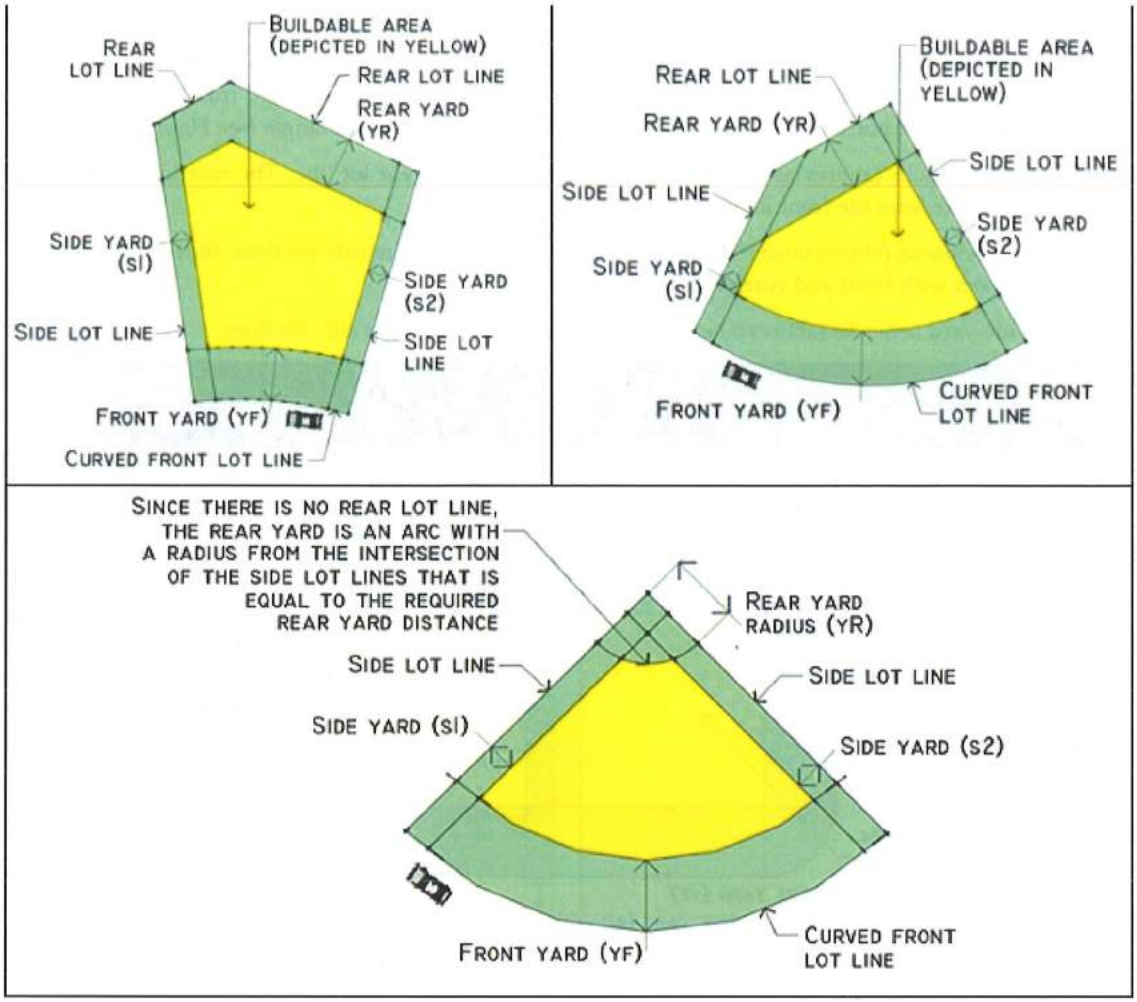

B. **Odd-Shaped Lots.** Yard setbacks are measured from lot lines toward the center of a lot, as follows, and as depicted in Figure 3.208 B, *Setbacks on Odd-Shaped Lots:*

1. Generally, yard 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 yard setback is measured as offsets from the multiple rear lot lines.
4. Where there is no rear lot line, the rear yard setback shall be measured as a radial distance from the intersection of the side lot lines at the rear of the lot.

Figure 3.208 B
Measurement of Open Space Ratio



Exhibit "E"
Page E-000067




## Division 3.300 Standards Applicable to Parcels Proposed for Development

### Sec. 3.301 Standards Applicable to Parcels Proposed for Development

A. **Generally.**

1. The standards that are applicable to parcels proposed for development that will be put to various residential use are provided in **Table 3.301.A, Residential Standards.** The table includes provisions for density, intensity, utility requirements, and minimum area for the parcel proposed for development.

2. The standards that are applicable to parcels proposed for development that will be put to various nonresidential or mixed uses are provided in **Table 3.301.B., Nonresidential Standards.** The table includes provisions for intensity, utility requirements, minimum area for the parcel proposed for development, and maximum height.

B. **Use District and Development Types.** The first column of both tables reflects the zoning districts (shaded in grey) and uses.

C. **Minimum Open Space Ratio (OSR) / Landscaped Surface Ratio (LSR).** The second column reflects the minimum open space ratio (**Table 3.301.A., Residential Standards**) or minimum landscaped surface ratio (**Table 3.201.B., Nonresidential Standards**) required on a parcel proposed for development. The ratio is the proportion of the area of the parcel proposed for development that must be set aside as open or landscaped area. For example, 0.25 indicates that 25 percent of the parcel proposed for development must be open space (residential) or landscaped

area (nonresidential).

D. **Maximum Density.** The third and fourth columns of **Table 3.301.A., Residential Standards** sets out the maximum allowable dwelling units per acre in terms of gross density and net density. The maximum number of dwelling units permitted on a site is calculated as provided in **Section 3.205, Calculation of Density and Intensity; Division 4.200, Resource Protection Standards;** and **Division 4.300**, Site Capacity Calculations. Of the various calculations of density, the most restrictive outcome controls. A site capacity calculator is provided in Appendix A.

E. **Maximum Floor Area Ratio.** The third and fourth columns of **Table 3.201.B., Nonresidential Use District Standards** sets out the maximum allowable intensity of nonresidential uses, which is measured by gross floor area ratio (gross FAR) and net floor area ratio (net FAR). Floor area ratio is calculated as provided in **Section 3.205, Calculation of Density and Intensity.**

F. **Required Utilities.** The fifth column of both tables indicates if public water and sewer utilities are required. Requirement for public utilities, either from the City or from an approved public utility provider, is indicated by "public," whereas "os" indicates that on-site potable water and individual septic systems are permitted.

G. **Minimum Site Area.** The last column of **Table 3.201.A., Residential Use District Standards** and the sixth column of **Table 3.201.B., Nonresidential Use District Standards** indicates the minimum area that is required for the listed development type.

H. **Maximum Height.** The last column of **Table 3.201.B., Nonresidential Use District Standards** indicates the maximum allowable height by use and district. Height is not included as a column in **Table 3.201.A., Residential Use District Standards** because the heights of residential units are controlled by housing type. See **Division 3.500, Standard Development;** and **Division 3.600, Planned and Cluster Development.**

I. **Maximum Number of Buildings per Zoning Lot.** The maximum number of principal structures per zoning lot for single family detached development shall be one.

**Table 3.301.A.: Residential Standards**

| District and Development Type | Min. OSR[1] | Gross Density | Net Density | Required Utilities | Min. Area of Parcel Proposed for Development |
|---|---|---|---|---|---|
| **Estate Residential (ER)** | | | | | |
| Single-Family | 0.10[2] | 0.703 | 0.851 | Public | 1 ac. |
| Cluster (conservation) | 0.60 | 0.529 | 1.458 | Public | 40 ac. |
| Cluster (preservation) | 0.80 | 0.349 | 1.965 | Public | 40 ac. |
| Planned / TND(average lot = 9,000 sf.) | 0.90 | 0.267 | 3.256 | Public | 100 ac. |
| **Suburban Residential (SR)** | | | | | |
| Single-Family | 0.10[2] | 1.976 | 2.638 | Public | 12,000 sf. |
| Cluster (average lot = 8,000 sf.) | 0.35 | 2.057 | 3.855 | Public | 10 ac. |
| Planned / TND (average lot = 5,000 sf.) | 0.50 | 2.349 | 5.867 | Public | 10 ac. |
| **General Residential (GR)** | | | | | |
| Single-Family (detached or attached) | 0.10[2] | 3.797 | 5.140 | Public | 6,000 sf. |
| Cluster (average lot = 5,000 sf.) | 0.35 | 3.291 | 6.168 | Public | 3 ac. |
| Planned / TND(average lot = 4,000 sf.) | 0.45 | 2.923 | 6.849 | Public | 5 ac. |
| Manufactured Home Park | 0.30 | 4.005 | 6.927 | Public | 20 ac. |



Exhibit "E"
Page E-000069

| | | | | | |
|---|---|---|---|---|---|
| **Urban Residential (UR)** | | | | | |
| Single-Family | 0.00 | 5.479 | 5.479 | Public | 5,000 sf. |
| Single-Family Attached | 0.15 | 9.648 | 11.351 | Public | 25,000 sf. |
| TND (average lot = 4,000 sf.) | 0.15 | 5.822 | 6.849 | Public | 50,000 sf. |
| Multi-Family | 0.40 | 9.932 | 14.189 | Public | 2.5 ac. |
| **Neighborhood Conservation (NC)** | | | | | |
| All Permitted Residential | 0.00 | Regulated by lot size | Regulated by lot size | Public | Lot size |
| **Rural (RU)** | | | | | |
| Farmstead | 0.00 | 0.024 | 0.024 | OS | 40 ac. |
| Single-Family (ranchette) | 0.00 | 0.047 | 0.047 | OS | 20 ac. |
| Cluster (preservation) | 0.85 | 0.027 | 0.183 | OS | 100 ac. |
| **Residential Transition (RT)** | | | | | |
| Single-Family | 0.0 | 5.479 | 5.479 | Public | 5,000 sf. |
| Single-Family Attached | 0.15 | 9.648 | 11.351 | Public | 25,000 sf. |
| Multi-Family | 0.40 | 9.932 | 14.189 | Public | 2.5 ac. |
| **Central Place (CP)** | | | | | |
| Single-Family | 0.10 | 4.783 | 6.849 | Public | 4,000 sf. |
| Attached Single-Family | 0.10 | 8.233 | 11.351 | Public | 30,000 sf. |
| TND (average lot = 3,000 sf.) | 0.10 | 6.378 | 9.132 | Public | 2.5 ac. |
| Multi-Family | 0.10 | 17.868 | 20.427 | Public | 12,000 sf. |

[1] OSR for single family and manufactured housing development does not apply to the development of one home on an individual lot of record.

[2] OSR required only for development that contains five or more lots.

**Table 3.301.B.:**
**Nonresidential and Mixed Use Standards**

| District and Development Type | LSR | Gross FAR | Net FAR | Required Utilities | Minimum Area of Parcel Proposed for Development |
|---|---|---|---|---|---|
| **Estate Residential (ER)** | | | | | |
| Bed and Breakfast | 0.60 | 0.299 | 0.746 | Public | 1 ac. |
| Institutional Residential | 0.60 | 0.299 | 0.746 | Public | 5 ac. |
| All Other Uses | 0.70 | 0.224 | 0.746 | Public | 10 ac. |
| **Suburban Residential (SR)** | | | | | |
| Bed and Breakfast | 0.50 | 0.373 | 0.746 | Public | 18,000 sf. |
| Institutional Residential | 0.50 | 0.373 | 0.746 | Public | 2 ac. |
| All Other Uses | 0.60 | 0.299[1] | 0.746 | Public | 5 ac. |
| **General Residential (GR)** | | | | | |
| Institutional Residential | 0.20 | 0.597 | 0.746 | Public | 2 ac. |
| All Other Uses | 0.60 | 0.152[1] | 0.379 | Public | 2 ac. |
| **Urban Residential (UR)** | | | | | |
| All uses | 0.40 | 0.227[1] | 0.379 | Public | 30,000 sf. |
| **Neighborhood Conservation (NC)** | | | | | |



Exhibit "E"
Page E-000070

| | | | | | |
|---|---|---|---|---|---|
| All uses | 0.40 | 0.448 | 0.746 | Public | Four Times the Minimum Lot Area for the District |
| **Rural (RU)** | | | | | |
| Agriculture | 0.95 | na. | na. | OS | 10 ac. |
| All other uses | 0.90 | 0.038 | 0.379 | OS | 10 ac. |
| **Commercial, Neighborhood (CN)** | | | | | |
| Commercial Retail | 0.60 | 0.132[2] | 0.329 | Public | 10,000 sf. |
| Office / Service | 0.50 | 0.253[2] | 0.507 | Public | 10,000 sf. |
| All other uses | 0.40 | 0.280[2] | 0.467 | Public | 20,000 sf. |
| **Commercial, General (CG)** | | | | | |
| Commercial Retail | 0.15 | 0.280 | 0.329 | Public | 10,000 sf. |
| Office / Lodging | 0.35 | 0.353 | 0.543 | Public | 10,000 sf. |
| Services | 0.15 | 0.358 | 0.421 | Public | 10,000 sf. |
| All Other Uses | 0.15 | 0.431 | 0.507 | Public | 20,000 sf. |
| **Central Business District (CBD)** | | | | | |
| Mixed Use Buildings | 0.00 | 3.900 (75 ft. height) / 2.750 (50 ft. height) | 3.900 (75 ft. height) / 2.750 (50 ft. height) | Public | 5,000 sf. |
| Single Use Buildings | 0.00 | 1.000 | 1.000 | Public | 2,500 sf. |
| **Central Place (CP)** | | | | | |
| Mixed Use (at least 50% residential floor area) | 0.15 | 1.175 | 1.382 | Public | 12,000 sf. |
| All Other Uses | 0.10 | 0.456 | 0.507 | Public | 10,000 sf. |
| **Residential Transition (RT)** | | | | | |
| Service and Office | 0.60 | 0.203 | 0.507 | Public | 5,000 sf. |
| All Other Uses | 0.60 | 0.187 | 0.467 | Public | 5,000 sf. |
| **Campus (CA)** | | | | | |
| All Uses | 0.60 / 0.10[3] | 0.601 | 0.667 | Public | 20 ac. |
| **Business Park (BP)** | | | | | |
| Offices and Lodging | 0.30 | 0.531 | 0.597 | Public | 1 ac. |
| All Other Uses | 0.20 | 0.450 | 0.519 | Public | 1 ac. |
| **Light Industrial (INL)** | | | | | |
| Industrial | 0.30 | 0.478 | 0.683 | Public | 12,000 sf. |
| Warehouse | 0.30 | 0.903 | 1.290 | Public | 12,000 sf. |
| All Other Uses | 0.30 | 0.402 | 0.575 | Public | 12,000 sf. |
| **Heavy Industrial (INH)** | | | | | |
| All other uses | 0.30 | 0.431 | 0.615 | Public | 20,000 sf. |

[1] Maximum floor areas are established for institutional and indoor recreational uses, based on functional classifications of access roads. See **Division 3.800, Nonresidential Scale Regulations.**

[2] Maximum floor areas are established for this district. See **Division 3.800, Nonresidential Scale Regulations.**

[3] 0.60 is the LSR for the campus as a whole. 0.10 is the LSR requirement for each individual lot on a subdivided campus.

## Division 3.400 Neighborhood Conservation



Exhibit "E"
Page E-000071

## Sec. 3.401 Applicability

The development standards of this Division are intended to allow flexibility to property owners in the Neighborhood Conservation (NC) district to improve and expand their homes in a manner that is consistent with the character of the neighborhood.

## Sec. 3.402 Lot Size

A. **Minimum Lot Size.**

1. All lots in the Neighborhood Conservation (NC) district that were platted as of the effective date of this UDO are conforming as to minimum lot size.
2. Lots in the Neighborhood Conservation (NC) district shall not be further divided, unless all resulting lots are at least as large as the median area of all lots on both sides of the street segment upon which the lot to be divided has frontage.

B. **Maximum Lot Size.**

1. All lots in the Neighborhood Conservation (NC) district that were platted as of the effective date of this UDO are conforming as to maximum lot size.
2. Lots shall not be combined for the purposes of increasing the permissible floor area of a single building unless the combined lot is not larger than the largest lot in the Neighborhood Conservation (NC) district within 300 feet of the lot lines of the combined lot.

C. **Neighborhood Conservation Sub-Districts.** The Neighborhood Conservation (NC) district is intended to preserve the character of existing, built neighborhoods. To that end, there are five Neighborhood Conservation sub-districts:

1. NC 60 is intended to be applied to areas with an existing average lot width of 60 feet and lot size of approximately 7,000 square feet.
2. NC 70 is intended to be applied to areas with an existing average lot width of 70 feet and average lot sizes of 8,700 to 10,500 square feet.
3. NC 80 is intended to be applied to areas with an existing average lot width of 80 feet and lot sizes of approximately 10,500 to 11,500 square feet.
4. NC 90 is intended to be applied to areas with an existing average lot width of 90 feet or more and average lot sizes of 16,000 square feet or more.
5. NC-MH is intended to be applied to areas developed with manufactured homes.

## Sec. 3.403 Setbacks and Yard Requirements

A. **Generally.**

1. All development that existed in the Neighborhood Conservation (NC) district as of the effective date of this UDO is conforming with regard to setbacks of existing buildings and structures unless it was unlawfully constructed. The established setback lines for a lot in the NC District shall be the lesser of the existing lawful condition or the numerical standard set out for the NC District in **Division 3.500, Standard Development.** However, when a principal building is demolished and its lot is redeveloped, only the standards of **Division 3.500, Standard Development,** shall apply.
2. Further encroachment into required yards is permitted pursuant to the standards of subsections B., C., and D.

B. **Front Yard.** The Planning Director shall allow portions of a building to encroach into the required front yard or street side yard if it is demonstrated that:

1. For all applications:
   a. The encroachment does not interfere with planned expansion of right-of-way, and if right-of-way expansion is planned, the encroachment is evaluated as if the right-of-way has been expanded;

b. The encroachment does not result in interference with a utility easement;

c. Drainage onto abutting properties or rights-of-way is no greater than it was before the construction of the encroaching improvement;

d. The encroachment does not result in a nonconformity with respect to the building code on either the parcel proposed for development or the abutting property; and

e. The encroachment does not reduce the area provided for parking to fewer spaces than are required by **Section 9.201, Parking and Loading Requirements Table.**

2. For enclosed portions of a building:

a. No part of a garage encroaches upon the required front yard or street side yard;

b. One tree is planted between the encroaching part of the building and the public right-of-way for each 25 linear feet of the front face of the building that encroaches upon the front yard;

c. Neither the building nor the encroachment creates an obvious visual interruption of the pattern of massing of development of the street; and

d. Building coverage does not exceed the limit set out in **Section 3.404, Building Coverage.**

e. The majority of of the lots of record in a block front have been built upon at the time of adoption of this Ordinance. In this case, the average front yard shall be established as the minimum required front yard for all the propeties on 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 with 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.

3. For open front porches:

a. The porch projects not more than six feet into the required front yard;

b. Neither the building nor the open front porch creates an obvious visual interruption of the pattern of massing of development of the street; and

c. The roof structure over the porch blends into the architecture of the building in terms of materials, slope, color, and character.

C. **Side Yards.** The Planning Director shall allow portions of a building to encroach upon the required side yard if it is demonstrated that:

1. For all applications:

a. The encroachment does not result in interference with a utility easement;

b. Appropriate access is present for fire protection and emergency responders;

c. Drainage onto abutting properties or rights-of-way is no greater than it was before the construction of the encroaching improvement;

d. The encroachment does not result in a nonconformity with respect to the building code on either the parcel proposed for development or the abutting property; and

e. The improvement does not substantially block the solar access of abutting property.

2. For enclosed portions of a building:

a. The building materials, roof slope, color, and proportions of the encroaching improvement make it appear to be an integrated part of the building, as if the building were originally constructed with



Exhibit "E"
Page E-000073

the improvement;

b. The encroachment either:

i. Encroaches less than one foot closer to the lot line than the principal building; or

ii. Is screened from view from the public street by an evergreen tree, is set back at least three feet from the side lot line, and, measured parallel to the side lot line, has a horizontal dimension of not more than 50 feet; and

c. No proposed window is located directly across from another window on a residential building that is closer than 20 feet away, unless:

i. The window is on the first floor; and

ii. An opaque fence is installed between the two buildings to a height of six feet.

3. For other structures:

a. The encroachment either:

i. Encroaches less than one foot closer to the lot line than the principal building; or

ii. Is screened from view from the public street by an evergreen tree, is set back at least three feet from the side lot line, and, measured parallel to the side lot line, has a horizontal dimension of not more than 50 feet; and

b. If the encroachment is a structure for active use, such as a deck, balcony, or patio, it does not materially interfere with the privacy and quiet enjoyment of abutting property by materially enhancing views of the abutting property.

D. **Rear Yard.** The Planning Director shall allow portions of a building to encroach up to ten feet upon the required rear yard if it is demonstrated that:

1. For all applications:

a. The encroachment does not result in interference with a utility easement; and

b. The encroachment does not interfere with visibility along an alley right-of-way in a manner that would compromise safe travel along the alley.

c. Appropriate access is present for fire protection and emergency responders;

d. The improvement does not substantially block the solar access of abutting property; and

e. Drainage onto abutting properties or rights-of-way is no greater than it was before the construction of the encroaching improvement.

2. For enclosed portions of a building:

a. The building materials, roof slope, color, and proportions of the encroaching improvement make it appear to be an integrated part of the building, as if the building were originally constructed with the improvement;

b. No proposed window is located directly across from another window on a residential building that is closer than 20 feet away, unless:

i. The window is on the first floor; and

ii. An opaque fence is installed between the two buildings to a height of six feet.

## Sec. 3.404 Building Coverage

A. **Generally.** All development that existed in the NC district as of the effective date of this UDC is conforming with regard to building coverage unless the building or portion thereof that affects its building coverage was unlawfully constructed. The maximum building coverage for lots in the NC District shall be the greater of the existing lawful condition or the numerical standard set out for the NC District in **Division 3.500, Standard Development.** However, when a principal building is demolished and its lot is redeveloped, only the standards of



Exhibit "E"
Page E-000074

**Division 3.500, Standard Development,** shall apply. Additional building coverage is permitted pursuant to the standards of subsections B.

B. **Additional Building Coverage.** The Planning Director may approve up to five percentage points of additional building coverage if it is demonstrated that:

1. Drainage onto abutting properties or rights-of-way is no greater than it was before the construction of the additional building area;
2. The volume of the resulting building is not greater than the volume of a two-story building that could be developed at the maximum building coverage; and
3. The building materials, roof slope, color, and proportions of the improvement that increases building coverage make it appear to be an integrated part of the building, as if the building were originally constructed with the improvement.

## Sec. 3.405 Manufactured Home Parks and Subdivisions

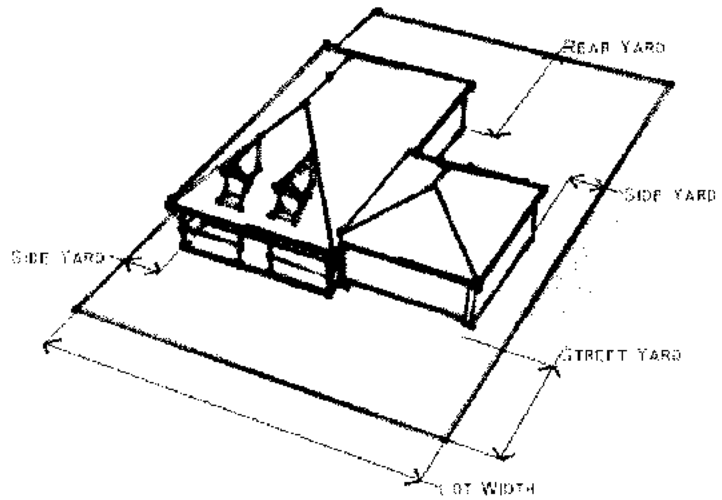
The NC-MH subdistrict is intended to preserve existing manufactured home parks and subdivisions. However, manufactured home parks and subdivisions within the NC-MH subdistrict shall not expand beyond their approved or platted boundaries. Individual lots may be modified as permitted by **IC 25-23.7-8-5, Installation Location.**

# Division 3.500 Standard Development

## Sec. 3.501 Single-Family Detached

A. **Generally.** The single-family detached housing type consists of a single-family detached residence located on a privately-owned lot (one principal building per lot) with private yards on each side of the unit. See **Figure 3.501, Single-Family Detached Unit.**

Single Family Detached




B. **Standards.** The lot and building standards for single-family detached units are set out in **Table 3.501, Single-Family Lot and Building Standards.**

Table 3.501:
Single-Family Lot and Building Standards



Exhibit "E"
Page E-000075

| Zoning District | Minimum | | | | | Maximum | | |
|---|---|---|---|---|---|---|---|---|
| | Minimum Lot Area | Lot Width (feet) | Street Yard[1] (feet) | Side Yard single/ total (feet) [2] | Rear Yard (feet) | Height (feet) | Building Coverage | Lot Coverage |
| Estate Residential (ER) | 1 acre | 150 | 50 | 15 / 40 | 50 | 35 | 0.15 | 0.25 |
| Suburban Residential (SR) | 12,000 sf. | 90 | 25 | 8 / 20 | 30 | 28 | 0.30 | 0.40 |
| General Residential (GR) | 6,000 sf. | 60 | 20 | 6 / 12 | 25 | 28 | 0.44 | 0.50 |
| Urban Residential (UR) | 5,000 sf. | 50 | 10 | 5 / 10 | 25 | 35 | 0.49 | 0.59 |
| Neighborhood Conservation (NC 60) | 7,000 sf. | 60 | 20 | 6 / 12 | 20 | 35 | 0.45 | 0.50 |
| Neighborhood Conservation (NC 70) | 8,700 sf. | 70 | 20 | 5 / 10 | 30 | 35 | 0.45 | 0.50 |
| Neighborhood Conservation (NC 80) | 10,000 sf. | 80 | 25 | 5 / 18[4] | 30 | 35 | 0.40 | 0,50 |
| Neighborhood Conservation (NC 90) | 16,000 sf. | 90 | 45 | 6 / 12 | 25 | 35 | 0.40 | 0.50 |
| Rural (RU) | 20 acres | 500 | 100 | 25 / 70 | 75 | 28 | 0.02 | 0.12 |
| Central Place (CP) | 4,000 sf. | 40 | 8 | 5 / 10 | 30 | 35 | 0.49 | 0.59 |
| Residential Transition (RT) | 5,000 sf. | 50 | 10 | 5 / 10 | 25 | 35 | 0.49 | 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.

[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.

**NOTE:** Drainage plans may be required if the area of a lot that is pervious is less than the areas set out in Section 7.202, *Plan Requirements by Type of Development*

C. **Accessory Units.** Accessory units may be built in single-family subdivisions. The accessory apartment is exempted from the calculation as a dwelling unit when determining the maximum density in **Table 3.201.A., Residential Use District Standards.** Accessory units may be constructed as follows:

1. At the time of preliminary subdivision, the applicant shall identify the subdivision as being one that will use accessory units. This provides an opportunity to review the entire plan on the basis of having two units per lot. A note shall be on the plat and all lot plans indicating that the subdivision permits accessory apartments.

2. The plan shall provide a means of protecting adjoining residential uses or residentially zoned land from any impacts of the additional density and design of the unit. Increased bufferyard opacity, landscaping, setbacks from the adjoining homes, or prohibiting the lots that abut the site boundary from having the accessory units are techniques that may be required (See **Article 10, Landscaping**).

3. No accessory unit shall consist of more than 20 percent of the total residential floor area. No accessory unit



Exhibit "E"
Page E-000076

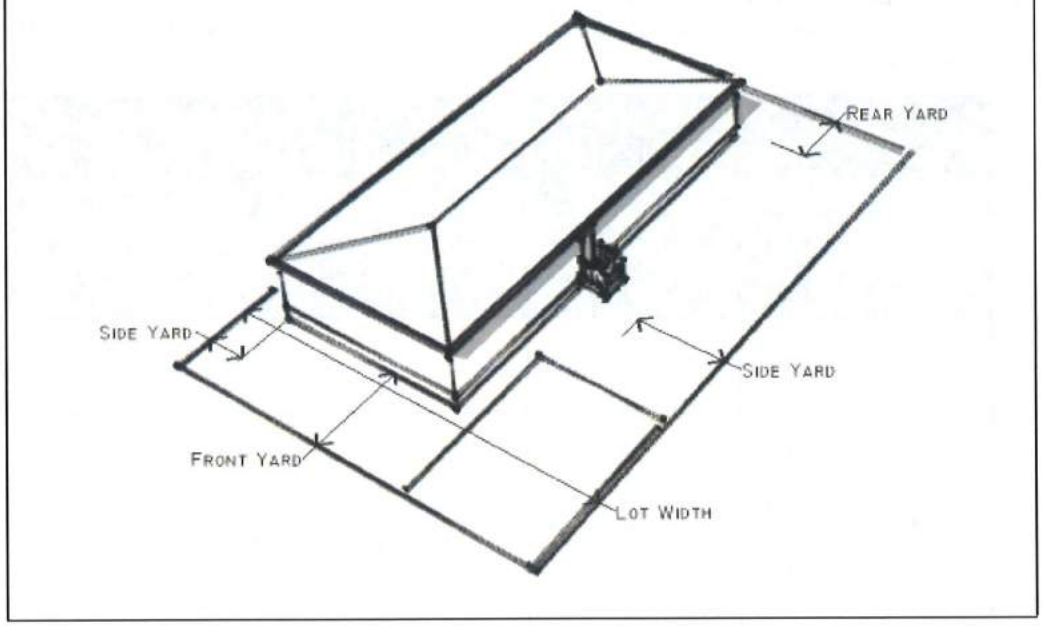
shall have more than one bedroom or bathroom.

4. The applicant shall submit plans showing how the homes will be designed to provide for accessory units. The units may be within the structure, a separate structure, or above a detached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted. In no event shall a single-family or cluster lot smaller than 6,000 square feet contain an accessory apartment.

## Sec. 3.502 Manufactured Homes

A. **Generally.** The manufactured home housing type consists of a manufactured home that is located on a privately-owned or rented lot in a manufactured home subdivision or manufactured home park (one manufactured home building per lot). The width of the lots depends upon whether the unit to be placed on the lot will be single-wide or double-wide construction. Manufactured home units have small private yards on each side. See **Figure 3.502, Manufactured Home Unit.**

**Figure 3.502:**
**Manufactured Home Unit**




B. **Standards.** The lot and building standards for manufactured home units are set out in **Table 3.502, Manufactured Home Lot and Building Standards.**

**Table 3.502:**
**Manufactured Home Lot and Building Standards**

| Zoning District / Lot Type | Minimum | | | | | Maximum | | |
|---|---|---|---|---|---|---|---|---|
| | Lot Area (sf.)[2] | Lot Width (feet) | Street Yard[1] (feet) | Side Yard single / total (feet)[3] | Rear Yard (feet) | Height (feet) | Building Coverage (%) | 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 |



Exhibit "E"
Page E-000077

| 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.

**NOTE:** Drainage plans may be required if the area of a lot that is pervious is less than the areas set out in Section 7.202, *Plan Requirements by Type of Development.*

## Sec. 3.503 Single Family Attached

A. **Generally.** The single-family attached housing type consists of a variety of housing types that are connected with party walls, including townhomes, twin homes, and patio homes. For illustrations, see **Section 3.603, Housing Palette for Planned Residential Development.**

B. **Standards.** The lot and building standards for single-family attached units are set out in **Table 3.503, Single-Family Attached Lot and Building Standards.** In districts where planned development is permitted, additional flexibility for development of single-family attached housing types is provided by **Division 3.600, Planned and Cluster Development.**

**Table 3.503**
**Single-Family Attached Lot and Building Standards**

| Zoning District | Minimum | | | | | Maximum | | |
|---|---|---|---|---|---|---|---|---|
| | Lot Area per Unit (sf.) | Lot Width per Unit (feet) | Street Yard[1] (feet) | Building Separation (feet) | Rear Yard (feet) | Height (feet) | Building Coverage (%) | Lot Coverage (%) |
| 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.

**NOTE:** Drainage plans may be required if the area of a lot that is pervious is less than the areas set out in Section 7.202, *Plan Requirements by Type of Development.*

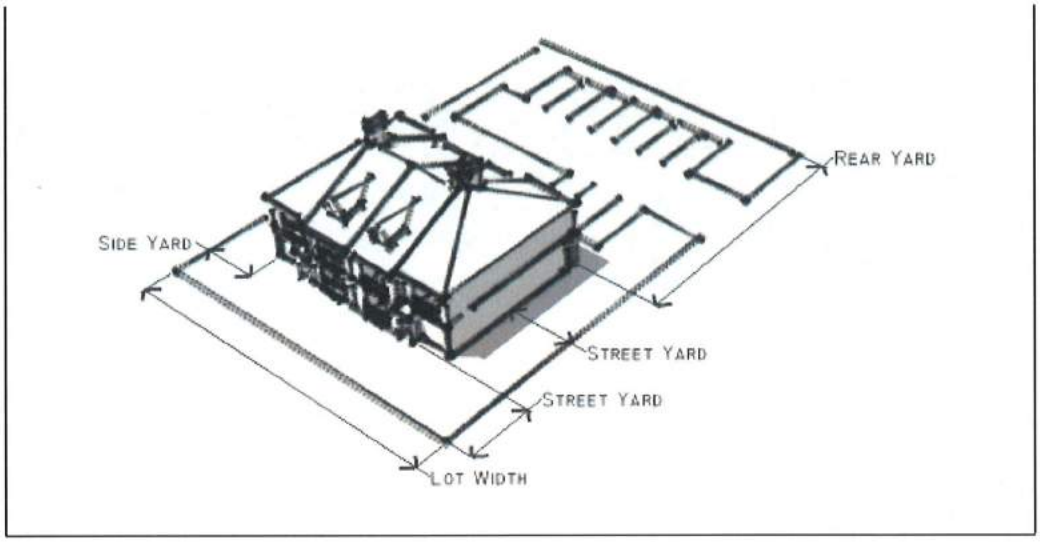
## Sec. 3.504 Multi-Family

A. **Generally.** The multi-family housing type consists of a variety of housing types that provide multiple dwelling units under a single roof structure, including multiplex and apartments.

**Multi-Family Units**



Exhibit "E"
Page E-000078




B. **Standards.** The lot and building standards for multi-family units are set out in **Table 3.504, Multi-Family Lot and Building Standards.** In districts where planned development is permitted, additional flexibility for development of single-family attached housing types is provided by **Division 3.600, Planned and Cluster Development.**

**Table 3.504:Multi-Family Lot and Building Standards**

| Zoning District and Development Type | Minimum | | | | | Maximum | | |
|---|---|---|---|---|---|---|---|---|
| | Lot Area | Lot Width (feet) | Street Yard[1] (feet) | Side Yardsingle / total (feet)[2] | Rear Yard (feet) | Height (feet) | Building Coverage (%) | Lot Coverage (%) |
| Urban Residential (UR) Multifamily | 2.5 ac. | 330 | 10 | 30 / 60 | 30 | 35 | 0.40 | 0.50 |
| Urban Residential (UR) Multiplex | 6,000 sf. | 60 | 10 | 5 / 10 | 30 | 35 | 0.40 | 0.50 |
| Central Place (CP) Multifamily or Multiplex | 22,000 sf. | 110 | 10 (build-to line) | 10 / 20 | 30 | 5 stories | 0.40 | 0.60 |
| Residential Transition (RT) Multiplex | 6,000 sf. | 60 | 10 | 5 / 10 | 30 | 35 | 0.40 | 0.60 |

[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.

## 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 facade 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.



Exhibit "E"
Page E-000079

4. Ornamental fencing of 4 feet or less in height and landscaping is acceptable.

**Table 3.505: Nonresidential Bulk Requirements**

| District and Use | Minimum | | | | | | Maximum |
|---|---|---|---|---|---|---|---|
| | Lot Area | Lot Width (ft.)[1] | Build-to Line (ft.)[2] | Front Yard (ft.)[2] | Side Yard Single / Total(ft.)[2] | Rear Yard (ft.)[2] | Height (ft.) |
| **Estate Residential (ER)** | | | | | | | |
| Bed and Breakfast | 1 ac. | 150 | na. | 50 | 15 / 40 | 50 | 28 |
| Institutional Residential | 5 ac. | 300 | na. | 50 | 25 / 50 | 50 | 28 |
| All Other Uses | 10 ac. | 500 | na. | 50 | 30 / 60 | 300 | 28 |
| **Suburban Residential (SR)** | | | | | | | |
| Bed and Breakfast | 18,000 sf. | 80 | na. | 35 | 6 / 14 | 35 | 28 |
| Institutional Residential | 2 ac. | 300 | na. | 35 | 10 / 20 | 35 | 28 |
| All Other Uses | 5 ac. | 300 | na. | 50 | 25 / 50 | 50 | 28 |
| **General Residential (GR)** | | | | | | | |
| Institutional Residential | 2 ac. | 250 | na. | 50 | 30 / 60 | 50 | 28 |
| All Other Uses | 1 ac. | 125 | na. | 50 | 20 / 40 | 50 | 35 |
| **Urban Residential (UR)** | | | | | | | |
| All uses | 10,000 sf. | 80 | na. | 25 | 10 / 20 | 30 | 35 |
| **Neighborhood Conservation (NC)** | | | | | | | |
| All uses | Four times the minimum lot area for single-family | Two times the yards for single-family | | | | | 35 |
| **Rural (RU)** | | | | | | | |
| Agriculture | 40 ac. | 400 | na. | 50 | 50 / 100 | 50 | 65 |
| All other uses | 10 ac. | 330 | na. | 150 | 80 / 160 | 200 | 35 |
| **Commercial, Neighborhood (CN)** | | | | | | | |
| Commercial Retail | 10,000 sf. | 50 | 10 | na. | 5 / 10 | 10 | 28 |
| Office / Service | 10,000 sf. | 50 | 10 | na. | 5 / 10 | 10 | 35 |
| All other uses | 20,000 sf. | 40 | 10 | na. | 10 / 20 | 25 | 35 |
| **Commercial, General (CG)** | | | | | | | |



Exhibit "E"
Page E-000080

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Commercial Retail | 10,000 sf. | 50 | na. | 15 | 8 / 16 | 10 | 35 |
| Office / Lodging | 10,000 sf. | 50 | na. | 20 | 10 / 20 | 10 | 50 |
| Services | 10,000 sf. | 50 | na. | 15 | 10 / 20 | 10 | 35 |
| All Other Uses | 20,000 sf. | 100 | na. | 15 | 10 / 20 | 10 | 35 |
| **Central Business District (CBD)** | | | | | | | |
| Mixed Use | 6,600 sf. | 66 | 0 | na. | 0 / 0 | 0 | 75 / 50[3] |
| All Other Uses | 2,200 sf. | 22 | 0 | na. | 0 / 0 | 0 | 75 / 50[3] |
| **Central Place (CP)** | | | | | | | |
| Mixed Use | 20,000 sf. | 100 | 0 | na. | 0 / 0 | 20 | 4 stories |
| All Other Uses | 10,000 sf. | 100 | 0 | na. | 0 / 0 | 20 | 3 stories |
| **Residential Transition (RT)** | | | | | | | |
| Service and Office | 8,000 sf. | 80 | na. | 25 | 6 / 12 | 30 | 28 |
| All Other Uses | 1 ac. | 150 | na. | 40 | 10 / 20 | 30 | 28 |
| **Campus (CA)** | | | | | | | |
| All Uses | na. | na. | na. | per bufferyard requirements | per bufferyard requirements, or 1 ft. for each 2 ft. in height above maximum height in abutting district from which setback is measured | per bufferyard requirements, or 1 ft. for each 2 ft. in height above maximum height in abutting district from which setback is measured | 8 stories or 110 ft., whichever is higher |
| **Business Park (BP)** | | | | | | | |
| Offices and Lodging | 1 ac. | 150 | na. | 40 | 15 / 35 | 50 | 45 |
| All Other Uses | 1 ac. | 150 | na. | 40 | 20 / 45 | 50 | 35 |
| **Light Industrial (INL)** | | | | | | | |
| Industrial | 1 ac. | 125 | na. | 25 | 15 / 30 | 30 | 4 stories or 50 ft., whichever is lower |
| Warehouse | 1 ac. | 150 | na. | 25 | 15 / 30 | 30 | 3 stories or 40 ft., whichever is lower |
| All Other Uses | 20,000 sf. | 100 | na. | 25 | 10 / 20 | 10 | 4 stories or 50 ft., whichever is lower |
| **Heavy Industrial (INH)** | | | | | | | |
| All other uses | 1 ac. | 125 | na. | 25 | 15 | 30 | 4 stories or 50 ft., whichever |



Exhibit "E"
Page E-000081

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | | | | is lower |

[1] Along arterials, frontages in excess of the minimum lot width may be required. See **Division 9.400, Access Management and Circulation.**

[2] If a larger bufferyard is required, the setback or build-to line shall be the width of the bufferyard.

[3] 50 foot limit applies to buildings located in the area north of, and ½ block or south of, Lincolnway; and ½ block in all directions surrounding the Courthouse square.

## Sec. 3.506 Alternative Standards for Condominium and Alternative Land Development

A. **Generally.** The standards of Division 3.500, Standard Development, with respect to lot area, lot width, and setbacks relate to the development of residential buildings on conventional lots that are intended to be owned in fee-simple by the owners of the buildings. However, the standards are not intended to preclude other ownership types, such as condominiums (in which the land is owned in common by the owners of the condominium units), or common maintenance communities (in which fee simple ownership is limited to the land under the building, and, in some cases, a small area around it). The alternative standards of this Section are intended to allow such alternative ownership scenarios, provided that the development could be approved pursuant to this UDO using conventional fee-simple ownership arrangements.

B. **Demonstration of Compliance Required.** The proposed pattern of development will be permitted if it is demonstrated that it would comply with the density, open space, and applicable setback requirements of this UDO if it were platted with lots that meet the minimum requirements of Division 3.500, Standard Development for each of the proposed housing types.

# Division 3.600 Planned and Cluster Development

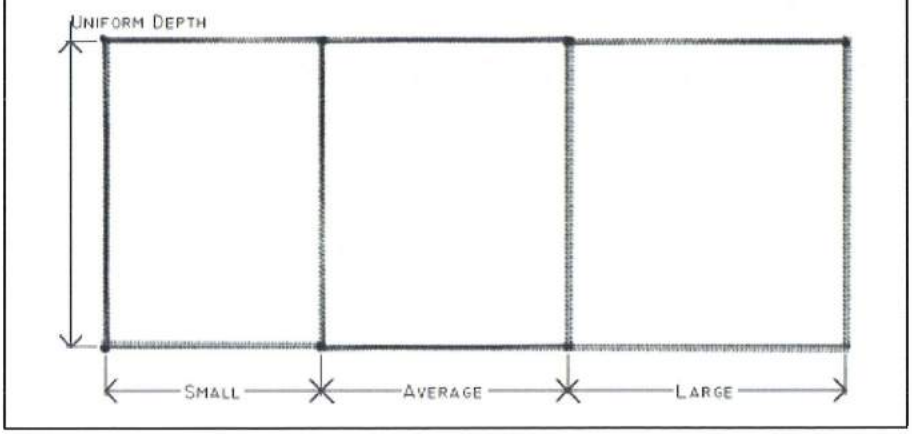
## Sec. 3.601 Averaged Lots

A. **Generally.**

1. Single-Family and Cluster development shall be designed to include a variety of lot sizes. The average lot size for each housing type in a planned development shall be calculated pursuant to this Section.

2. There are three lot sizes listed for the lot area group or housing type. See **Figure 3.601.A., Variable Lot Sizes.** They are based on an average lot for the group or type on which the density is calculated. They are listed in order: small, average, and large lot area.

Figure 3.601
Variable Lot Sizes




3. The average lot area divided by the lot width equals a particular depth. The large and small lots maintain

that depth by varying only the lot width.

B. **Calculating the Required Number of Lots of Each Lot Size.** In the tables in **Section 3.602, Single-Family Cluster Development** and **Section 3.603, Housing Palette for Planned Residential Development,** the column titled "percent in width type," indicates the minimum proportion of each size of lot that must be provided. The minimum number of small and average lots shall be rounded up to the nearest whole number. The large lot category is always listed as "remainder," because after the minimum proportions for small and average lots are met, the remainder of the lots may be large lots.

C. **Lot Width.** Because lot depth is constant, lot width controls the percentage of lots in each category. Lot width is calculated pursuant to **Section 3.204, Lot Width.**

D. **Alternative Standard.** An applicant may propose an alternative standard to the averaged lot requirements of this Section, which may be approved by the Planning Commission if it is demonstrated that:

1. An architectural pattern book is submitted and approved pursuant to the standards of **Section 3.708, Architectural Pattern Book and Comprehensive SIgn Program,** which shows that:
   a. The architecture of buildings will be varied to provide visual interest and avoid monotony; and
   b. No two buildings that have obviously similar architectural expression will be located within 400 feet of each other;
2. The prices of the homes will vary in a manner that is comparable to the variability that would have resulted from several different lot sizes;
3. The minimum lot width and area is not less than the "average" column in **Section 3.603, Housing Palette for Planned Residential Development.**
4. The development contains not more than 100 dwelling units.

## Sec. 3.602 Single-Family Cluster Development

The dimensional criteria for single-family cluster units are established by **Table 3.602, Cluster Single-Family Lot and Building Standards.**

**Table 3.602: Cluster Single-Family Lot and Building Standards**

| Cluster - Zoning District | Minimum | | | | | | Maximum | |
|---|---|---|---|---|---|---|---|---|
| | Lot Area[1] | Lot Width (feet) | Percent in Width Type | Street Yard (feet) | Side Yard single / total (feet)[2] | Rear Yard (feet)[3] | Height (feet) | Floor Area Ratio |
| Rural (RU) | 5 acres | 250 | 100% | 100 | 25 | 70 | 28 | 0.10 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Conservation Cluster; Estate Residential (ER) | 27,500 sf. | 110 | remainder[4] | 30 / 30[4] | 15 / 30 | 35 | 28 | 0.50 |
| | 25,000 sf. | 100 | 50% | | | | | 0.50 |
| | 22,500 sf. | 90 | 25% | | | | | 0.50 |
| Preservation Cluster; Estate Residential (ER) | 20,000 sf. | 100 | remainder[4] | 25 / 30[4] | 10 / 25 | 35 | 28 | 0.50 |
| | 18,000 sf. | 90 | 50% | | | | | 0.50 |
| | 16,000 sf. | 80 | 25% | | | | | 0.50 |
| Suburban Residential (SR) | 9,000 sf. | 90 | remainder[4] | 25 / 25[4] | 10 / 20 | 20 | 28 | 0.75 |
| | 8,000 sf. | 80 | 50% | | | | | 0.74 |
| | 7,000 sf. | 70 | 25% | | | | | 0.70 |
| General Residential (GR) | 5,500 sf. | 55 | remainder[4] | 20 / 20[4] | 5 / 10 | 20 | 28 | 0.88 |
| | 5,000 sf. | 50 | 50% | | | | | 0.86 |
| | 4,500 sf. | 45 | 25% | | | | | 0.84 |

[1] One principal building is allowed per lot.

[2] The first number is the minimum side yard. The second number is the sum of the two side yards. For example, 15 / 40 means that if one side yard is 15 feet, the other must be 25 feet (15 + 25 = 40).

[3] Where the lot is accessed from an alley or access easement, the garage shall have a 15-foot setback from the alley if it loads directly to the alley or access easement, or 2 feet if it is a side loaded garage.

[4] Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

[4] The first number is the house setback; the second is the setback for a front load garage.

## Sec. 3.603 Housing Palette for Planned Residential Development

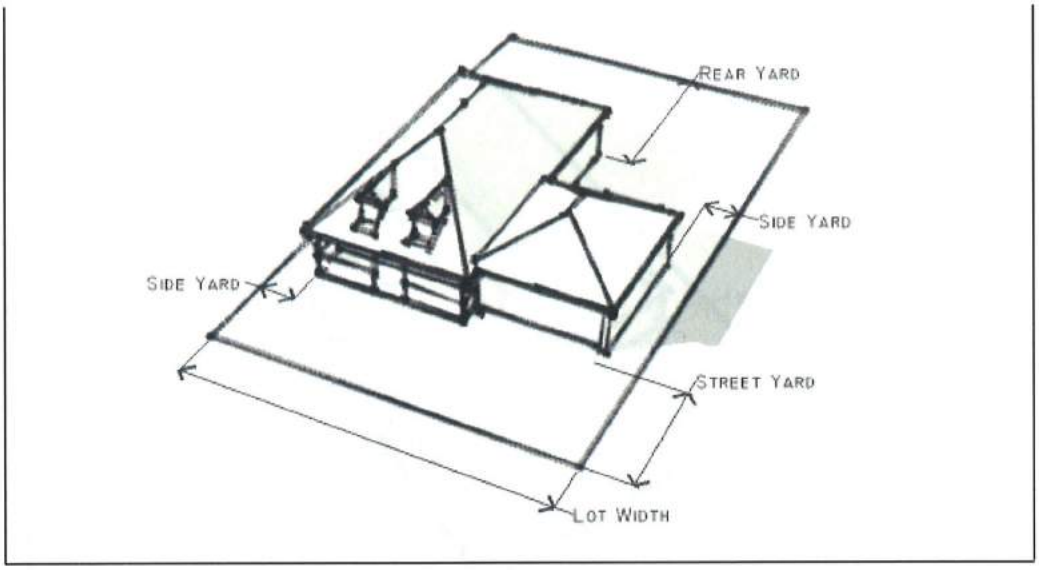
A. **Single-Family Detached.** The single-family detached housing type consists of a single-family detached residence located on a privately-owned lot (one principal building per lot) with private yards on each side of the unit. See **Figure 3.603.A., Single-Family Detached Unit.** The lot and building standards for single-family detached units are set out in **Table 3.603.A., Single-Family Lot and Building Standards.**

Figure 3.603.A.
Single-Family Detached Unit

Single Family Detached



Exhibit "E"
Page E-000084




| Table 3.603.A.: Single-Family Lot and Building Standards | | | |
|---|---|---|---|
| **Lot Size Group** | **Small** | **Average** | **Large** |
| **Pct. In Group** | 25% | 50% | remainder[1] |
| **Min. Lot Area (sf.)** | 5,500 | 6,000 | 6,500 |
| **Min. Lot Width (ft.)** | 55 | 60 | 65 |
| **Street Yard (House / Garage) (ft.)** | 20 / 25 | | |
| **Side Yard (Street Face / Side Yard for lot line; Single / Total for village)(ft.)** | 6 / 12 | | |
| **Rear Yard (ft.)** | 20 | | |
| **Max. Height (ft.)** | 35 | | |
| **Building Coverage** | 0.42 | 0.43 | 0.45 |
| **Floor Area Ratio** | 1.00 | 1.03 | 1.08 |

[1] Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

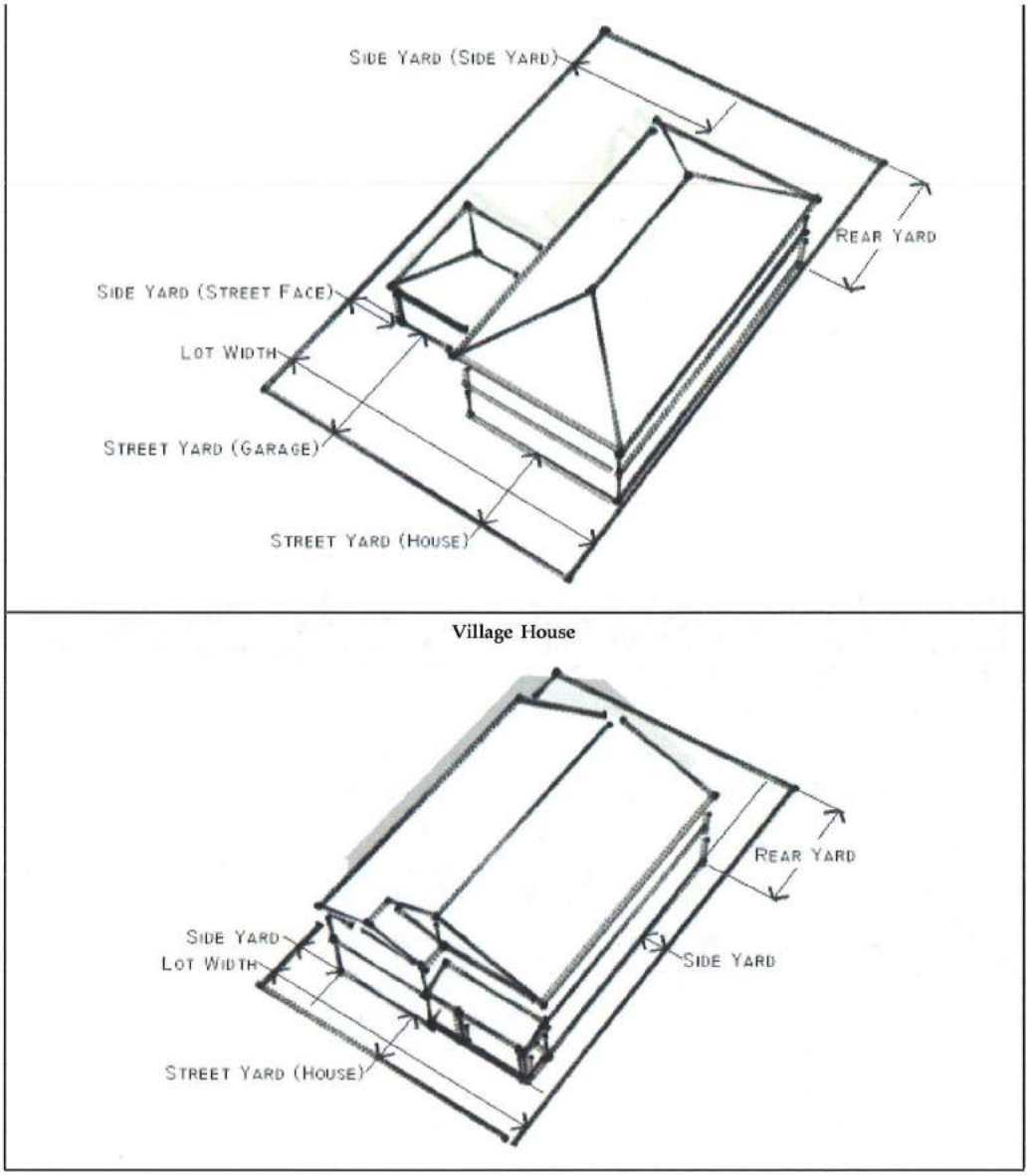
B. **Lot-Line and Village House.** These two single-family housing types have different yard configurations than the typical single-family unit. The lot line house is positioned on one lot line without any setback. The building separation is narrower in the front to provide a large private side yard. The village house is an urban type that is set much closer to the street. The lot sizes duplicate lot sizes for single-family. One principal building is allowed per lot. See **Figure 3.603.B., Lot-Line and Village Houses**, and **Table 3.603.B., Lot-Line and Village House Lot and Building Standards.**

**Figure 3.603.B.: Lot-Line and Village Houses**

**Lot-Line House**



Exhibit "E"
Page E-000085




Village House

| Table 3.603.B.: Lot-Line and Village House Lot and Building Standards | | | | | | |
|---|---|---|---|---|---|---|
| **Development Type** | **Lot Line** | | | **Village House** | | |
| **Lot Size Group** | **Small** | **Average** | **Large** | **Small** | **Average** | **Large** |
| **Pct. In Group** | 25% | 50% | remainder[1] | 25 | 50 | remainder |
| **Min. Lot Area (sf.)** | 6,138 | 7,000 | 7,862 | 4,540 | 5,000 | 5 |
| **Min. Lot Width (ft.)** | 57[2] | 65[2] | 73[2] | 50[3] | 55[3] | 60[3] |
| **Street Yard (House / Garage) (ft.)** | 15 / 25 | | | 10 / 25 | | |
| **Side Yard (Street Face / Side Yard for lot line; Single / Total for village)(ft.)** | 10 / 28[4] | | | 5 / 15 | | |
| **Rear Yard (ft.)** | 30 | | | 25 | | |
| **Max. Height (ft.)** | 28 | | | 28 | | |



Exhibit "E"
Page E-000086

| Floor Area Ratio | 0.67 | 0.70 | 0.70 | 0.82 | 0.85 | 0.85 |
|---|---|---|---|---|---|---|

[1] Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

[2] A 30 percent reduction in lot width is permitted in cases where garage access is provided from an alley

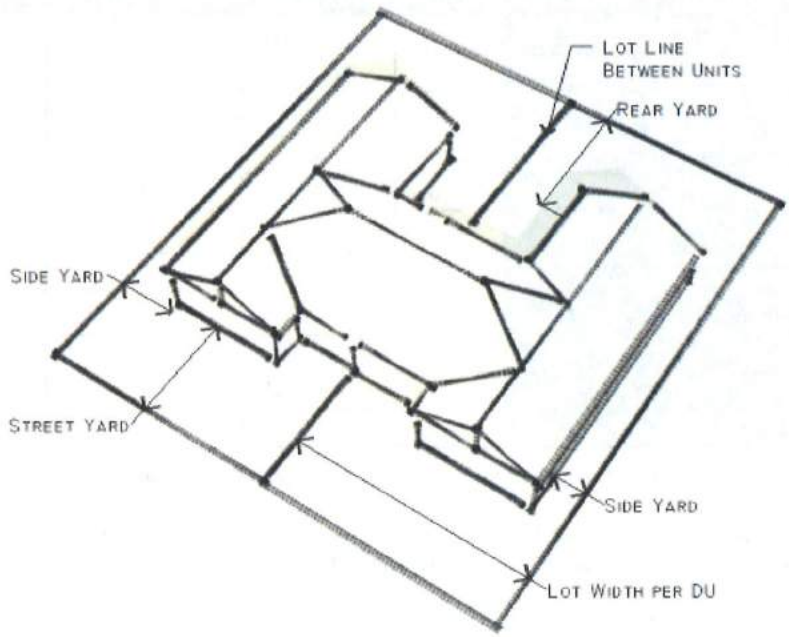
[3] A 20 percent reduction in lot width is permitted in cases where garage access is provided from an alley.

[4] The lot-line house is set on one property line with a zero setback, and the building is intended to be L-shaped. The two side yard numbers are the minimum setback, the first being the street face of the building. This portion of the building must be at least 25 percent of the building's depth. The second number is the setback of the remainder of the unit, which provides a private side yard.

C. **Twin Houses and Duplexes.** These are two-family dwellings. The twin house may be divided into lots for individual fee simple ownership, while the duplex is two units on a single lot with units on different floors. See **Figure 3.603.C., Twin House and Duplex Dwellings,** and **Table 3.603.C., Twin House and Duplex Lot and Building Standards.**

Figure 3.603.C.:
Twin House and Duplex Dwellings

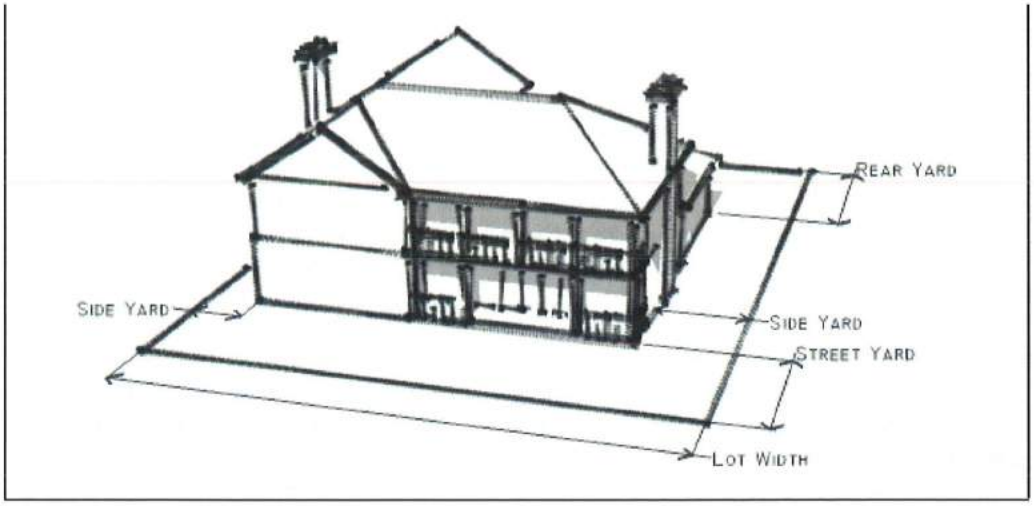
**Twin Home**




**Duplex**



Exhibit "E"
Page E-000087




| Table 3.603.C.: Twin House and Duplex Lot and Building Standards | | | | |
|---|---|---|---|---|
| **Development Type** | **Twin House** | | | **Duplex** |
| **Lot Size Group** | **Small** | **Average** | **Large** | **N/A** |
| **Pct. In Group** | 25% | 50% | remainder[1] | N/A |
| **Min. Area per Building (sf.)** | 8,400 | 9,000 | 9,600 | 8,000 |
| **Min. Lot Area per du** | 4,200 | 4,500 | 4,800 | N/A |
| **Min. Lot Width (ft.)** | 42[3] | 45[3] | 48[3] | 80 |
| **Street Yard (ft.)** | 20 | | | 20 |
| **Side Yard (Single / Total)[2] (ft.)** | 5 / 10 | | | 8 / 22 |
| **Rear Yard (ft.)** | 25 | | | 25 |
| **Max. Height (ft.)** | 32 | | | 32 |
| **Floor Area Ratio** | 0.80 | 0.80 | 0.80 | 0.80 |

[1] Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

[2] The first number is the minimum side yard. The second number is the sum of the two side yards. For example, 8 / 22 means that if one side yard is 8 feet, the other must be 14 feet (8 + 14 = 22).

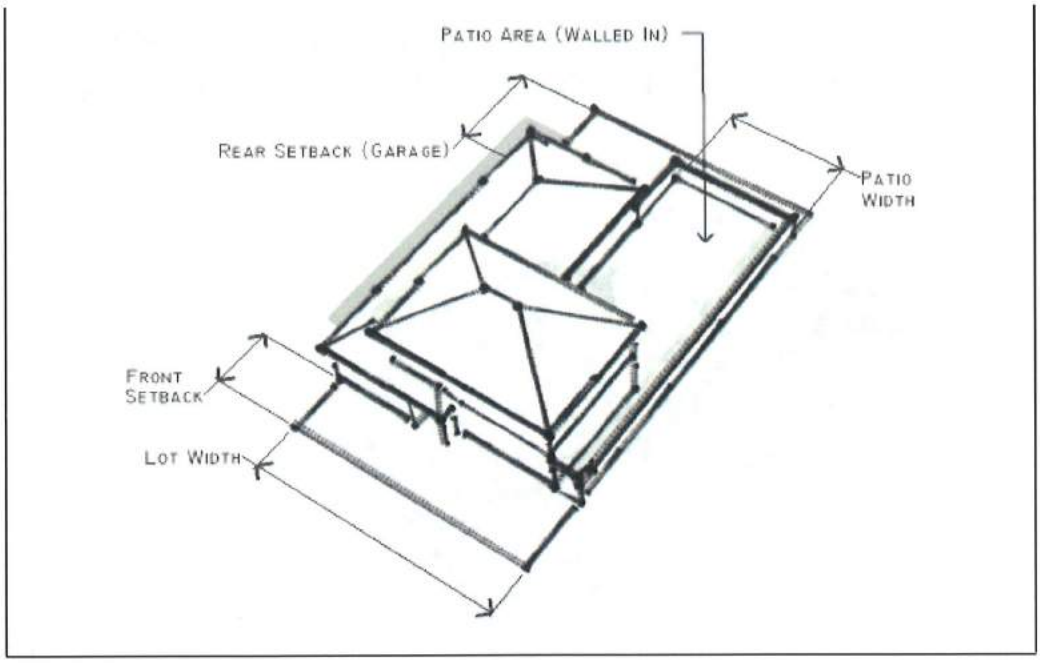
[3] Per dwelling unit

D. **Patio Houses.** A patio house is a detached, single-family unit typically situated on a reduced-size lot that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space. The patio house can be single-family, similar to a lot-line, or in a two-family configuration. Only the rear yard is fenced on the patio house, preserving a narrow street yard. See **Figure 3.603.D., Patio Houses** and **Table 3.603.D., Patio House Lot and Building Standards.**

| Figure 3.603.D.: Patio Houses |
|---|
| **Patio House** |



Exhibit "E"
Page E-000088




| Table 3.603.D.: Patio House Lot and Building Standards | | | |
|---|---|---|---|
| Development Type | Patio House | | |
| Lot Size Group | Small | Average | Large |
| Pct. In Group | 25 | 50 | remainder[1] |
| Min. Site Area per Group (sf.) | 25,000 | | |
| Min. Lot Area per du (sf.) | 4,640 | 5,000 | 5,450 |
| Min. Lot Width per du (ft.) | 50 | 55 | 60 |
| Min. Street Yard (House / Garage[2]) (ft.) | 12 / 20 | | |
| Min. Building Separation (ft.) | 8 | | |
| Min. Patio Area[3] (sf.) | 930 / 48 | 1,000 / 48 | 1,000 / 48 |
| Min. Patio Width (ft.) | 20 | 20 | 22 |
| Rear Yard (House / Garage[4]) (ft.) | 10 | | |
| Max. Height (ft.) | 28 | | |
| Building Coverage | 0.50 | 0.48 | 0.48 |
| Floor Area Ratio | 0.95 | 0.90 | 0.90 |

[1] Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

[2] Setback from right-of-way to garage front when the garage faces the street instead of an alley.

[3] The patio area is a rectangle having minimum area and width that is a basic yard, but does not count all the yard area. This ensures a useable principal outdoor space.

[4] Setback from rear lot line to garage when the garage is accessed from an alley.

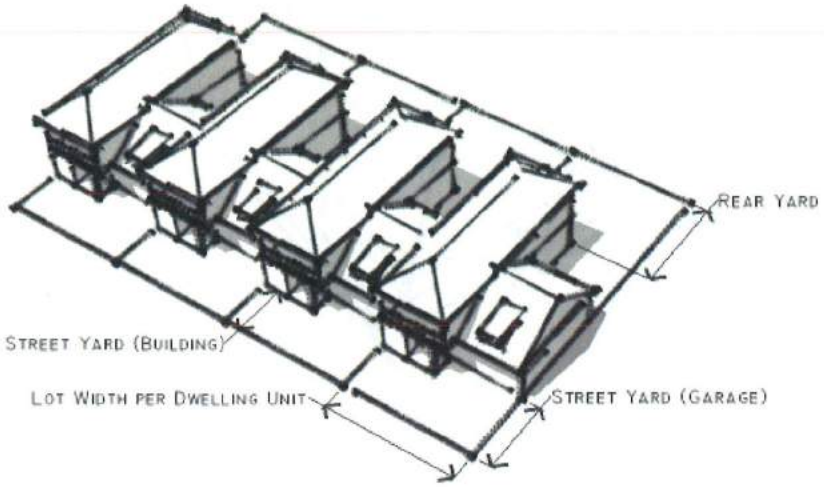
E. **Weak-link Townhouse and Townhouse Units.** These are both attached units where the units are lined up in a row with units sharing side walls. The weak-link townhouse has both a one- and two-story portion of each unit and is, thus, wider than the traditional townhouse. See **Figure 3.603.E., Weak-Link Townhouse and Townhouse Units**, and **Table 3.603.E., Weak-Link Townhouse and Townhouse Units Lot and Building Standards.**



Exhibit "E"
Page E-000089

Figure 3.603.E.
Weak-Link Townhouse and Townhouse Units

**Weak-Link Townhouse**




**Townhouse**

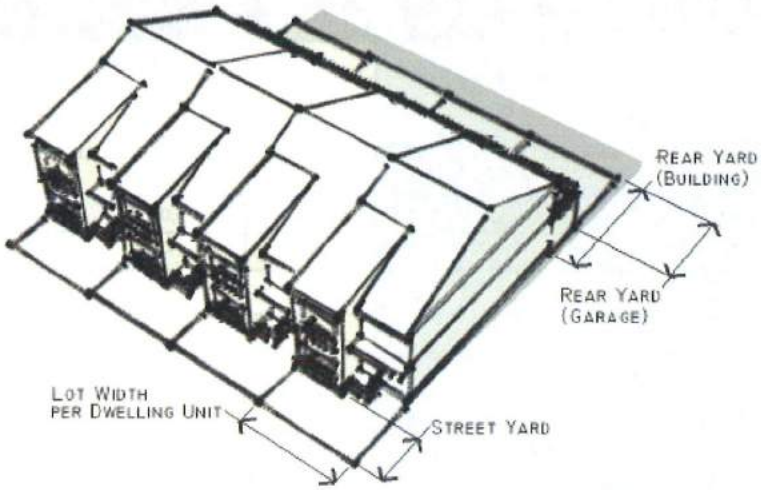



Table 3.603.E.
Weak-Link Townhouse and Townhouse Lot and Building Standards

| Development Type | Weak-Link Townhouse | | | Townhouse | | |
|---|---|---|---|---|---|---|
| Lot Size Group | Small | Average | Large | Small | Average | Large |
| Pct. In Group | 25 | 50 | remainder[1] | 25 | 50 | remainder |
| Min. Site Area per Group (sf.) | 10,000 | | | 7,200 | | |
| Min. Lot Area per du (sf.)[2] | 3,300 | 3,600 | 3,900 | 2,200 | 2,400 | 2,600 |
| Min. Lot Width per du (ft.)[2] | 33 | 36 | 39 | 20 | 24 | 26 |
| Min. Street Yard (building / garage) (ft.) | 15 / 20 | | | 12 / 20 | | |



Exhibit "E"
Page E-000090

| | | | | | | |
|---|---|---|---|---|---|---|
| Min. Building Separation[3] (ft.) | 10 | | | 10 | | |
| Rear Yard[4] (ft.) | 30 | | | 30 | | |
| Min. Number of Attached du's | 3[5] | | | 3[5] | | |
| Max. Number of Attached du's | 8[6] | | | 8[6] | | |
| Max. Height (ft.) | 35 | | | 35 | | |
| Max. Building Coverage | 0.55 | | | 0.50 | | |
| Floor Area Ratio | 0.72 | 0.88 | 0.77 | 1.10 | 1.20 | 1.20 |

[1] Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

[2] The values assume that the garage access is from an alley to the rear. If the garage access is from the street, add 20 percent to lot area and width.

[3] The building separation may be common open space if linked to other common areas.

[4] A rear load garage may extend into the rear yard, provided the maximum building coverage is unchanged and the rear setback to the garage is not less than 20 feet.

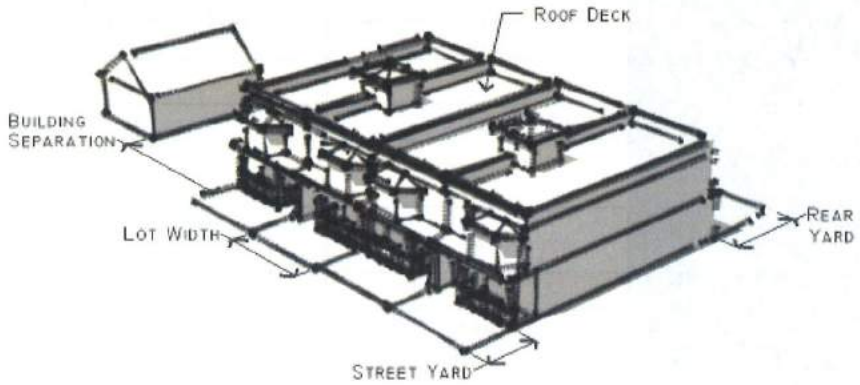
[5] Two units are allowed where at least one other building on site has 3 or more units and site conditions would result in a loss of units if three were required.

[6] More than 8 units may be attached if the project is configured along a block face of a public street and adequate access exists to the rear of the building for the provision of emergency services.

F. **Roof Deck and Duplex Townhouses.** Duplex townhouses contain two units on a single townhouse lot, one over the other. Garage access shall face a rear alley or parking court. See **Figure 3.603.F., Roof Deck and Duplex Townhouses,** and **Table 3.603.F., Roof Deck and Duplex Townhouse Lot and Building Standards.**

Figure 3.603.F.:
Roof Deck and Duplex Townhouses

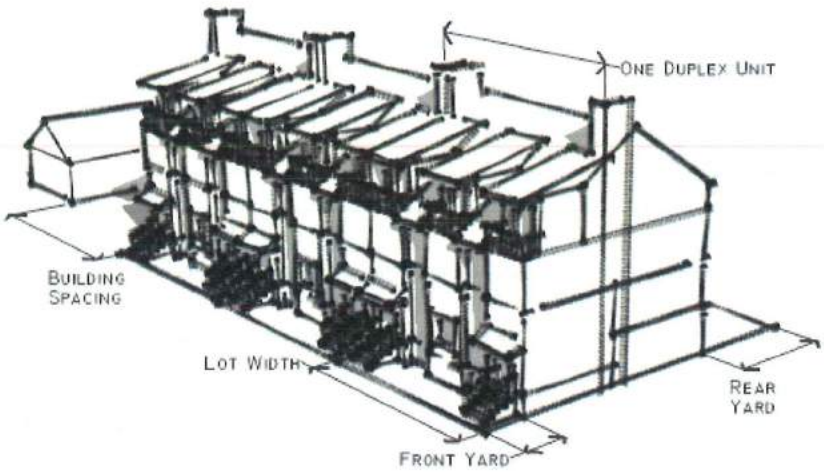
**Roof Deck Townhouse**




**Duplex Townhouse**



Exhibit "E"
Page E-000091




| Table 3.603.F.: Roof Deck and Duplex Townhouses Lot and Building Standards | | | | | | |
|---|---|---|---|---|---|---|
| **Development Type** | **Roof Deck Townhouse** | | | **Duplex Townhouse** | | |
| **Lot Size Group** | **Small** | **Average** | **Large** | **Small** | **Average** | **Large** |
| **Pct. In Group** | 25 | 50 | remainder[1] | 25 | 50 | remainder[1] |
| **Min. Site Area per Group (sf.)** | 6,600 | | | 8,400 | | |
| **Min. Lot Area (Per Unit or Duplex / Per du)[2] (sf.)** | 1,800 | 2,000 | 2,180 | 2,520 / 1,260 | 2,800 / 1,400 | 3,080 / 1,540 |
| **Min. Lot Width per Unit or Duplex[3] (ft.)** | 20 | 22 | 24 | 36 | 40 | 44 |
| **Min. Street Yard (ft.)** | 12 | | | 8 | | |
| **Min. Building Separation[4] (ft.)** | 15 | | | 18 | | |
| **Rear Yard (ft.)** | 20 | | | 20 | | |
| **Min. Number of Attached Units (or Duplexes)** | 3 | | | 3[5] | | |
| **Max. Number of Attached Units (or Duplexes)** | 8 | | | 8[6] | | |
| **Max. Height (ft.)** | 40 | | | 45 | | |
| **Max. Building Coverage** | 0.64 | | | 0.60 | | |
| **Floor Area Ratio** | 1.80 | 1.80 | 1.75 | 2.00 | 2.00 | 2.00 |

[1] Remainder: Since there will be rounding of the numbers to whole dwellings, it is likely that this will be less than 25 percent.

[2] The duplex townhouse has two units per townhouse lot; thus, the difference between per dwelling unit and per lot.

[3] This is the width of a lot having two units (one over the other).

[4] The building separation may be common open space if linked to other common areas.

[5] Two attached duplexes are allowed where at least one other building on site has three or more duplexes and site conditions would result in a loss of units if three were required.

[6] More than eight units may be attached if the project is configured along a block face of a public street and adequate access exists to the rear of the building for the provision of emergency services.

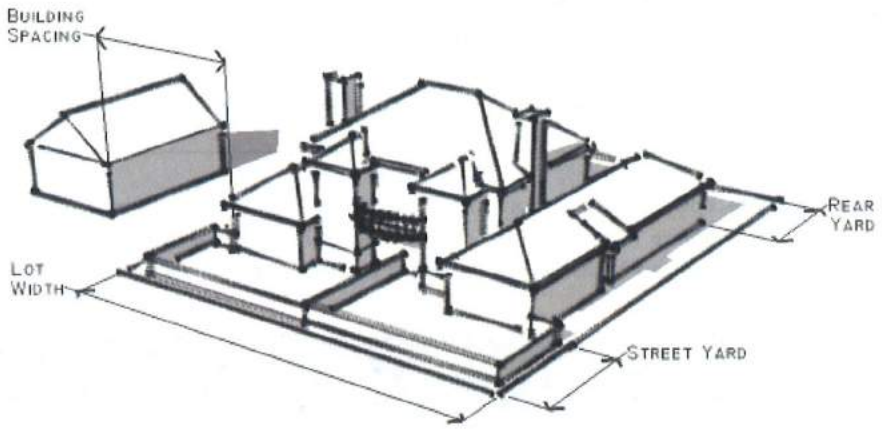


Exhibit "E"
Page E-000092

G. **Multiplex and Multi-Family.** These are both multi-family unit types. The multiplex has many attributes of a townhouse, except that units may be second floor or ground floor units. Multiplex also describes homes that have been reconfigured as apartments or small apartments designed to look like large, single-family units. The multi-family housing type is typically in the form of apartments or condominiums of two to five stories. See **Figure 3.603.G., Multiplex and Multi-Family** and **Table 3.603.G., Multiplex and Multi-Family Lot and Building Standards.**

Figure 3.603.G.:
Multiplex and Multi-Family

**Multiplex**




**Multi-Family**

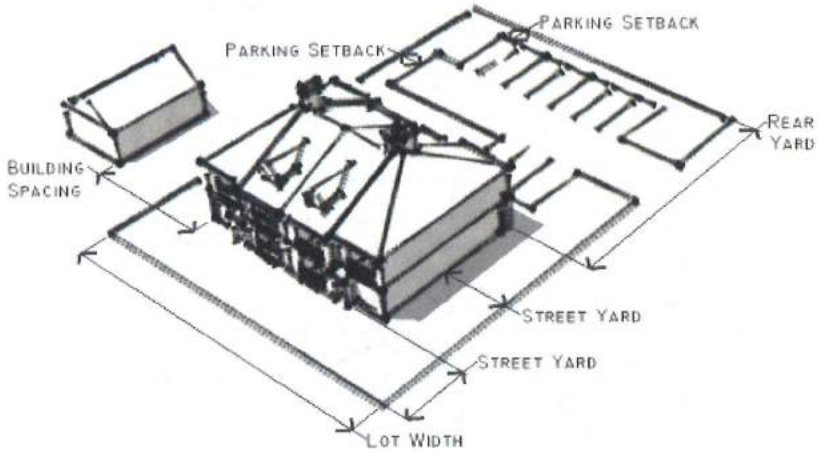



Table 3.603.G.:
Multiplex and Multi-Family Lot and Building Standards

| Development Type | Multiplex | Multi-family |
|---|---|---|
| Min. Site Area per Building (sf.) | 8,000 | 15,000 |
| Min. Lot Area per du (sf.) | 2,000 | 1,800 |
| Min. Lot Width per Building (ft.) | 80 | 100[1] |



Exhibit "E"
Page E-000093

| | | |
|---|---|---|
| Min. Street Yard[2] (ft.) | 20 | 30 |
| Min. Rear Yard (ft.) | 15 | 30 |
| Min. Building Separation (ft.) | 15 | 30 |
| Parking Setback from Street Curb (ft.) | 20 | parking not permitted in street yard |
| Parking Setback from Rear and Side Lot Lines (ft.) | 2.5 | 8 |
| Max. Height (ft.) | 35 | 50 |
| Max. Building Coverage | 0.44 | 0.25 |
| Floor Area Ratio | 0.80 | 0.70 |
| Max. Number of First Floor Units per Building | 3 | 8 |

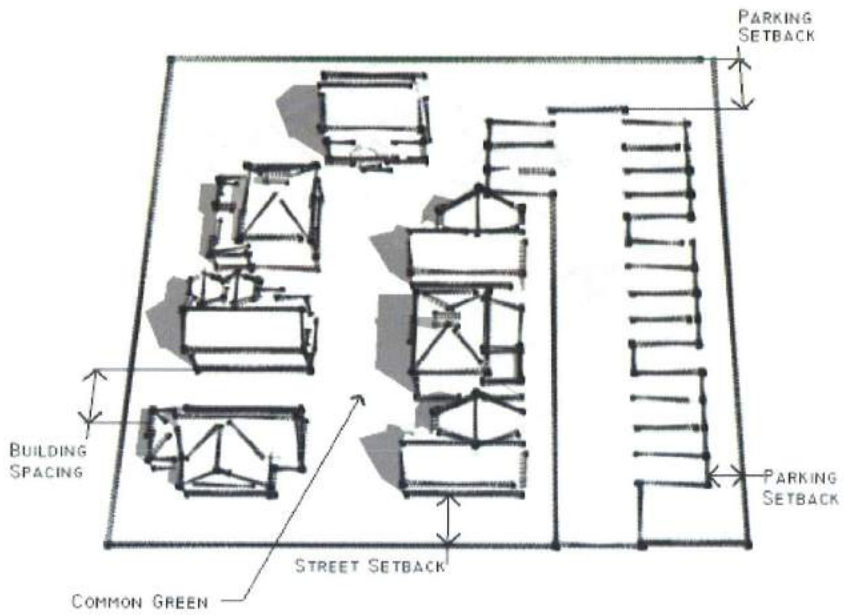
[1] Along arterials, the standards of Division 11.400, Access Management and Circulation, may require a wider lot width.

[2] Setback from public street right-of-way. Where private internal circulation is used, the setback may be reduced to 12 feet.

H. **Cottage Homes.** The cottage home housing type consists of small single-family detached residences, with first floor areas of less than 1,000 square feet, which are closely spaced in a cluster around a green space. See **Figure 3.603.H., Cottage Homes.** The lot and building standards for cottage homes are set out in **Table 3.603.H., Cottage Home Lot and Building Standards.**

Figure 3.603.H.:
Cottage Homes

Cottage Homes




| Table 3.603.H.: Cottage Home Lot and Building Standards | |
|---|---|
| Minimum Parcel Area Per Unit (sf.) | 4,250 |
| Maximum Floor Area Ratio on Parcel | 0.30 |



Exhibit "E"
Page E-000094

| | |
|---|---|
| Minimum Building Spacing (ft.) | 10 |
| Maximum Height (ft.) | 28 |
| Maximum Gross Density (units / acre) | 10 |
| Street Setback (ft.) | 15 |
| Side and Rear Setback (ft.) | 6 |
| Parking Setback (ft.) | 10 |
| Minimum Open Space Ratio | 0.35 |

## Sec. 3.604 Residential Mix Standards for Planned Residential Developments

A. **Generally.** All planned developments shall provide a mix of dwelling unit types.

B. **Requirement. Table 3.604, Dwelling Unit Mix Requirements,** indicates the number of dwelling unit types that are required for developments of various sizes.

**Table 3.604**
**Dwelling Unit Mix Requirements**

| Project Size | Minimum Number of Types | Maximum Percentage Any Type | Minimum Percentage Any Type[1] |
|---|---|---|---|
| Less than 30 | 1 | 100 | 25 |
| 30 - 80 | 2 | 70 | 20 |
| More than 80 | 3 | 55 | 10 |

[1] This requirement applies even if more than the minimum number of housing types are provided.

C. **Phasing.**

1. When a development is to be phased, the maximum residential development capacity of the site shall be used for calculating the required mix.
2. When a parcel is broken up over time and developed as planned developments, the City may impose a mix based on the original property size to ensure an adequate mix of housing types.

## Sec. 3.605 Accessory Units

A. **Generally.** A single-family home with an accessory unit is a two-family dwelling unless the accessory unit is built in accordance with this Section.

B. **Location.** Accessory units may be built in a cluster single-family subdivision, a planned subdivision, or a traditional neighborhood. The accessory apartment is exempted from the calculation as a dwelling unit when determining the maximum density in **Table 3.201.A., Residential Use District Standards.**

C. **Identified at Time of Subdivision.** At the time of preliminary subdivision, the applicant shall identify the subdivision as being one that will use accessory units to provide affordable housing. This provides an opportunity to review the entire plan on the basis of having two units per lot. A note shall be on the plat and all lot plans indicating that the subdivision permits accessory apartments.

D. **Transition.** The plan shall provide a means of protecting adjoining residential uses or residentially zoned land from any impacts of the additional density and design of the unit. Increased bufferyard opacity, landscaping, setbacks from the adjoining homes, or prohibiting the lots that abut the site boundary from having the accessory units are techniques that may be required (See **Article 10, Landscaping**).

E. **Unit Standards.** No accessory unit shall consist of more than 20 percent of the total residential floor area. No accessory unit shall have more than one bedroom or bathroom.

F. **Unit Design.** The applicant shall submit plans showing how the homes will be designed to provide for accessory



Exhibit "E"
Page E-000095

units. The units may be within the structure, a separate structure, or above a detached garage. Specific design standards shall be provided for each one of the arrangements that are to be permitted. In no event shall a single-family or cluster lot smaller than 6,000 square feet contain an accessory apartment.

### Sec. 3.606 Alternative Standards for Condominium and Alternative Land Development

A. **Generally.** The standards of Division 3.600, Planned and Cluster Development, with respect to lot area, lot width, and setbacks relate to the development of residential buildings on conventional lots that are intended to be owned in fee-simple by the owners of the buildings. However, the standards are not intended to preclude other ownership types, such as condominiums (in which the land is owned in common by the owners of the condominium units), or common maintenance communities (in which fee simple ownership is limited to the land under the building, and, in some cases, a small area around it). The alternative standards of this Section are intended to allow such alternative ownership scenarios, provided that the development could be approved pursuant to this UDO using conventional fee-simple ownership arrangements.

B. **Demonstration of Compliance Required.** The proposed pattern of development will be permitted if it is demonstrated that it would comply with the density, open space, and applicable setback requirements of this UDO if it were platted with lots that meet the minimum requirements of Division 3.600, Planned and Cluster Development for each of the proposed housing types.

## Division 3.700 Traditional Neighborhood Development

### Sec. 3.701 Traditional Neighborhood Development Plans

A. **Purpose.** The traditional neighborhood development option allows applicants who control relatively large areas of land to develop mixed-use and multiple-use projects in a traditional neighborhood form, which include a variety of housing types and a variety of lot sizes.

B. **Minimum Number of Housing Types.** All traditional neighborhood developments shall include at least four housing types from the TND development palette. Not more than 50 percent of the dwelling units shall be attached housing types.

C. **Sub-Districts.** Plans submitted for approval pursuant to this division shall indicate three sub-districts:

1. Core ("C"), which is the location for the most intense development, including vertically mixed-use (at the applicant's option), and formal public gathering spaces.
2. General ("G"), which is the location for most of the housing in the development.
3. Edge ("E"), which is the location for the least intense development, in the form of relatively large-lot single-family detached residences.

D. **TND Development Palette.** The standards for traditional neighborhood development are principally set out in **Section 3.704, Housing Palette for Traditional Neighborhood Development**, which contains lot standards, minimum lot areas and dimensions, setbacks, building heights, and maximum building coverage for each type of building. These standards ensure that each building type will have adequate light and air, living area, and yard areas to provide a quality experience.

### Sec. 3.702 Permitted Nonresidential Uses

A. **Core Subdistrict.** A limited set of nonresidential uses are permitted in TND developments within the Core ("C") subdistrict. These uses should be situated to provide sufficient access to a large enough market to support them. The permitted nonresidential uses are:

1. Commercial retail;
2. Services;
3. Places of public assembly;
4. Bed and breakfast;

5. Commercial lodging;
6. Restaurants;
7. Indoor entertainment;
8. Outdoor entertainment;
9. Indoor recreation;
10. Private club;
11. Live-work units; and
12. Office.

B. **General Subdistrict.** Nonresidential uses in the General subdistrict should be intended for use primarily by residents of the traditional neighborhood development. These uses are:

1. Indoor recreation;
2. Outdoor recreation; and
3. Within one block of the "C" sub-district:
   a. Place of public assembly; and
   b. Live-work units.

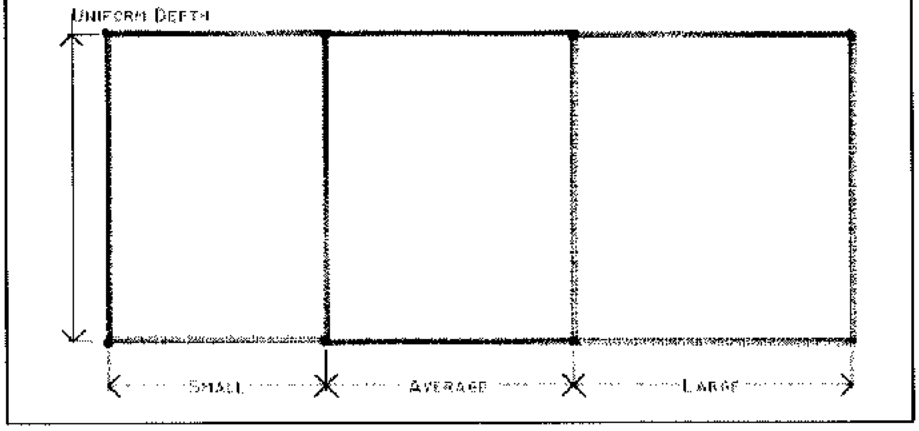
C. **Edge Subdistrict.** Outdoor recreation is the only permitted nonresidential use in the Edge subdistrict.

## Sec. 3.703 Averaged Lots

A. **Generally.**

1. Traditional neighborhood development shall be designed to include a variety of lot sizes. The average lot size for each housing type in a traditional neighborhood development shall be calculated pursuant to this Section.
2. There are three lot sizes listed for the lot area group or housing type. See **Figure 3.703.A., Variable Lot Sizes.** They are based on an average lot for the group or type on which the density is calculated. They are listed in order: small, average, and large lot area.

Figure 3.703
Variable Lot Sizes




3. The average lot area divided by the lot width equals a particular depth. The large and small lots maintain that depth by varying only the lot width



Exhibit "E"
Page E-000097

B. **Calculating the Required Number of Lots of Each Lot Size.** In the tables in **Section 3.704, Housing Palette for Traditional Neighborhood Development,** the column titled "percent in width type," indicates the minimum proportion of each size of lot that must be provided. The minimum number of small and average lots shall be rounded up to the nearest whole number. The large lot category is always listed as "remainder," because after the minimum proportions for small and average lots are met, the remainder of the lots may be large lots.

C. **Lot Width.** Because lot depth is constant, lot width controls the percentage of lots in each category. Lot width is calculated pursuant to **Section 3.204, Lot Width.**

D. **Alternative Standard.** An applicant may propose an alternative standard to the averaged lot requirements of this Section, which may be approved by the Planning Commission if it is demonstrated that:

1. The approved pattern book shows that:
   a. The architecture of buildings will be varied to provide visual interest and avoid monotony; and
   b. No two buildings that have obviously similar architectural expression will be located within 400 feet of each other;
2. The prices of the homes will vary in a manner that is comparable to the variability that would have resulted from several different lot sizes;
3. The minimum lot width and area is not less than the "average" column in Table 3.704, TND Development Palette,.
4. The development contains not more than 100 dwelling units.

## Sec. 3.704 Palette for Traditional Neighborhood Development

A. **Generally. Table 3.704, TND Development Palette,** sets out the standards for each type of development within TND projects.

B. **Cottage Homes.** Cottage homes shall be permitted as set out in **Section 3.603.H.**

C. **Housing Types.** The housing types set out in **Table 3.704, TND Development Palette,** are the same as those set out in **Division 3.600, Planned and Cluster Development.**

**Table 3.704:**
**TND Development Palette**

| Dev. Type | Sub-District Where Allowed | Lot Specifications (min. lot area \| min. lot width) | | | Yard Specifications | | | | | | | Bulk Specifications | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Street | | Side | | Rear | | | | |
| | | Small | Typical | Large | Build-to-bldg. | Build-to-garage | Single | Total | Garage | Bldg.-alley | Bldg.-no alley | Bldg. Ht.[1] | Bldg. Cover |
| Estate SFD[2] | G, E | 10,400 sf. 80 ft. | 11,700 sf. 90 ft. (E only) | 13,000 sf. 100 ft. (E only) | 10 ft.[3, 4, 5] | 20 ft.[6] | 5 ft. | 10 ft. | 20 ft. | 15 ft. | 10 ft. | 2½ | 35% (G) 30% (E) |
| SFD | G, E | 4,800 sf. 40 ft. | 6,000 sf. 50 ft. | 8,400 sf. 70 ft. (E only) | 10 ft.[3, 4, 5] | 20 ft.[6] | 5 ft. | 10 ft. | 20 ft. | 15 ft. | 10 ft. | 3 | 40% (G) 35% (E) |
| Village | C, G | 4,800 sf. 40 ft. | 5,400 sf. 45 ft. | 6,000 sf. 50 ft. | 10 ft.[3, 4, 5, 7] | na. | 5 ft. | 10 ft. | 18 ft. | 15 ft. | na. | 3 | 40% (C, G) 35% (E) |



Exhibit "E"
Page E-000098

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lot-Line | C, G | 4,800 sf. 40 ft. | 5,400 sf. 45 ft. | 6,000 sf. 50 ft. | 10 ft.[3, 4, 7] | na. | 0 ft. | 10 ft. | 18 ft. | 15 ft. | na. | 2 | 40% |
| Twin | C, G | 4,200 sf. 42 ft.[8] | 4,500 sf. 45 ft.[8] | 4,800 sf. 48 ft.[8] | 10 ft.[3, 4, 7] | na. | 5 ft.[9] | 10 ft.[9] | 18 ft. | 15 ft. | na. | 2 | 45% |
| Duplex | C, G | 6,500 sf. 65 ft.[10] | 7,000 sf. 70 ft.[10] | 7,500 sf. 75 ft.[10] | 10 ft.[3, 4, 6] | na. | 5 ft. | 10 ft. | 18 ft. | 15 ft. | na. | 3 | 40% |
| Patio | C, G | 5,000 sf. 50 ft. | 5,500 sf. 55 ft. | 6,000 sf. 60 ft. | 10 ft.[3, 4, 7] | na. | 5 ft.[9] | 10 ft.[9] | 18 ft. | 0 ft. | na. | 2½ | 37.5% |
| Twnhse | C | 2,200 sf. 22 ft. | 2,500 sf. 25 ft. | 3,000 sf. 30 ft. | 3 ft. or 10 ft. | na. | 5 ft.[9] | 10 ft.[9] | 18 ft.[11] | 5 ft.[12] | na. | 4 | 80% |
| Duplex Twnhse | C | 2,800 sf. 28 ft. | 3,000 sf. 30 ft. | 3,200 sf. 32 ft. | 3 ft. | na. | 9 ft.[9] | 18 ft.[9] | 18 ft.[11] | 5 ft.[12] | na. | 4 | 80% |
| Multiplex | C, G | 8,000 sf. 80 ft.[13] | | | 10 ft. | na. | 9 ft. | 18 ft.[9] | 18 ft. | 15 ft. | na. | 3 | 40% |
| Multi-family | C | 15,000 sf. 100 ft.[13] | | | 3 ft. | na. | 9 ft. | 18 ft.[9] | 0 ft.[12] | 0 ft.[12] | na. | 5 | 25%[14] |
| Live-Work | C | 2,200 sf. 22 ft. | 2,500 sf. 25 ft. | 3,000 sf. 30 ft. | 3 ft. or10 ft. | na. | 5 ft.[9] | 10 ft.[9] | 18 ft.[11] | 5 ft.[12] | na. | 4 | 80% |
| Mixed-Use | C | 2,500 sf. 25 ft.[13] | | | 0 ft. | na. | 5 ft.[9] | 10 ft.[9] | 0 ft.[12] | 0 ft.[12] | na. | 6 | 25%[14] |
| Nonres. | C | 2,500 sf. 25 ft.[13] | | | 0 ft. | 10 ft.[15] | 5 ft.[9] | 10 ft.[9] | 0 ft.[12] | 0 ft.[12] | na. | 3 | 25%[14] |

[1] Building height, in stories

[2] SFD means single-family detached.

[3] This number may be decreased by 25% if the building is in the General sub-district and located within two blocks of the Core sub-district, provided that all buildings on the same street segment have the same build-to line, and that buildings on connected street segments that are more distant from the Core sub-district have the same or larger build-to lines.

[4] This number may be increased by 50% if the building is in the General sub-district and located more than two blocks from the Core sub-district, provided that all buildings on the same street segment have the same build-to line, and that buildings on connected street segments that are closer to the Core sub-district have the same or smaller build-to lines.

[5] This number shall be increased by 200% or 300% if the building is located in the Edge sub-district. All buildings that front on the same street segment shall have the same build-to line. Street segments that are more distant from the Core sub-district shall have larger build-to lines than street segments that are closer to the Core sub-district.

[6] Garages that are accessed from the street (as opposed to an alley) are allowed only in the Edge sub-district.

[7] This number shall be reduced by 25% for buildings in the Core sub-district.

[8] Lot area and lot width are per dwelling unit. The lot area and lot width per building are two times the numbers set out in the table.

[9] Setbacks apply to the entire building (not individual units within the building) even where the building is divided by lot lines.

[10] Lot area and lot width are per building because the units are stacked.

[11] The 18 foot setback assumes that the alley or parking court is 24 feet wide. If the alley or parking court is wider than 24 feet, the setback may be reduced by one foot for every two feet of alley or parking court width in excess of 24 feet.

[12] The City may increase the setback for particular buildings if the setback would create a hazardous condition with



Exhibit "E"
Page E-000099

respect to circulation in the alley or parking court.

[13] Areas and widths are minimums. There is no maximum area or width for this development type.

[14] Building coverage may be increased to 80% if structured parking or off-site parking is provided.

[15] Applies only to parking structures, which may have street access, provided that only one such access is located on any one street segment, and the street side of the parking garage is screened by buildings except at the point of access.

## Sec. 3.705 Accessory Buildings, Detached Garages, and Ancillary Dwelling Units

A. **Generally.** Not more than two buildings (in addition to the principal building) shall be permitted on a lot pursuant to this Section. In some cases, only an accessory building may be allowed.

B. **Accessory Buildings.** Accessory buildings that are not detached garages are permitted as follows:

1. Maximum floor area:
   a. "C" and "G" subdistricts: 30 square feet.
   b. "E" subdistrict: One percent of the lot area.
2. Maximum height: Eight feet.
3. Location: Accessory buildings shall be located:
   a. Behind the principal building;
   b. Not less than five feet from all property lines; and
   c. Not less than six feet from the exterior wall of any other building.

C. **Detached Garages.** Detached garages are permitted as follows:

1. Maximum ground floor area:
   a. "C" and "G" subdistricts: 560 square feet.
   b. "E" subdistrict: 700 square feet.
2. Maximum height: 15 feet if used only as a garage; 25 feet if ancillary dwelling unit is constructed above the garage.
3. Location: Detached garages shall be:
   a. Located behind the principal building;
   b. Located not less than six feet from the exterior wall of any other building; and
   c. Set back from property lines according to **Table 3.704, TND Development Palette.**
4. Design: Detached garages shall be designed to be architecturally comparable to the principal building.

D. **Ancillary Dwelling Units.** Ancillary dwelling units are permitted only on lots that are classified as "Large" in **Table 3.704, TND Development Palette** that are developed with detached single-family housing types (Estate SFD, SFD, and Village), subject to the following standards:

1. Maximum floor area of the ancillary unit: 800 square feet.
2. Location: An ancillary dwelling unit may be:
   a. Integrated into the principal building;
   b. Located above a detached garage, or
   c. In the "E" sub-district, located in a separate building in the rear yard, provided that:
      i. The locational standards for a detached garage (subsection C.3., above) are met; and
      ii. The building is designed to be architecturally comparable to the principal building.
3. Parking: All lots that contain an ancillary dwelling unit must provide one additional off-street parking space.

## Sec. 3.706 Site Design Standards

A. **Generally.** The standards of this section with respect to site design shall supersede any conflicting standards on the same point elsewhere in this UDO.

B. **Open Space and Recreation Areas.**

1. Open Space:

   a. Generally, open spaces should be integrated into the development design to bring significant open space to the maximum number of properties, as well as visibility from public rights-of-way within the proposed development. Small, odd, left-over open space areas should be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.

   b. Open space shall be designed to provide greenways along drainage corridors and streams. The landscaping along corridors or streams shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway for the residents of the proposed development.

   c. Formal open spaces shall be designed to provide areas of focus within the development. Landscaping and furniture for pedestrians should be installed to enhance this effect.

2. Accessibility of Recreation Areas: Outdoor recreation areas shall be provided throughout the development, such that 90 percent of the residential units in the development (and 100 percent of the units in the "C" sub-district) are located within a one-quarter mile walk of an outdoor recreation area. For the purpose of this section, a plaza with features that provide recreational opportunities (e.g., interactive fountain or sculpture, tot lot, etc.) shall be considered an outdoor recreation area.

C. **Blocks.**

1. Arrangement: Although a strict grid is not required, blocks shall be arranged in grid-like fashion to ensure connectivity and alternate travel routes within the development.

2. Block Length: Blocks shall not be longer than:

   a. 400 feet in the case of non-residential, mixed-use, multifamily, and multiplex buildings;

   b. Eight lots (per side) in the case of detached residential units; or

   c. 15 lots (per side) in the case of attached residential units (except multiplex and multifamily).

3. Cul-de-sacs. Cul-de-sacs may be used only in the "E" sub-district, but only where necessary due to site constraints. Cul-de-sacs may not be longer than 350 feet.

D. **Streets, Alleys, Sidewalks, and Trails.**

1. Generally: An efficient multimodal circulation system that includes streets, alleys, sidewalks, and trails shall be provided throughout the proposed development.

2. Streets:

   a. The plans for the proposed development shall show a hierarchy of streets within the TND, with typical cross sections that comply with the following standards:

      i. Primary street rights-of-way shall provide 12-foot travel lanes, five-foot bicycle lanes, seven-foot on-street parking lanes, curb-and-gutter, five-foot planting strips, and eight-foot sidewalks.

      ii. Secondary street rights-of-way shall provide 11-foot travel lanes, seven-foot on-street parking lanes, curb and gutter, five-foot planting strips, and sidewalks dimensioned according to subsection D.4., below.

   b. Streets shall be designed to provide connectivity within the development, and connections to adjacent neighborhoods. Where abutting property is not yet developed, stub-outs shall be required in appropriate locations for future connections.



Exhibit "E"
Page E-000101

3. Alleys: Alleys shall be installed to provide service and parking access within the "C" and "G" sub-districts, and shall conform to the following minimum standards:
    a. Not less than 20 feet of right-of-way, and not less than 18-foot paved cartways.
    b. Dimensions, connections, and curb radii approved by the City Engineer, Fire Department, and solid waste service provider.
    c. No dead-ends or cul-de-sacs.
4. Sidewalks: Sidewalks shall be installed on both sides of all streets, and shall be designed as follows:
    a. In the "C" district, sidewalks shall be not less than eight feet in width, and shall be constructed of pavers or tinted, patterned concrete.
    b. In the "G" district, sidewalks shall be not less than six feet in width, and shall be constructed of concrete.
    c. In the "E" district, sidewalks shall be not less than four feet in width, and shall be constructed of concrete.
5. Trails: Off-street trails and multi-use paths shall be installed to connect open space and recreational areas, and to connect to existing or planned trail systems in the City. Trails shall be eight feet wide and paved with asphalt or concrete.

E. **Location of Off-Street Parking.** Off-street parking shall be located behind the building it serves, or in parking structures.

F. **Utilities.** All utilities shall be installed underground. Fiber-to-the-home, or other comparable technology for internet access, is encouraged if available.

G. **Relation to Adjacent Parcels.** Development that is approved pursuant to this Division shall be designed to be compatible with adjacent parcels, in at least one of the following ways:
1. Lot Width and Design: The lot width and design of development at the perimeter of a TND shall be comparable with the lot width and design of abutting subdivisions. If the abutting parcel is not subdivided, lot width shall be comparable to that which is permitted by the zoning of the abutting parcel.
2. Bufferyard: In the alternative to subsection A., bufferyards may be installed as follows (See **Article 10, Landscaping**):
    a. Between the "C" sub-district and abutting:
        i. Residential development: Class D bufferyard; or
        ii. Industrial development: Class E bufferyard;
    b. Between the "G" sub-district and abutting:
        i. Residential or commercial development: Class B bufferyard; or
        ii. Industrial development: Class E bufferyard;
    c. Between the "E" sub-district and abutting:
        i. Residential development: Class A bufferyard;
        ii. Commercial development: Class C bufferyard; or
        iii. Industrial development: Class E bufferyard.

## Sec. 3.707 Commercial and Mixed-Use Building Design Standards

A. **Generally.** Commercial and mixed-use buildings shall conform to the design standards of this Section, and not of **Article 11, Design Standards.**

B. **360-Degree Architecture.** The architectural features, materials, and articulation of the front façade shall be continued on all sides that are visible from a public thoroughfare.

C. **Transparency.**

1. Not less than 50 percent of the ground level front façade shall be transparent, including window or door openings that allow views into and out of the interior of the building.
2. Not less than 30 percent nor more than 50 percent of the façade of upper stories shall be transparent.

D. **Massing.**

1. Buildings shall be designed to appear as a group of attached buildings with horizontal elements in increments of 25 feet.
2. The fourth story of any building that is more than three stories shall be stepped back not less than eight feet along not less than 85 percent of all of its public street frontages.

E. **Materials.** Building materials shall convey an appearance of quality and durability.

1. Building exteriors shall be constructed from proven, high quality, durable materials, including:
   a. Brick
   b. Limestone
   c. Other native stone
   d. Textured colored aggregate concrete masonry units
   e. Masonry with stucco finish
   f. Building integrated photovoltaics
2. The following materials are permitted only as provided herein:
   a. Stucco and EIFS are permitted as an accent material only. If used, stucco and EIFS shall be detailed to look like traditional wall cornices, soffits, window trim, and similar features. EIFS may be installed only above the floor level of the second story.
   b. Building materials that are not listed in subsection B.1., above, may be used as predominant materials if it is demonstrated that:
      i. They have comparable durability, impact resistance, and quality as the materials listed in subsection B.1., above; and
      ii. They are part of a building that is designed to achieve a Leadership in Energy and Environmental Design ("LEED") certification, and the materials qualify for LEED points under both the Energy and Atmosphere criteria and the Materials and Resources criteria.
3. The use of the following as predominant exterior building materials is prohibited:
   a. Pre-fabricated metal wall panels
   b. Smooth-faced concrete block
   c. Vinyl, composite or metal siding
   d. Wood
   e. Glass curtain walls

F. **Openings.**

1. Building openings (doors and windows) shall be square or vertical in proportion.
2. Entrances to ground-level uses shall be recessed between three and eight feet or covered by awnings that project between four and six feet from the building face.
3. Windows shall be recessed at least four inches, and shall include obvious sills, heads, and other forms of framing.

G. **Blank Walls.** All exterior building elevations that face public streets, customer parking areas, or areas of



Exhibit "E"
Page E-000103

residential use shall be designed so that there are no areas of blank wall that are more than 16 feet in horizontal or vertical direction. This requirement can be met by window openings, articulation of the building, porches or balconies, material and color variations, decorative cornices, murals, score lines, and graphics.

H. **Corporate Architecture.** Logo buildings and logo building elements are prohibited.

I. **Mechanical Equipment.** Rooftop mechanical equipment (e.g., HVAC systems) mounted on a flat roof shall be screened with materials and colors that surround the equipment, and that are consistent with the design of the building. In addition, mechanical equipment shall be screened from all ground level views from adjacent property and rights-of-way by:

1. Parapet walls, which shall include three-dimensional cornice treatments of not less than 12 inches in height, with no less than three reliefs; or
2. Hedges installed on a green roof system, provided that the mechanical equipment is set back at least 25 feet from all exterior building walls; or
3. Sloped roof systems or other architectural elements that conceal the flat roof area where the equipment is mounted.

## Sec. 3.708 Architectural Pattern Book and Comprehensive Sign Program

A. **Generally.** All developments that are approved pursuant to the standards of this Division shall provide an architectural pattern book and sign program, which shall be subject to approval by the City. The architectural pattern book shall provide elevations and illustrations of proposed building types and lists of proposed building materials. The comprehensive sign program shall provide a unified theme for signage throughout the development, including form, design, color, materials, illumination, dimensions, and appropriate limitations. These documents control subsequent development in the TND.

B. **Standards for Approval.**

1. The City shall consider the following factors in the approval of a proposed architectural pattern book:
   a. Buildings are articulated and detailed to provide visual interest and avoid undue imposition of building mass on the street;
   b. All sides of the buildings have comparable architectural merit;
   c. Front porches are provided on all residential units except townhomes, duplex townhomes, multifamily, and mixed-use;
   d. Balconies are provided on all townhomes, duplex townhomes; multifamily; and mixed-use buildings;
   e. Buildings, accessory buildings, garages, ancillary units, fences, and garden walls use materials that comply with the applicable standards of this Division; and
   f. The architectural styles of the proposed building elevations are complimentary with each other (although landmark buildings with contrasting architecture may be approved at terminal vistas within the "C" sub-district).
2. The City shall consider the following factors in the approval of a proposed comprehensive sign program:
   a. The scale of the proposed signs;
   b. The proportionality of the signs with the building faces to which they will be attached;
   c. The form of the proposed signs;
   d. The aesthetic quality of the signs (without reference to their content);
   e. The quality of the materials of the signs;
   f. The nature and intensity of proposed illumination; and
   g. The nature of any proposed limitations, and their appropriateness to ensure that signage reflects the

desired quality and character of the proposed development.

## Sec. 3.709 Alternative Standards for Condominium and Alternative Land Development

A. **Generally.** The standards of Division 3.700, Traditional Neighborhood Development, with respect to lot area, lot width, and setbacks relate to the development of residential buildings on conventional lots that are intended to be owned in fee-simple by the owners of the buildings. However, the standards are not intended to preclude other ownership types, such as condominiums (in which the land is owned in common by the owners of the condominium units), or common maintenance communities (in which fee simple ownership is limited to the land under the building, and, in some cases, a small area around it). The alternative standards of this Section are intended to allow such alternative ownership scenarios, provided that the development could be approved pursuant to this UDO using conventional fee-simple ownership arrangements.

B. **Demonstration of Compliance Required.** The proposed pattern of development will be permitted if it is demonstrated that it would comply with the density, open space, and applicable setback requirements of this UDO if it were platted with lots that meet the minimum requirements of Division 3.700, Traditional Neighborhood Development for each of the proposed housing types.

# Division 3.800 Nonresidential Scale Regulations

## 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 has a larger floor area than permitted that was constructed before the effective date of this UDO, 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.



Exhibit "E"
Page E-000105

## Division 4.100 Purpose

### Sec. 4.101 Purposes

The purpose of this Article is to promote and protect public health, safety, and general welfare in the following ways:

A. **Resource Protection.** Protecting, and preserving in a generally natural state, resources that:

1. Reduce run-off;
2. Increase groundwater recharge;
3. Sequester carbon;
4. Provide or protect wildlife habitats;
5. Protect or enhance water and air quality; and
6. Mitigate heat island effects.

B. **Use of Open Space.** Allowing reasonable use of open space and protected resources.

C. **Flood Damage Prevention.** Minimizing public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging, and other development activities which may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
6. Make federally subsidized flood insurance available for structures and their contents by fulfilling the requirements of the National Flood Insurance Program.

D. **Wellhead Protection.** Safeguarding the community's potable water supply against contamination from existing and future potential contamination sources by designating Wellhead Protection Areas ("WHPAs") (ground water resources that serve as a source of potable water for the Valparaiso public water system). WHPAs are protected by:

1. Creating WHPA Overlay Districts, which are delineated on attached maps, and consistent with the Indiana Wellhead Protection Rule (Indiana, 1997), IC 8-4-1.1 et seq, IC 13-18-17-6, and the federal Safe Drinking Water Act 42.
2. Within the WHPA Overlay Districts, regulating the storage, handling, and use of substances that are regulated by Indiana statutes and administrative regulations, and Federal laws and regulations, which

could pose a threat to wellheads in Valparaiso, and well fields located in the City of Valparaiso and Porter County.

E. **General Standards.** Limiting exposure to unhealthy conditions with regard to noise, light pollution, dirt, dust, chemicals, odors, or other emissions associated with land uses.

## Sec. 4.102 Incentives and Flexibility

A. **Resource Protection Incentives and Flexibility.**

1. The construction of buildings, parking, or other uses in areas that are not suited for such development can create hazards to life and property Those threats may be on-site or off-site, and may include impacts such as air, groundwater, and/or surface water pollution. In addition to avoiding potential hazards, resource protection also helps to preserve and protect community character, enhance property values, and generally improve quality of life.

2. The cluster and planned development options set out in **Article 3, District Intensity and Bulk Standards**, ensure that resource protection can be accomplished while minimizing adverse impacts on the development potential of a parcel. By using cluster or planned development options, the developer can create a land development plan that protects resources by building on the unprotected areas, while maintaining a reasonable gross density.

B. **The Level of Protection.** The standards of this Article are intended to promote air quality objectives, reduce energy use, and reduce carbon footprints -- all major national and international challenges. The standards strike a balance for growth and environmental protection.

# Division 4.200 Resource Protection Standards

## Sec. 4.201 Resource Protection Standards

A. **General.**

1. Natural resources shall be protected by leaving a portion of the area occupied by the resource undisturbed and:

   a. Designated as open space in residential developments; or

   b. Designated as undisturbed landscape surfaces in nonresidential developments.

2. Some uses are permitted on areas designated as open space. They are set out in **Division 4.400, Uses in Open Space.**

B. **Minimum Requirements.** The minimum amount of each area of natural resources that must be set aside as protected open space is set out in **Table 4.201, Resource Protection Standards.**

Table 4.201
Resource Protection Standards[1]

| Resource | Open Space Ratio (RU district) | Open Space Ratio (ER,SR and AR districts) | Open Space Ratio (All other districts) |
|---|---|---|---|
| Water Bodies | 1.00 | 1.00 | 1.00 |
| Riparian Buffers | 0.90 | 0.80 | 0.70 |
| Floodway | 1.00 | 1.00 | 1.00 |
| Floodplain | 0.90 | 0.75 | 0.20 |
| Wetlands | 1.00 | 1.00 | 1.00 |
| Woodlands | 0.60 | 0.35 | 0.10 |
| Steep Slopes (>25% grade) | 0.90 | 0.60 | 0.30 |
| Steep Slopes (15% to 25% grade) | 0.70 | 0.50 | 0.10 |



Exhibit "E"
Page E-000108

| | | | |
|---|---|---|---|
| Wellhead Sanitary Setback Areas | 1.00 | 1.00 | 1.00 |
| [1] Note that Division 4.400 and Division 4.500 contain additional standards for natural resources. | | | |

## Sec. 4.202 Constrained Site Resource Protection Standards

A. **Applicability.** The Planning Director shall allow the use of constrained site resource protection standards set out in this Section when application of the resource protection standards in **Section 4.201, Resource Protection Standards** would result in no capacity on the site due to the extent and configuration of protected resources, and either:

1. The parcel proposed for development is for residential use; or
2. The parcel proposed for development is a lot of record that is proposed for a nonresidential use that is less than 20,000 square feet in floor area.

B. **Minimum Constrained Site Requirements.** Minimum open space requirements are set out in **Table 4.202, Constrained Site Resource Protection Standards.** Standards are provided for each type of protected resource.

Table 4.202
Constrained Site Resource Protection Standards[1]

| Resource | Open Space Ratio (RU district) | Open Space Ratio (ER,SR and AR districts) | Open Space Ratio (All other districts) |
|---|---|---|---|
| Water Bodies | 1.00 | 1.00 | 1.00 |
| Riparian Buffers | 0.45 | 0.40 | 0.35 |
| Floodway | 1.00 | 1.00 | 1.00 |
| Floodplain | 0.45 | 0.38 | 0.10 |
| Wetlands | 1.00 | 1.00 | 1.00 |
| Woodlands | 0.30 | 0.18 | 0.05 |
| Steep Slopes (>25% grade) | 0.50 | 0.35 | 0.20 |
| Steep Slopes (15% to 25% grade) | 0.35 | 0.25 | 0.05 |
| Wellhead Sanitary Setback Areas | 1.00 | 1.00 | 1.00 |
| [1] Note that Division 4.500 contains additional standards for natural resources. | | | |

C. **No Capacity**. For the purposes of site capacity calculations, "no capacity" means that the site capacity calculation results in a value of no residential lots, or less than 500 square feet of nonresidential floor area.

## Sec. 4.203 Additional Relief

A. **Limited Waiver of Resource Protection Standards.** If the application of **Section 4.202, Constrained Site Resource Protection Standards,** results in no capacity, then site capacity shall be further recalculated using the constrained site resource protection standards for waterbodies, floodways, floodplains, and wetlands that are set out in **Table 4.202, Constrained Site Resource Protection Standards.** Other protected resources shall not be included in this calculation.

B. **Final Determination.**

1. The site capacity recalculation is final if:
   a. For residential site capacity calculations, the site capacity recalculation shall result in one or more residential lots.
   b. For nonresidential site capacity calculations, the site capacity recalculation shall result in the



Exhibit "E"
Page E-000109

smaller of:

i. At least ten percent of the floor area shown in step seven of the non-residential site capacity calculation; or

ii. 5,000 square feet.

2. If the site capacity recalculation does not result in one of the results set out in subsection B.1., above, then the applicant may seek a variance from development standards.

## Sec. 4.204 Protected Resources

A. **Generally.** All subdivisions and site plans that are subject to **Division 4.200, Resource Protection Standards,** shall show the boundaries of areas of protected natural resources, if such exist on the site. Such delineation shall be by a registered professional land surveyor.

B. **Mapping Criteria.** The following criteria shall be used for mapping natural resources:

1. Streams (perennial, intermittent, mapped, and unmapped) with identifiable banks and beds shall have their boundaries set at the top of the bank.

2. Initial identification of the water courses/water bodies shall be made using the U.S. Geological Survey quadrangle maps or more accurate information, as available. Field survey verification to determine evidence and location of channelized flow is required for primary plats and site plans.

3. Woodlands shall be measured at the canopy line.

4. Wetlands shall be delineated by the criteria promulgated by the U.S. Army Corps of Engineers.

C. **Boundaries.** Boundaries shall be drawn as follows:

1. Measurements for boundaries are to be made horizontally, perpendicular from, or radial from any feature or point.

2. Boundaries that are dependent on elevation shall be based upon on-site elevations and shall not be interpolated.

D. **Topography.** Topographic lines shall be at one-foot contour intervals unless such intervals are impractical due to essentially flat topography.

# Division 4.300 Site Capacity Calculations

## Sec. 4.301 Site Capacity Requirement

A. **Applicability.**

1. A preliminary site capacity calculation shall be presented at the time of a proposed rezoning for both the present zoning and the proposed rezoning.

2. Every other application for development approval except for the development of a residential lot in an existing platted subdivision or the development of any lot that is part of a parcel that has already been subject to a site capacity analysis, shall include a site capacity analysis based on the site's physical conditions and natural resources.

B. **Exemptions.** An application shall be exempt from the site capacity analysis requirement if:

1. A site capacity analysis has been submitted for a prior approval, the conditions upon which the analysis was based have not changed, and the application is consistent with the previous approved application (e.g., an individual lots in an approved subdivision is not required to submit an individual site capacity calculation when the protection has already been achieved in the subdivision approval process); or

2. The parcel proposed for development is an existing lot of record that is:

a. Not proposed for subdivision;

b. Zoned for residential use; and

c. Proposed for development of a single-family home; or

3. The parcel proposed for development is an existing lot of record that:
   a. Does not contain any wetlands or floodplains;
   b. Is zoned for nonresidential use; and
   c. Is less than one acre in area; or
4. The applicant demonstrates that the parcel proposed for development does not contain any of the natural resources set out in **Table 4.201, Resource Protection Standards.**

## Sec. 4.302 Residential Site Capacity Calculation

A. **General.** Unless exempted by **Section 4.301, Site Capacity Requirements,** a residential site capacity calculation shall be submitted for residential development applications on a form approved by the Planning Director.

B. **Calculation.** Site Capacity is equal to the lesser of the District Yield or Site Specific Yield, as follows:
   1. District Yield is equal to the Base Site Area (see **Section 3.202, Base Site Area**) times the permitted Gross Density (see **Table 3.301.A., Residential Standards**).
   2. Site Specific Yield is equal to Buildable Land times the permitted Net Density (see **Table 3.301.A., Residential Standards**).
      a. Buildable Land is equal to the Base Site Area (see **Section 3.202, Base Site Area**) minus the greater of:
         i. Base Site Area times the applicable Open Space Ratio (see **Table 3.301.A., Residential Standards**); or
         ii. The grand total of the areas of each protected resource within the Base Site Area times the resource protection standard that applies to each protected resource (see **Division 4.200, Resource Protection Standards**).

C. **Rounding.** All calculations in subsection B shall be rounded down to the nearest whole number.

D. **Sample Forms.** Sample forms and on-line calculators are provided in **Appendix A,** Site Capacity Calculations.

## Sec. 4.303 Nonresidential Site Capacity Calculation

A. **General.** Unless exempted by **Section 4.301, Site Capacity Requirements,** a nonresidential site capacity calculation shall be submitted for nonresidential and mixed-use development applications on a form approved by the Planning Director.

B. **Calculation.** Site Capacity is equal to the lesser of the District Yield or Site Specific Yield, as follows:
   1. District Yield is equal to the Base Site Area (see **Section 3.202, Base Site Area**), measured in square feet, times the permitted Gross Floor Area Ratio (see **Table 3.301.B., Nonresidential Standards**).
   2. Site Specific Yield is equal to Buildable Land times the permitted Net Density (see **Table 3.301.A., Residential Standards**).
      a. Buildable Land is equal to the Base Site Area (see **Section 3.202, Base Site Area**) minus the greater of:
         i. Base Site Area times the applicable Open Space Ratio (see **Table 3.301.A., Residential Standards**); or
         ii. The grand total of the areas of each protected resource within the Base Site Area times the resource protection standard that applies to each protected resource (see **Division 4.200, Resource Protection Standards**).

C. **Rounding.** All calculations in subsection B shall be rounded down to the nearest whole number.

D. **Sample Forms.** Sample forms and on-line calculators are provided in **Appendix A,** Site Capacity Calculations.

## Division 4.400 Uses in Open Space



Exhibit "E"
Page E-000111

## Sec. 4.401 Uses In Open Space

A. **General. Table 4.401, Uses in Open Space,** lists uses that may be permitted in the designated open space that is required elsewhere in this UDO. The uses listed are narrower subsets of the use categories listed in **Table 2.201.A., Agricultural, Residential, and Institutional Uses,** and **Table 2.201.B., Nonresidential Uses.** These more detailed uses allow a closer match between the permitted uses and the resource's tolerance.

B. **Limited and Special Uses.** Standards that apply to limited and special uses are provided in the balance of this Division.

C. **Prohibited Uses.** Any use not listed is prohibited.

**Table 4.401:**
Uses in Open Space

P = permitted use; L = Limited Use review; S = Special Use review; X = prohibited use

| Use | General Open Space | Water Bodies | Riparian Buffer | Flood-way | Flood-plain | Wet-lands | Wood-lands | Steep Slopes (>15%) | Wellhead Sanitary Setback Areas |
|---|---|---|---|---|---|---|---|---|---|
| **Agricultural Uses** | | | | | | | | | |
| Apiaries | P | X | P | X | L | X | P | P | P |
| Agriculture | P | X | L | X | L | X | X | X | X |
| Commercial Kennels and Stables | P | X | X | X | L | X | X | X | X |
| Nursery | P | X | L | X | L | X | X | X | X |
| **Recreational Uses** | | | | | | | | | |
| Ball Fields | P | X | L | X | L | X | X | X | L |
| Golf Course | P | L | L | L | L | L | L | L | L |
| Nature Area | P | L | P | L | P | L | P | L | P |
| Nature Center | P | X | L | X | L | X | L | L | L |
| Picnic Area | P | X | P | X | L | X | L | X | L |
| Water Dependent Uses | S | S | S | S | S | X | X | X | X |
| Pools | P | X | X | X | X | X | X | X | X |
| Play Courts | P | X | X | X | L | X | X | X | X |
| Trails | P | X | P | X | P | L | P | P | P |
| **Public Facilities** | | | | | | | | | |
| Public/Private Roads Sewer/Water | L | S | L | S | S | S | S | L | X |
| Detention/Flood Control | P | L | P | X | L | L | X | L | X |
| Essential Access | P | S | L | S | S | S | S | L | X |
| **Temporary Uses** | | | | | | | | | |
| Public Interest Event and Special Events | P | X | X | X | X | X | X | X | L |



Exhibit "E"
Page E-000112

| Special Uses | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Carbon Mitigation | P | X | P | X | P | P | P | P | P |

## Sec. 4.402 Apiaries

Apiaries shall be located at least six inches above the base flood elevation and anchored to resist movement in the event of a base flood.

## Sec. 4.403 Agriculture

A. **Applicability.** Only the establishment of new agricultural uses shall be regulated. Agricultural uses that exist as of the effective date of this UDO are exempt.

B. **Riparian Buffers and Floodplains.**

1. Agricultural uses shall be set back 50 feet from any stream bank.
2. The setback area shall remain natural vegetation.
3. If livestock is involved, a fence shall be constructed to prevent livestock access to the protected areas.

## Sec. 4.404 Commercial Kennels and Stables

A. **Commercial Kennels.** Kennels shall be located outside the floodplain.

B. **Commercial Stables.** Only outdoor pastures and riding trails are permitted in the floodplain. Paddocks or riding rings with exposed earth are prohibited, along with waste piles.

## Sec. 4.405 Nurseries

A. **Generally.** Riparian buffers and floodplains shall be protected as set out in this Section.

B. **Setbacks.** Tilled areas of nurseries shall be set back 50 feet from any floodway, wetland, or water body.

C. **Use of Setback Areas.**

1. The setback area must be maintained as a natural area.
2. Fill is prohibited in the setback area, except to the extent required to control and treat stormwater runoff.

## Sec. 4.406 Ball Fields

A. **Generally.** Riparian Buffers, Floodplains, and Wellhead Sanitary Setback Areas shall be protected as set out in this Section.

B. **Setbacks.** Ball fields and associated bleachers or stands shall be set back 50 feet from any floodway, wetland, water body, or wellhead.

C. **Use of Setbacks.**

1. The setback area must be maintained as a natural area.
2. Fill is prohibited in the setback area, except to the extent required to control and treat stormwater runoff.

## Sec. 4.407 Golf Courses

A. **Crossing Riparian Buffers, Floodways, or Floodplains.** Golf courses may cross riparian buffers, floodways, and floodplains if it is demonstrated that:

1. There will be no change in the flood elevation due to the construction. The applicant shall demonstrate that the cross sectional area of the floodplain in such areas is at least 110 percent of the existing cross sectional area.
2. Tees and greens are elevated above base flood elevation. No filling is used to raise tees or greens, except in areas where the floodplain is less than one foot in depth.



Exhibit "E"
Page E-000113

3. Pedestrian or golf cart trails and bridges are designed to cross riparian buffers, floodways, or floodplains in ways that minimize the volume and velocity of stormwater runoff into waterbodies and floodways.
4. Where the course parallels a water body, there is no clearing of natural vegetation in the riparian buffer, except as necessary for flood water access.
5. The course is designed to provide a 40 percent increase in stormwater storage (compared to the pre-development condition) during a regulatory flood.

B. **Wetlands, Woodlands, and Water Bodies.** Wetlands, woodlands, and water bodies may be integrated into a golf course if it is demonstrated that:

1. The wetlands, woodlands, and water bodies will be preserved (the course is designed so that these protected areas are natural hazards).
2. There is no filling of wetlands or water bodies.
3. A buffer of natural vegetation at least 15 feet in width will be maintained around the border of all wetlands.

C. **Steep Slopes.** Steep slopes may be integrated into a golf course if it is demonstrated that:

1. They are used in their natural condition as rough; or
2. They are graded only for golf cart trails or paths, and:
   a. The alignment of such trails or paths is designed to avoid the concentration of stormwater that can result in erosion; and
   b. Erosion control measures required by the City Engineer to ensure that erosion of steep slopes is controlled for the long-term are included in the design.

D. **Wellhead Sanitary Setback Area.** Drainage design shall direct runoff away from wellheads.

## Sec. 4.408 Nature Areas

A. **Water Bodies, Floodways, and Wetlands.** Boardwalks and viewing platforms are permitted to cross over waterbodies, floodways, and wetlands, if it is demonstrated that:

1. All required state and federal permits are issued;
2. No viewing platform is more than 150 square feet;
3. Boardwalks and viewing platforms are constructed of stable, durable materials that do not leach toxic chemicals into the waters below;
4. Boards are placed so that light penetrates to the waters below;
5. No boardwalk or viewing platform structure interferes with the flow of floodwaters;
6. Boardwalks and viewing platforms are elevated to at least three feet above base flood elevation; and
7. Trash receptacles are provided every 100 feet along the boardwalk, and an agreement acceptable to the City Attorney is executed with regard to trash removal.

B. **Steep Slopes.** Nature trails, signage, and viewing platforms are permitted in areas with steep slopes if it is demonstrated that:

1. They are routed to avoid areas that are prone to slippage due to soil or subsurface conditions; and
2. Trails are designed in a manner to minimize erosion and avoid concentrating runoff.

## Sec. 4.409 Nature Centers

A. **Riparian Buffers, Floodplains, and Woodlands.** Nature centers are permitted in riparian buffers, floodplains, and woodlands if it is demonstrated that:

1. They are designed and located to avoid the cutting of any trees over six inches diameter at breast height;



Exhibit "E"
Page E-000114

and

2. The educational purpose served by a close-up view of the riparian buffer, floodplain, or woodland cannot be comparably served by trail access.

B. **Steep Slopes.** Nature centers are permitted on steep slopes if it is demonstrated that:

1. Parking areas are not located on steep slopes; and
2. The educational purpose served by the location of the building on the steep slope cannot be comparably served by trail access.

C. **Wellhead Sanitary Setback Areas.**

1. Impervious surfaces and parking areas are not allowed in the sanitary setback area.
2. Drainage shall be directed away from the wellhead.

## Sec. 4.410 Picnic Areas

A. **Floodplains.**

1. Picnic areas shall be set back 50 feet from any stream channel or water body.
2. All toilet facilities shall be:
   a. Located outside the floodplain; and
   b. Elevated at least two feet above base flood elevation.

B. **Woodlands.** Picnic areas are permitted in woodlands if it is demonstrated that:

1. They do not involve clearing of trees in areas protected by the site capacity calculation;
2. The proposed plan for location, installation, and ground covers in the picnic areas provides reasonable assurances that the trees will be protected; and
3. Trash receptacles are provided for every cluster of tables, and an agreement acceptable to the City Attorney is executed with regard to trash removal.

C. **Wellhead Sanitary Setback Area.** Picnic areas are allowed within the sanitary setback area, provided that:

1. The ground is covered with natural groundcovers;
2. No sewer, combined sewer, or toilet facilities of any type are located in the sanitary setback area.
3. No water lines, except those associated with the well, are permitted in the sanitary setback area.

## Sec. 4.411 Water Dependent Uses

A. **Water Bodies, Riparian Buffers, Floodways, and Floodplains.** Water dependent uses are permitted if it is demonstrated that:

1. The location of access to the water has been chosen to:
   a. Minimize adverse impacts to the water body from erosion, pollutants, or turbidity; and
   b. Minimize adverse impacts to riparian zone flora and habitat.
2. The dimensions of the access are the minimum necessary to provide reasonable access for the purpose of the water dependent use.

B. **Supporting Facilities.** Any facilities that support the water dependent use that do not require direct access to water shall be located away from the water, to minimize their impact on riparian buffers, floodplains, and wetlands.

C. **Federal Approvals.** Nothing in this Section limits the jurisdiction of the U.S. Army Corps of Engineers. No construction of water dependent uses under the jurisdiction of the U.S. Army Corps of Engineers shall commence until all required permits are issued.



Exhibit "E"
Page E-000115

## Sec. 4.412 Trails

A. **Wetlands.** All trails in wetlands shall be elevated walkways subject to the following:

1. Such walkways are permitted only where the trail must cross the wetland for educational purpose or because it must cross the wetland to connect a trail system that cannot otherwise be connected. Where the trail can make a reasonable connection without crossing the wetland it shall be required to do so.
2. There shall be a minimum of 18 inches of clearance of the structure above the normal high water elevation.
3. The elevated walkways shall be installed using hand carried equipment to minimize damage to the wetland.
4. Any trail crossing the floodway shall be on a bridge structure that is at least two feet above the water and that will safely withstand flood events.

B. **Steep Slopes.** Nature trails, signage, and viewing platforms are permitted in these areas. They shall avoid areas prone to slippage due to soil or subsurface conditions. They shall be designed in a manner to avoid concentrating runoff.

## Sec. 4.413 Play Courts

A. **Generally.** Play courts (*e.g.*, tennis, basketball, skate parks) are permitted in the floodplain according to the standards of this Section.

B. **Standards.**

1. The elevation of the floodplain shall not exceed six inches below the base flood elevation.
2. No fill shall be used to raise the elevation of the courts or materially alter the topography around the courts.
3. Additional stormwater storage shall be provided to lower the depth of the regulatory flood.
4. Play courts shall be designed and situated so as to minimize the risk that debris that could cause floodwater backups will be trapped.
5. Parking areas within the floodplain shall be made of gravel, pervious paving blocks or grids, or reinforced turf.
6. Paved areas shall not exceed five percent of the floodplain area.
7. A clear flow channel shall be provided in swales, minimizing the impact of the play courts on storm flows.

## Sec. 4.414 Streets and Utilities

A. **Generally.** Resources that are protected pursuant to **Division 4.200, Resource Protection Standards** and **Division 4.300, Site Capacity Calculations,** shall not be crossed with public or private streets, access easements, water or sewer utility lines (except those that serve only the uses that are allowed by this Division), except as provided in this Section.

B. **Necessary Resource Crossings.**

1. Generally; where it is not possible to make reasonable use of a parcel proposed for development without crossing a resource, the resource may be crossed if it is demonstrated that:
   a. No feasible alternative to crossing the resource exists;
   b. The route selected is the least disruptive, based on a review of at least three crossings.
   c. Mitigation is undertaken to minimize the impact of the crossing on the resource, pursuant to subsection C, below.
2. Private streets or drives shall be permitted only where:
   a. They are necessary to provide access to buildable land; and



Exhibit "E"
Page E-000116

b. The parcel proposed for development would be unbuildable without the access.

C. **Mitigation Standards.**

1. Anything crossing the floodway shall be elevated in accordance with **Division 4.500, Floodplain and Wetland Standards.**
2. Floodplains shall be mitigated as follows:
   a. All streets shall be a minimum of one foot above the 100 year flood elevation.
   b. All manholes or access to underground utilities shall be protected so the access is water proofed to two feet above the 100 year flood elevation.
   c. If the floodplain is forested, the forest regulations shall also apply.
3. Cleared forest land shall be mitigated as follows:
   a. Mitigation shall occur on site, or within the same drainage basin and within 1,500 feet of the site.
   b. The number of acres of required mitigation shall be:
      i. 1.5 acres per acre of young forest cleared; and
      ii. three acres per acre of mature forest cleared.
   c. Plants of the specified types and sizes shall be installed in the following quantities per acre of required mitigation:
      i. 25 three-inch caliper large trees;
      ii. 10 one and one-half-inch caliper small trees; and
      iii. 80 three-foot tall shrubs.
   d. Areas where mitigation plantings are installed shall be placed under a conservation easement
4. Steep slopes shall be mitigated as follows:
   a. Erosion controls shall be put in place to prevent erosion, and nets or other best management practices shall be applied to ensure that the ground cover is established quickly over the entire disturbed area.
   b. Each acre of the area that is disturbed shall be planted with:
      i. 20 three-inch caliper large trees;
      ii. 15 one and one-half-inch caliper small trees; and
      iii. 80 three-foot tall shrubs.
5. Only water lines and utilities associated with a wellhead may be located within 50 feet of a wellhead. No other utilities or impervious surfaces are permitted within 50 feet of wellheads.

D. **Impact of Crossings on Open Space Calculation.**

1. Where public streets must cross open space, the pavement and improved shoulders are not counted as open space.
2. Any right-of-way that is restored to natural conditions may be counted as preserved open space unless prohibited below.
3. Any areas that are mitigated by revegetating to match surrounding areas may be counted as open space.
4. Cleared forested areas shall not be counted as preserved open space.

## Sec. 4.415 Detention and Flood Control

A. **Water Bodies.** Man-made ponds may be used for detention by increasing their size or the dam height. Any other water body use for detention is prohibited except as provided in **Section 4.508, Identified Floodways.**



Exhibit "E"
Page E-000117

B. **Floodplains.** Detention is permitted only as provided by **Section 4.511, Compensatory Storage.**

C. **Wetlands.** Existing wetlands shall not be used for detention of stormwater.

### Sec. 4.416 Essential Access

A. **General.** Essential access shall be permitted only upon demonstration that there is an area of buildable land on the property that must be accessed across protected resources in order to avoid losing development rights. The permit shall be denied if clustering or planned development options can avoid the need for the access without a loss of density or intensity from that permitted by the site capacity calculation.

B. **Shared Access.** If several properties in the area have a need for essential access, then as few essential access points as possible shall be designed to serve all properties, and access easements shall be provided. Staff shall make every effort to gain the cooperation of all property owners, including sharing of costs. If adjoining property owners do not cooperate, the property owner making the improvements may submit a certified billing on the cost of the access. Subsequent essential access requests in the area shall be denied. Instead, the property owners shall be required to use the initial access and pay for their share of the documented expenses based on the number of dwellings or lots served. In the review of developments, the City shall seek to identify areas of adjoining properties that might qualify, and provide stub streets so as to eliminate the need for this type of mitigation.

### Sec. 4.417 Public Interest and Special Events

Public interest and special events are permitted within wellhead sanitary setback areas if the Wellhead Administrator finds that they pose no material risk of contaminating the wellhead, and that the wellhead is adequately secured.

## Division 4.500 Floodplain Management

### Sec. 4.501 Statutory Authorization, Findings of Fact, Purpose, and Objectives

A. **Statutory Authorization.** The Indiana Legislature has in I.C. 36-7-4 and I.C. 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Common Council of the city does hereby adopt the following floodplain management regulations as part of this Unified Development Ordinance.

B. **Findings of Fact.**

1. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. **Statement of Purpose.** It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging, and other development which may increase erosion or flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and

6. Make federally subsidized flood insurance available for structures and their contents in the city by fulfilling the requirements of the National Flood Insurance Program.

D. **Objectives.** The objectives of this section are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
7. To ensure that potential homebuyers are notified that property is in a flood area.

## Sec. 4.502 General Provisions

A. **Lands to which this Chapter Applies.** This chapter shall apply to all SFHAs within the jurisdiction of the city.

B. **Basis for Establishing Regulatory Flood Data.** This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed in this subsection. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Indiana Department of Natural Resources for review and approval.

1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of Salt Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the city dated July 6, 1982 and the corresponding Flood Boundary Floodway Map dated January 6, 1983, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
2. The regulatory flood elevation, floodway, and fringe limits for each of the remaining SFHAs delineated as an A Zone on the FIRM of the city shall be, according to the best data available, as provided by the Indiana Department of Natural Resources.
3. For the SFHAs of those parts of unincorporated Porter County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city:
4. The regulatory flood elevation, floodway, and fringe limits of studied SFHAs shall be as delineated on the 100- year flood profiles in the Flood Insurance Study of Porter County dated October 1, 1981 and the corresponding Flood Boundary Floodway Map dated April 1, 1982, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date; and
5. If the SFHA is delineated as Zone A on the County Flood Insurance Rate Map, the regulatory flood elevation, floodway, and fringe limits shall be according to the best data available as provided by the Indiana Department of Natural Resources.

C. **Establishment of Floodplain Development Permit.** A Floodplain Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities in areas of special flood hazard.

D. **Compliance.** No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this section and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.



Exhibit "E"
Page E-000119

E. **Abrogation and Greater Restrictions.** This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. **Discrepancy between Mapped Floodplain and Actual Ground Elevations.**

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

3. If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

G. **Interpretation.** In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

H. **Warning and Disclaimer of Liability.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this section does not create any liability on the part of the city, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this section or any administrative decision made lawfully thereunder.

I. **Penalties for Violation.** Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this section. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the municipal code for the city. The city's Floodplain Administrator may, for any violation of this chapter, levy a fine against the violator(s) of up to the maximum amount allowed by Chapter 37 of the Valparaiso Municipal Code for each occurrence. The Floodplain Administrator shall notify the violator(s) of such fine, in writing, on a form approved by the Board. The violator shall pay the fine through the Local Ordinance Violations Bureau. The Floodplain Administrator may levy a fine for each and every day the violation is continued.

1. A separate offense shall be deemed to occur for each day the violation continues to exist.

2. The Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

3. Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

## Sec. 4.503 Provisions for Flood Hazard Reduction

A. **General Standards.** In all SFHAs the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;



Exhibit "E"
Page E-000120

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this section shall meet the requirements of "new construction" as contained in this section; and
10. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this section, shall be undertaken only if said non-conformity is not further extended or replaced.
11. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
    a. The excavation shall take place in the floodplain and in the same immediate watershed in which the authorized fill or structure is located.
    b. Under certain circumstances, the excavation may be allowed to take place outside of, but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same immediate watershed in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
    c. The fill or structure shall not obstruct a drainage way leading to the floodplain.
    d. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
    e. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating that the fill and excavation comply with this section.

B. **Specific Standards.** In all SFHAs, the following provisions are required:

1. In addition to the requirements of Sec. **4.503(B), Provisions for Flood Hazard Reduction**, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
    a. Construction or placement of any new structure having a floor area greater than 400 square feet.
    b. Addition or improvement made to any existing structure:
        i. Where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);
        ii. With a previous addition or improvement constructed since the community's first floodplain



Exhibit "E"
Page E-000121

provision.

c. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.

d. Installing a travel trailer or recreational vehicle on a site for more than 180 days.

e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This section does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and

f. Reconstruction or repairs made to a repetitive loss structure.

2. **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of § 55.05(B)(4).

3. **Non-residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all A Zones may be floodproof in lieu of being elevated if done in accordance with the following:

   a. A registered professional engineer or architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Sec. **4.503(C)(10), Provisions for Flood Hazard Reduction**; and

   b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

4. **Elevated Structures.** New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

   a. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area;

   b. The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade);

   c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;

   d. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator);

   e. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms;

   f. Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and

   g. Where elevation requirements exceed six feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or



Exhibit "E"
Page E-000122

dimension contrary to the structure's originally approved design shall be presented as a condition of issuance of the final Certificate of Occupancy.

5. **Structures constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:
   a. The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test Method;
   b. The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.
   c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical;
   d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties; and
   e. The top of the lowest floor including basements shall be at or above the FPG.
6. **Standards for Structures Constructed with a Crawlspace.** A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:
   a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
   b. Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. Provide a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade;
   c. The interior grade of the crawlspace must be at or above the base flood elevation;
   d. The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point;
   e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;
   f. Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and
   g. Utility systems within the crawlspace must be elevated above the flood protection grade.
7. **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
   a. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
      i. Outside a manufactured home park or subdivision;
      ii. In a new manufactured home park or subdivision;
      iii. In an expansion to an existing manufactured home park or subdivision; or
      iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.



Exhibit "E"
Page E-000123

b. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

c. Recreational vehicles placed on a site shall either:

i. Be on site for less than 180 days;

ii. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

iii. Meet the requirements for "manufactured homes" as stated earlier in this section.

C. **Standards for Subdivision Proposals.**

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of 50 lots or five acres.

D. **Critical Facility.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

E. **Standards for Identified Floodways.** Located within SFHAs, established in **4.503(B), Provisions for Flood Hazard Reduction** are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of I.C. 14-28-1, a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (I.C. 14-28-1-26 allows construction of non-substantial additions/improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

1. No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. **4.503(B), Provisions for Flood Hazard Reduction,** of this Unified Development Ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a



Exhibit "E"
Page E-000124

community's more restrictive regulations (if any) shall take precedence.

2. No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot.

3. For all projects involving channel modifications or fill (including levees) the city shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

F. **Standards for Identified Fringe.** If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Sec. **4.503(B), Provisions for Flood Hazard Reduction,** of this Unified Development Ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

G. **Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.**

1. Drainage area upstream of the site is greater than one square mile.

a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

b. No action shall be taken by the Floodplain Administrator until either a permit for construction in the floodway or a floodplain analysis/regulatory assessment citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

c. Once the Floodplain Administrator has received the proper construction in a floodway permit or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Sec. **4.503(B), Provisions for Flood Hazard Reduction,** of this Unified Development Ordinance have been met.

2. Drainage area upstream of the site is less than one square mile.

a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodway, fringe and 100-year flood elevation for the site.

b. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. **4.503(B), Provisions for Flood Hazard Reduction,** of this Unified Development Ordinance have been met.

3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

## Division 4.600 Wellhead Protection

### Sec. 4.601 Designation of Wellhead Protection Areas and Sanitary Setback Areas

Wellhead protection areas and sanitary setback areas shall be designated as provided in **327 IAC 8-4.1, Wellhead Protection.**

### Sec. 4.602 Activities within Wellhead Protection Area Overlay District

A. **Generally.** All activities within the wellhead protection area overlay district are to be in compliance with all City, County, State, and Federal regulations that may be in effect. The Wellhead Protection Administrator shall monitor



Exhibit "E"
Page E-000125

and inspect activities within the wellhead protection areas for compliance of such regulations.

B. **Construction in Wellhead Protection Area Overlay District.** The Wellhead Protection Administrator will be notified of all such plats, site plans, and site reviews.

1. All new construction or reconstruction in a wellhead overlay protection district will require site review by the Wellhead Protection Administrator, the Building Commissioner, and the City Engineer. All site reviews will require a site plan that designates the area that is in the wellhead protection area and wellhead sanitary setback area of any wellhead.

2. All subdivision plats, development plans, and Planned Unit Development plats that overlap with a wellhead protection area shall designate the wellhead protection area overlay district and wellhead sanitary setback area on the Secondary Plat that is recorded.

## Division 4.700 General Environmental Standards

### Sec. 4.701 Noise

A. **Maximum Noise Level.** No use shall exceed the noise level indicated in **Table 4.701, Maximum Noise Levels,** measured at any property line.

**Table 4.701: Maximum Noise Levels**

| Adjoining Use or District | Max. dBA from9 AM to 11 PM | Max. dBA from 11 PM to 9 AM |
|---|---|---|
| Open Space and Residential (ER, SR, GR, UR, NC, CN) | 55 | 45 |
| Commercial, Campus, and Mixed-Use (CG, CBD, CP, RT, BP, CA) | 65 | 55 |
| Industrial (RU, INL, INH) | 75 | 65 |

B. **Most Restrictive Standards Apply.** Where different uses adjoin the subject property, the most restrictive noise level standard shall apply. The standard must be met not only on abutting properties, but also where a district boundary is off site.

C. **Barriers and Structures.** Where barriers or structures are used to meet noise reduction, they shall be certified by a registered acoustical engineer as meeting these standards pursuant to the Federal Highway Administration's Highway Traffic Noise Prediction Model (FHWA-RD-77-108, as amended). The actual elevation of noise sources on the property shall be used in the model.

D. **Exceptions.** The following are excepted from the standards of this Section:

1. Noises emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.

2. Transient noises from moving vehicles, such as trucks and automobiles or trains.

3. Extraction activities may be granted limited exceptions to noise standards during the Limited or Special Use approval process, and those conditions shall be controlling.

### Sec. 4.702 Vibration

A. **Generally; Unit of Measurement.** The maximum vibration standard is maximum peak particle velocity. This standard is measured as the maximum displacement vector sums of three mutually perpendicular directions, recorded simultaneously, multiplied by the frequency in cycles per second. Where these standards are not met five feet beyond the building walls or the generator, if it is located outside, then barriers, structures, or dampening measures shall be used to ensure that all uses meet these standards at the property line.

B. **Standards.** The standards of **Table 4.702, Vibration Standards,** shall be met, except as provided in B below.



Exhibit "E"
Page E-000126

**Table 4.702**
Vibration Standards [1]

| Frequency in Cycles per second | Adjoining Zoning | | | Impact Vibration[2] |
|---|---|---|---|---|
| | SR, GR, UR, NC, CN | CG, CBD, CP, RT, BP, CA | RU, INL, INH | |
| Less than 10 | 0.0004 | 0.002 | 0.0039 | 0.0098 |
| 10-19 | 0.0002 | 0.0011 | 0.0022 | 0.0055 |
| 20-29 | 0.0001 | 0.0006 | 0.0011 | 0.0028 |
| 30-39 | 0.0001 | 0.0004 | 0.0007 | 0.0018 |
| 40-49 | 0.0001 | 0.0003 | 0.0005 | 0.0013 |
| 50 or more | 0.0001 | 0.0002 | 0.0002 | 0.0010 |

[1] Vibrations that do not exceed 60 per minute may be twice this value.

[2] Vibrations occurring no more than eight times in a 24-hour period with a minimum separation of one minute.

C. **Exceptions.** The following are excepted from these standards:

1. Vibrations emanating from construction activities between the hours of 7:00 a.m. and 7:00 p.m. that are temporary in nature.
2. Transient vibrations of moving vehicles, such as trucks and automobiles or trains.
3. Extraction activities may be granted limited exceptions to impact vibration standards during the Limited or Special Use approval process, and those conditions shall be controlling.

D. **Measurement.** An operator trained to measure vibrations shall make all such measurements and shall submit and certify them to the City.

## Sec. 4.703 Emissions and Odors

A. **Control of Emissions.** All industrial uses shall submit verification that their proposed smoke and particulate matter emissions meet Federal and State Air Quality Standards set forth by the U.S. Environmental Protection Agency (Code of Federal Regulations, Title 40) and the State of Indiana.

B. **State and Federal permits.** No regulated emission source shall be constructed or operate without required permits from the State and Federal governments.

C. **Other Objectionable Odors.** Objectionable odors that are noticeable at any point beyond the property line are prohibited. The test for objectionable odors shall be conducted as follows:

1. A panel of five people, selected by the Planning Director, shall be convened. The panel shall consist of one member of the Planning Department staff, two people from the business community, and two residents of nearby residential areas. One member of the business community and one nearby resident shall be from the zoning district in which the use is located, but shall not include the owner of the site nor a complainant.
2. The panel shall visit the site and determine if the use is emitting an odor that is considered offensive to adjoining uses. The odor is considered offensive if:
   a. A majority of the panel so determines; or
   b. Any panel member experiences eye irritation or other allergic reaction.

## Sec. 4.704 Toxics

A. **General.** Manufacturing toxic matter, as listed in the U.S. EPA Title III, List of Lists, most current version, is prohibited. However, such matter may be used in processing or be an emission by-product if not in violation of applicable state and federal regulations. Any release of such material shall meet State and Federal standards. All uses that use or generate listed toxic materials or emit carcinogenic substances shall be treated as Special Uses.



Exhibit "E"
Page E-000127

B. **Required studies.** In approving such Special Use, the City shall evaluate the following studies, submitted and sealed by a licensed engineer specializing in toxic emissions:

1. **Threat Level.** A Threat Level Study shall evaluate how close the proposed emission is to the maximum permitted emission levels.

2. **Dispersion.** A Dispersion Study shall demonstrate the level of dispersion and mixing that occurs (in normal and worst-case weather conditions) prior to the point at which the emission:

   a. Leaves the property;

   b. Crosses into a residential district or a property used by the public such as a school, museum, or other places of public assembly.

3. **Risk Management Plan.** If a Risk Management Plan (sometimes known as an "FRMP") is required by Federal law, the plan shall be provided to the City.

C. **Standard.** The Special Use shall be approved if the applicant demonstrates that:

1. The use poses no material health risk to occupants of neighboring properties and residents of the City; and

2. Adequate safeguards are provided with regard to securing the toxic substances against theft, accidental leaks, or accidental emissions.

## Sec. 4.705 Hazardous Materials

A. **General Standard.** All uses shall comply with State and Federal Standards. Any use that is required to submit a Federal Risk Management Plan (RMP) shall submit the same to the City at the time of application for development review. The City shall review the application in light of minimizing risk to neighbors, the City, or the environment. The City may impose design conditions to maximize protection of the health and safety.

B. **Explosive Liquids and Gasses Stored in Large Quantities or Used in Manufacturing.** Uses that store more than 2,000 gallons of explosive liquids or gasses above ground for distribution or manufacturing purposes shall be separated from residential uses and places of public assembly by a distance of not less than 600 feet.

C. **Radiation Hazards.** No manufacture or processing of radioactive materials shall be permitted within the City. Where radioactive materials are to be used in the manufacture of other materials, the use shall be processed as a Special Use. Where radioactive materials are used in medical testing and imaging, industrial measurement, or quality control equipment, they may be permitted as a Limited Use. All Special or Limited uses shall meet the following standards:

1. Radioactive materials shall be stored in sealed containers or rooms that do not allow radiation to escape.

2. All such areas where radioactive materials are used shall be clearly labeled.

3. The fire department, emergency services, and police shall be given detailed plans of the areas involved in handling any radioactive materials.

4. The use shall have proper permits for the use, storage, and disposal of radioactive materials.

## Sec. 4.706 Dust and Debris

A. **Control of Dust and Particulate.** Dust and particulate matter shall be controlled using Best Management Practices ("BMPs") to prevent significant off-site deposition on adjoining lots or roads. The City shall determine whether the pattern of deposition is a result of the regular operation of the industrial use or vehicular traffic on the site, not a short-term landscaping or construction activity that was impacted by severe winds. Long-term construction is expected to use BMPs to reduce dust. Clean up of deposited material shall be the responsibility of the generator. If the City must do the clean up because of failure of the generator to take corrective action, the City may close the use until corrective action is taken and cleanup expenses paid.

B. **Construction Activities.**

1. Construction activities shall be conducted using BMPs that avoid the deposit of dust and debris on adjoining property and public streets. Clean up of deposited material shall be the responsibility of the



Exhibit "E"
Page E-000128

generator. If the City must do the clean up because of failure of the generator to take corrective action, the City may shut down the construction until the dust and debris is cleared and cleanup expenses paid.

2. All construction debris, including but not limited to cement waste, shall be removed from the property and recycled or disposed of at a licensed facility upon completion of construction.

C. **Best Management Practices.** BMPs include, but are not limited to, covering stored materials, wetting or otherwise stabilizing the material, paving, sodding, sweeping or vacuuming the materials, wind breaks or silt fences, filters, or other trapping mechanisms. Depending upon the nature of the use or construction, appropriate BMPs may be promulgated by the United States Environmental Protection Agency, the United States Soil Conservation Service, or the State of Indiana. The City may require documentation to prove that BMPs are being implemented.

D. **Combustion.** No person, firm or corporation shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, a furnace or combustion device for burning of coal or other natural or synthetic fuels, without using recognized and approved equipment or methods to reduce the quantity of gasborne or airborne solids of fumes emitted into the open air so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.

For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

## Sec. 4.707 Lighting

See **Division 9.500 Exterior Lighting Standards.**

## Sec. 4.708 Glare

A. **Glare from Use.** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

B. **Glare from Buildings and Structures.** Buildings and structures shall be designed and oriented to avoid glare that materially interferes with the safe operation of streets.



Exhibit "E"
Page E-000129




## Division 5.100 Purpose and Applicability

### Sec. 5.101 Purpose

A. **Generally.** The purposes of this Article are the following:

1. To regulate, classify, restrict, and control the location, size, type and placement of all signs and sign structures;
2. To eliminate and prevent excessive and confusing sign displays which do not relate to the premises on which they are located within the city;
3. To preserve the natural beauty and environment which is instrumental in attracting those who come to visit, trade, attend school, or set up residence;
4. To safeguard, stabilize, and enhance property values;
5. To protect public and private investment in buildings and open spaces;
6. To ensure a consistent and appropriate aesthetic environment; and
7. To protect the public health, safety, and general welfare.

### Sec. 5.102 Applicability

A. **Generally.** Hereinafter, all construction, relocation, enlargement, alteration, and modification of signs within the City shall conform to the requirements of this Article, all State and Federal regulations concerning signs and advertising, the International Code Council (ICC) Building Code as amended by the State of Indiana, and the Indiana Electric Code.

B. **Signs Currently Under Construction.** If a permit for a sign has been issued in accordance with all City ordinances in effect prior to the effective date of this Article, and provided that construction is begun within six months of the effective date of this Article and diligently prosecuted to completion, said sign may be completed in accordance with the approved plans on the basis of which the permit has been issued, subject thereafter, if applicable, to the provisions herein for nonconforming signs.

## Division 5.200 Pre-existing, Prohibited, and Nonconforming Signs

### Sec. 5.201 Nonconforming Signs

A. **Notification of Nonconformity.**

1. After the enactment of this Article, the Building Commissioner or his/her designee shall, as soon as practicable, survey the City for signs that do not conform to the requirements of this Article. Upon determination that a sign is nonconforming, the Building Commissioner or his/her designee shall use reasonable efforts to so notify either personally or in writing the tenant or owner of the property on which the sign is located of the following:
   a. The sign's nonconformity; and
   b. Whether the sign is eligible for characterization either as legal nonconforming or unlawful.
2. If the owner or user of the sign or property on which the sign is located cannot be contacted, the notice may


Last Revision: April 26, 2010
Valparaiso Unified Development Ordinance

be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

B. **Signs Eligible for Characterization as Legal Nonconforming.**

1. Any sign located within the City limits on the date of adoption of this Article that does not conform to the provisions of this Article is eligible for characterization as a "legal nonconforming" sign and is permitted, provided it also meets the following requirements:
    a. The sign was approved by a sign permit or variance on the date of adoption of this Article if one was required under applicable law, or, if no sign permit was required under applicable law for the sign in question, the sign was in all respects in conformity with the applicable law immediately prior to the adoption of this Article or had legal nonconforming status at such time; and
    b. The sign is a permanent sign.
2. If land is annexed to the City of Valparaiso after the effective date of this Article, any signs that do not conform to the provisions of this Article at such time shall have legal nonconforming status if:
    a. Under applicable federal, state, and county regulations, the sign was legal in all respects immediately prior to annexation;
    b. The sign is a permanent sign; and
    c. The annexation was not conditioned upon the removal or modification of the sign.
3. Any nonconforming sign that does not fit the definition of a "legal nonconforming" sign is an unlawful sign. Except as provided subsection C. below, a legal nonconforming sign shall retain such status in perpetuity.

C. **Loss of Legal Nonconforming Status.**

1. A legal nonconforming sign shall immediately lose its legal nonconforming status if:
    a. The sign or sign structure, because of improper installation or maintenance, constitutes a threat to public health or safety and remains in such condition after a reasonable time is given to remedy the problem;
    b. The sign is demolished or damaged to the extent of 50 percent or more of its value;
    c. The permit, variance, or condition under which the sign was permitted expires; or
    d. The sign or sign structure is substantially structurally altered so as to prolong its expected life.
2. On the happening of any one of the above-listed items, the sign shall be immediately brought into conformance with this Article or shall be removed. The following shall not result in loss of legal nonconforming status:
    a. Any changes of color, design, or message on the sign's face; and
    b. Any modification to the sign or sign structure which does not constitute a substantial structural modification.

D. **Safety, Maintenance and Repair.** Nothing in this Article shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from any provisions regarding safety, maintenance and repair of signs.

## 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 5.308, 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;
9. Any sign attached to or painted or otherwise rendered on a bench or seat is located outside a building or structure on a public sidewalk or right-of-way. (Such a sign on a bench or seat not on a public sidewalk or right-of-way is not prohibited by this provision but must comply with all other regulations and its surface area shall be included in the total allowable surface area permitted for the building);
10. Signs that advertise a business which has not been conducted within the past 90 days, or a product or service which has not been offered for sale within the past 90 days, on the premise where such sign is located; if otherwise in compliance with this Article, a sign may be located at such location indicating a move of such business to another location for a period of time not exceeding 90 days from the date of discontinuance of the business at the sign's location;
11. Signs that use string lights or any unshielded light within public view if used in connection with commercial premises for commercial purposes except that this shall not include:
    a. Holiday decorations at holiday time; or
    b. Non-flashing neon window signs.
12. Any sign or sign structure determined by the Building Commissioner to be:
    a. Structurally unsafe; or
    b. A hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
13. Any sign that obstructs the vision of drivers, or unduly distracts the attention of drivers, or obstructs the visibility of any traffic sign or traffic control device by reason of size, location, coloring, or illumination;
14. Any sign that obstructs free ingress and egress from a required door, window, fire escape, or other exitway, and any other sign prohibited by the building code;
15. Signs with a commercial purpose that make use of words such as "Stop," "Look," or "Danger," or other similar words, phrases, symbols, or characters in such a manner as to imply the need of stopping or the existence of danger;
16. Any sign unlawfully installed, erected, or maintained;
17. Any sign or other advertising structure containing any obscene, indecent, or immoral matter;
18. Any sign placed or installed in or on any parkway, alley, public street, easement or right-of-way as established by the official thoroughfare plan except as may be authorized by the Board of Public Works and Safety;
19. Any sign not in compliance with Federal or State law;
20. Any sign that is constructed or installed in such a manner as to overhang a public street, sidewalk, or

right-of-way, except as otherwise expressly permitted by this UDO;

21. Snipe Signs;

22. Signs that are accessory to an unlawful use.

B. **Exemptions by Special Permit.**

1. **Exemptions for Grand Openings.** A business or other venture commencing its activities on a site shall be, for a period of one week prior to such opening and for two weeks after such opening, if such business applies to the Building Commissioner for an exemption and pays a fee as set by the City Common Council, granted exemption from the prohibitions in items 1-7 in subsection A., above. The surface area of these signs shall not be counted toward the maximum sign surface area permitted, nor subject to any height regulation.

2. **Exemptions for Special Promotions.** Upon application to the Building Commissioner and payment of a fee as set by the City Common Council, a business or other venture engaging in special promotions shall be granted exemption from the prohibitions in items 1-7 in subsection A., above for a period or periods totaling up to 10 weeks per calendar year. The application shall indicate the exact period or periods of the special promotion(s). The surface area of these signs shall not be counted toward the maximum sign surface area permitted or subject to any height regulation.

## Sec. 5.203 Exempt Signs

A. **Generally.** The following signs, if they comply with the limitations as stated in this section, and if they are permitted in the pertinent zoning district as set forth in this UDO, are exempt from the requirement of a sign permit:

1. Construction signs, provided that the contractor or other person placing such sign has made and maintains the deposit set forth in subsection B., below;

2. Real estate signs, except that if placed by any person or firm in the business of selling or brokering real estate, the exemption shall apply only if such person or firm has made and maintains the deposit set forth in subsection B., below;

3. Specific decorative displays used for holidays, public demonstrations or promotions of civic affairs or charitable activities, except that such may be situated on public property only if authorized by the Valparaiso Board of Public Works and Safety;

4. Signs advertising private garage sales;

5. Posters announcing special programs or events;

6. Campaign signs as permitted in **Section 5.307, Campaign Signs,** but not including campaign signs on billboards;

7. Home occupation signs;

8. Window signs;

9. House numbers, name plates for residential housing units identifying the occupancy and address of the premise, not to exceed two square feet;

10. Signs identifying the building name or occupancy and address of the building on fraternity, sorority and professional buildings, not to exceed eight square feet in area;

11. Integral signs;

12. Signs painted on or attached to vehicles bearing current license plates unless such signs are within the definition of **Section 5.202, Prohibited Signs; Special Exemptions with Written Permit,** subsection A.7;

13. Signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices, provided that as to each such device the sign area does not exceed six square feet;

14. Signs not exceeding six square feet each which contain only noncommercial messages including designation of restrooms, telephone location, restrictions on smoking, door openings, and private traffic control and parking signs;
15. One sign, not to exceed six square feet in area, per parking lot entrance identifying the business served and providing driving and parking information;
16. Business signs, not to exceed two square feet in area per sign face, containing information on credit cards and business affiliations;
17. Wall signs of no greater than ten square feet and installed no higher than the interior ceiling of the first floor level;
18. Artisan Signs provided that the artisan or other person placing such sign has made and maintains the deposit set forth in subsection B., below.
19. Financier's Signs provided that the financier or other person placing such sign has made and maintains the deposit set forth in subsection B., below.
20. Portable Signs.

B. **Exemption Deposit.** The exemption from the requirement of a written sign permit for construction signs, artisan signs, financier's signs, or real estate signs placed by any person or firm in the business of selling or brokering real estate applies only if the person or firm placing any such sign files a bond in the amount of $100 with the City Clerk-Treasurer. Such bond shall be available to the Building Commissioner to cover any fines or costs associated with a violation of this ordinance by the filer. In such event, such person shall replenish the amount so taken in order to maintain the exemption. If any such person or firm is found to have violated the ordinance three or more times in one calendar year, or fails to maintain the bond at $100, the Building Commissioner shall revoke the exemption as to such person or firm for up to one year thereby requiring such person to obtain a permit for any sign placed thereafter. (See **Section 5.403, Bonding,** on cash deposits in lieu of bond.)

## Division 5.300 Sign Restrictions

### 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 :
   1. All signs set forth in **Section 5.202, Prohibited Signs; Special Exemptions with Written Permit,** subsection A.;
   2. Internally Illuminated Signs;
   3. Any sign set back less than five feet from any public right-of-way;
   4. Any sign if its highest point is,
      a. For a ground sign, more than 10 feet above ground level
      b. For a wall sign, higher than the roof line; and
   5. Any sign not expressly permitted in subsections B. or C. of this Section.

B. **Permitted Signs.** Subject to **Section 5.202, Prohibited Signs; Special Exemptions with Written Permit,** only the following signs are permitted in the RU, ER, SR, GR, UR, RT, CP and NC zoning districts:
   1. Construction signs;
   2. Real estate signs, as shown in **Table 5.302, Maximum Real Estate Sign Areas:**



Exhibit "E"
Page E-000135

| Table 5.302: Maximum Real Estate Sign Areas | |
|---|---|
| **Type of Structure or Use** | **Maximum Sign Area** |
| Single-family residences<br>Duplexes<br>Individual apartments in multi-family buildings<br>Vacant land in the ER, SR, and NC districts | 8 sq. ft. |
| Multi-family buildings<br>Institutions<br>Vacant land in the RU, GR, UR, RT, CP and RU districts | 32 sq. ft. |

3. Signs advertising private garage sales not to exceed six square feet in area;
4. Campaign signs which comply with **Section 5.307, Campaign Signs.**
5. Home occupation signs;
6. House numbers, name plates for residential housing units identifying the occupancy and address of the premise, not to exceed two square feet in area;
7. Signs identifying the building name or occupancy and address of the building on fraternity, sorority and professional buildings, not to exceed eight square feet in area;
8. Integral signs;
9. Signs painted on or attached to vehicles bearing current license plates unless such signs are within the definition of **Section 5.202, Prohibited Signs; Special Exemptions with Written Permit,** subsection A.21;
10. Signs not exceeding six square feet in area total per building lot which contain only noncommercial messages;
11. Temporary subdivision signs of not more than 32 square feet in area, limited to one per roadway entrance;
12. Permanent subdivision signs of not more than 50 square feet and not more than two in number per subdivision;
13. Artisan signs;
14. Financier's signs; and
15. Institution signs having a surface area of no more than 36 square feet.

C. **UR, RT and CP Districts.** For each building in a UR, RT or CP district, one wall sign is permitted in addition to the signage permitted by subsection A., above, provided that it is no greater than 10 square feet and installed no higher than the interior ceiling of the first floor level.

D. **Illumination Regulations.** If a sign is illuminated by light beamed or reflected upon it, direct rays of light shall not beam upon any part of any other lot nor into a street. A sign in direct line of vision of a traffic signal shall not be red, green, or amber in color. Internally illuminated signs are prohibited.

E. **CA District for University Multi-Family.** Sign regulation for lots in the CA District shall be as follows:
   1. For parcels used as single-family or duplex residences, the sign regulations governing ER, SR, and NC districts;
   2. For parcels used as a residence for more than two families (including dormitories, fraternity and sorority houses), the sign regulations governing UR, RT and CP districts;
   3. For parcels owned and operated by a University for University-related purposes other than residences, the sign regulations governing the CG District. *(Section 908)*

## Sec. 5.303 Commercial Districts

A. **Prohibited Signs.** The following signs are prohibited in the CN, CG and BP districts:

1. All signs set forth in **Section 5.202, Prohibited Signs; Special Exemptions with Written Permit,** subsection A.;
2. Any sign not expressly permitted by this section.

B. **Ground Signs Prohibited in CBD District.** Ground signs are prohibited in the Central Business (CBD) district.

C. **Permitted Signs.** Subject to **Section 5.202, Prohibited Signs; Special Exemptions with Written Permit,** and to the regulations set forth in this section, the following signs are permitted in the CN, CG, BP, and CBD districts and for nonresidential occupancies in the CP and RT districts:

1. All signs set forth in **Section 5.203, Exempt Signs;**
2. Campaign signs which comply with **Section 5.307, Campaign Signs;** and
3. Real estate signs which do not exceed 32 square feet in area.
4. Signs, whether ground signs (except as prohibited by subsection B., above), projecting signs, or wall signs, identifying, advertising, calling attention to, or containing information about the business or activity conducted on the premises (except that automobile service stations shall comply with the provisions of **Section 5.306, Light Automobile Service Signs**).

D. **Setback Requirement.** No part of a ground sign or ground sign structure shall be closer than five feet to a paved street, a driveway, a sidewalk, the nearest easement line, the nearest property line, or the nearest right-of-way line as established by the Official Thoroughfare Plan.

E. **Height Regulations.**

1. **Ground Signs.** The maximum height of any portion of a permitted ground sign or ground sign structure shall be determined in **Table 5.303.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 5.303.A.:
Maximum Height of Ground Signs

| Street Frontage | 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.**

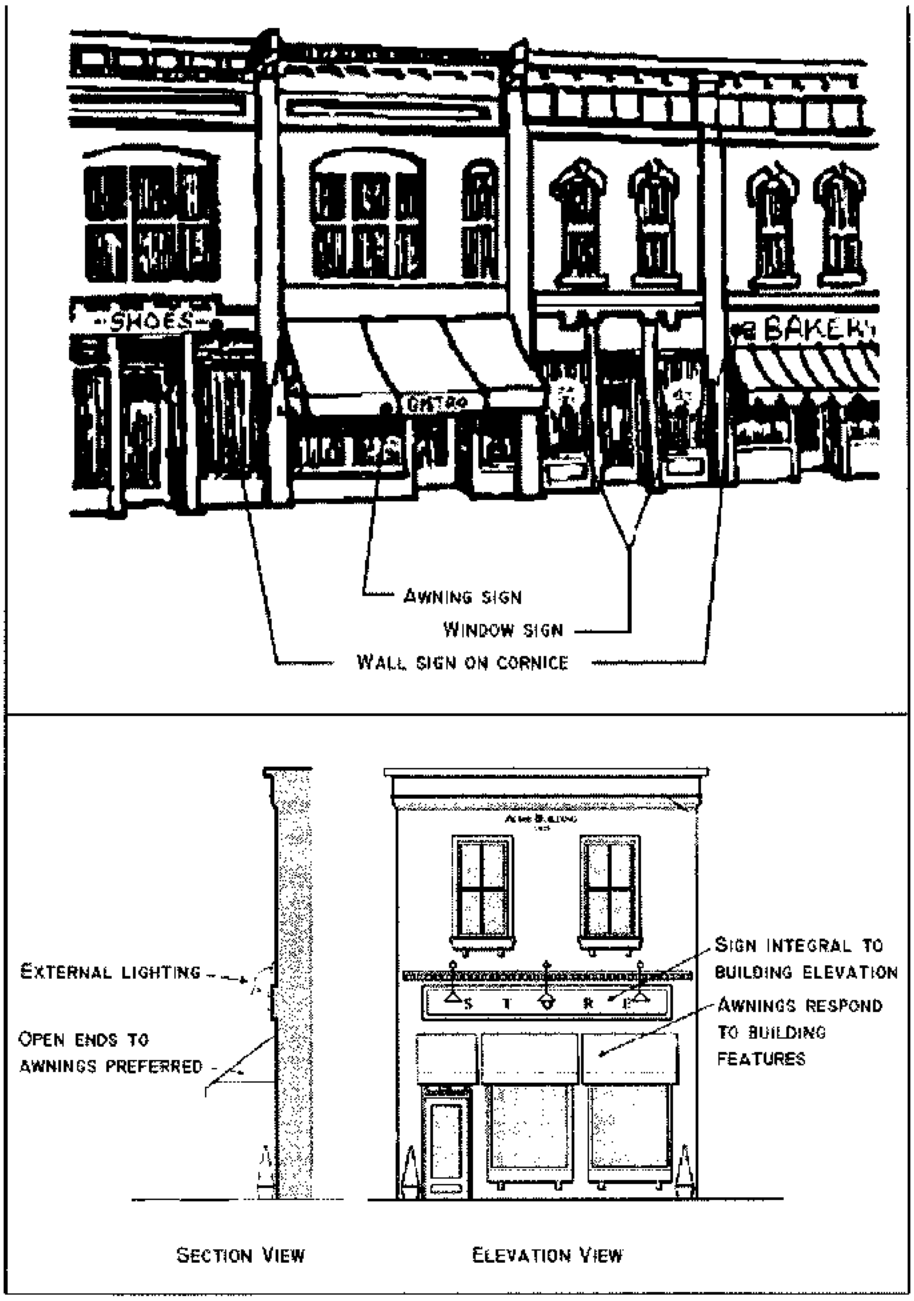
a. Generally, no maximum height applies to wall signs which do not project in any part above the roof line. Any sign so projecting shall be subject to the height regulations for ground signs, and such shall be measured from the uppermost portion of the sign to ground level.

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 matrials. 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 designed and installed by a registered sign contractor. See **Figure 5.303.A., CBD Signage.**

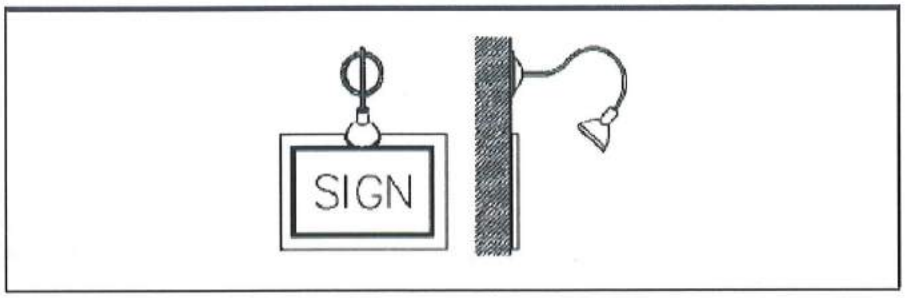
Figure 5.303.A.:
CBD Signage



Exhibit "E"
Page E-000137




c. In the CBD District, individual raised letters and numbers within the field of a sign band shall be installed with equal top and bottom margins. Such signs shall be externally illuminated. Gooseneck style direct lighting is strongly encouraged. See **Figure 5.303.B., Historical Wall Sign and External Lighting.**




F. **Surface Area Regulations.** The combined surface area of all signs (whether ground signs, wall signs, or projecting signs, except that in the CBD district, projecting signs shall not be included) excluding exempt signs as set forth in **Section 5.203, Exempt Signs;** signs permitted pursuant to **Section 5.202., Prohibited Signs; Special Exemptions with Written Permit,** subsection B; real estate signs, and signs permitted by subsections I and J of this section on a lot or building shall not exceed the areas shown in **Table 5.303.B., Maximum Sign Area.** A business or activity with no ground floor frontage is not prohibited from displaying signage; however, the total area of all signs on the building shall not exceed that calculated on the basis of the businesses or activities located on the ground floor.

Table 5.303.B.:
Maximum Sign Area

| District | Permitted Sign Area per Lineal Foot of Building Frontage[1] |
|---|---|
| Commercial, Neighborhood (CN) and nonresidential occupancies in the Residential Transition (RT) and Central Place (CP) districts | One square foot |
| Commercial, General (CG) and Business Park (BP) | Three square feet |
| Central Business (CBD) | Three square feet[2] |

[1] For purposes of calculation, each side of a building that abuts upon a public way shall be considered separate building frontage; however, the surface area of signage attributable to each frontage must face such frontage.

[2] For any one business or venture, three square feet of sign area for each linear foot of building frontage or 132 square feet, whichever is less. For purposes of the 132 square feet limitation for one business or venture, if such business has frontage on more than one public way, it shall have up to 132 square feet for each public way provided that the signage attributable to each frontage must face such frontage.

G. **Projection Regulations.**

1. **CBD District.**
   a. In the Central Business (CBD) district, no sign shall project more than 45 inches into the public way, sidewalk, or dedicated public easement all as determined, in case of dispute, by the City Engineer. Any such projecting sign shall be oriented so that the face surfaces of the sign are perpendicular to the face of the wall from which they project; provided, however, that a sign projecting from a point at which two walls meet to form a corner may be oriented in any direction.
   b. Projecting signs shall not exceed 1-1/2 inches in thickness.
2. **Other Commercial Districts.** Subject to the limitations set forth herein, projecting signs are permitted as follows:
   a. Attached to buildings in the CN district, provided that the building is set back a minimum of 20 feet from the public right-of-way;
   b. Attached to buildings with nonresidential occupancies in the RT and CP districts, provided that the building is set back a minimum of 15 feet from the public right-of-way;
   c. Attached to buildings in the CG and BP Districts.



Exhibit "E"
Page E-000139

3. **Restrictions.** Where permitted, projecting signs shall meet the following requirements:
    a. A maximum of one projecting sign per building or building lot, except that for buildings or building lots with more than one business or professional tenancy, each tenant may have one such projecting sign;
    b. The lowest part of such sign or structure encasing such sign is a minimum of eight feet above ground level;
    c. The projection from the building is not more than six feet (or, in the CBD district, 45 inches pursuant to subsection G.1., above) if the sign projects over a public right-of-way or sidewalk;
    d. No part of the sign is closer than 12 inches to a line extended vertically from the curb of a public street or alley; and
    e. The surface area of any sign shall not exceed:
        i. CN District: 12 square feet
        ii. Nonresidential uses in the RT and CP districts: 16 square feet
        iii. CG District: 20 square feet
        iv. CBD District: Eight square feet

H. **Illumination Regulations.** If a sign is illuminated by light beamed or reflected upon it, direct rays of light shall not beam upon any part of any existing residential area nor into a residential district, nor into a street. A sign in direct line of vision of a traffic signal shall not be red, green, or amber in color. Illuminated signs are permitted in all commercial districts; however, in the CBD district, internally illuminated signs are prohibited.

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.

J. **Large Commercial Buildings.**
    1. For individual buildings (i.e. not in a Unified Shopping Center) in a CG or BP district, one additional ground sign is permitted if the following conditions are met:
        a. The premises have a minimum of 1,500 square feet of usable floor space;
        b. The building is set back from any street a minimum of 30 feet; and
        c. The sign does not exceed 40 feet in surface area.
    2. Such sign shall be in addition to the maximum surface area for such premises as set forth in subsection F., above.

K. **Moveable Signage Boards.** Placement of moveable signage boards (e.g., to display daily specials, such as sandwich boards) shall be permitted according to the following:
    1. Limited to one sign board per tenant/business with the total area of the sign not exceeding seven square feet per business.
    2. All signage boards shall be professionally designed, printed and mounted on durable signage board.
    3. Signage shall be limited to the advertisement and sales of merchandise or services directly associated with the business type.
    4. Such signage shall be permitted to be displayed on pedestrian walkways located adjacent or nearly adjacent to the entrance of an establishment. Such signage shall not be placed in any drive or access area,



Exhibit "E"
Page E-000140

nor placed within any landscape area. Such signage shall not be used as a replacement for directional signage.

5. Such signage shall be located a maximum of 10 feet from an public entrance to an establishment.
6. Such signage shall be brought inside at dusk or close of business day each day
7. Such signage shall not block or impede pedestrian rights of way or walkways
8. Such signage shall not be internally or externally directly illuminated.

## Sec. 5.304 Industrial Districts

A. **Prohibited Signs.** The following signs are prohibited in the Light Industrial (INL) and Heavy Industrial (INH) districts:

1. All signs set forth in **Section 5.202, Prohibited Signs; Special Exemptions with Written Permit.**
2. Any sign not expressly permitted by this section.

B. **Permitted Signs.** Subject to **Section 5.202, Prohibited Signs; Special Exemptions with Written Permit,** and to the regulations set forth in this section, the following signs are permitted in the Light Industrial (INL) and Heavy Industrial (INH) districts:

1. All signs set forth in **Section 5.203, Exempt Signs;**
2. Campaign signs that comply with **Section 5.307, Campaign Signs;**
3. Real estate signs which do not exceed 32 square feet in area;
4. Signs, whether ground signs, projecting signs, or wall signs, identifying, advertising, calling attention to, or containing information about the business or activity conducted on the premises (except that automobile service stations shall comply with the provisions of **Section 5.306, Light Automobile Service Signs**); and
5. Off-premise signs, subject to the limitations set forth subsection H. of this section.

C. **Setback Requirement.** No part of a ground sign or ground sign structure shall be closer than five feet to a paved street, a driveway, a sidewalk, the nearest easement line, the nearest property line, or the nearest right-of-way line as established by the Official Thoroughfare Plan.

D. **Height Regulations.**

1. **Ground Signs.**
   a. The maximum height of any portion of a permitted ground sign or ground sign structure shall be determined as follows:
      i. Lots with street frontage of 150 feet or less: 15 feet
      ii. Lots with street frontage of more than 150 feet but less than 300 feet: 1 foot of height for each 10 feet of street frontage
      iii. Lots with 300 feet or more of street frontage: 30 feet
   b. If a lot has frontage on more than one street, the calculation shall be based on the largest frontage.
2. **Wall Signs.** No maximum height applies to wall signs that do not project in any part above the roofline. 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.

E. **Surface Area Regulations.** The total surface area of all signs (excluding exempt signs as set forth in **Section 5.203, Exempt Signs;** real estate signs; and signs permitted by subsection G., below) on a lot or building shall not exceed three square feet of sign area for each linear foot of building frontage. For purposes of calculation, each side of a building which abuts upon a public way shall be considered building frontage; however, the surface area of signage attributable to each frontage must face such frontage. A business or activity with no ground floor frontage is not prohibited from displaying signage; however, the total area of all signs on the building shall not exceed that permitted for the businesses or activities located on the ground floor.



Exhibit "E"
Page E-000141

F. **Illumination Regulations.** If a sign is illuminated by light beamed or reflected upon it, direct rays of light shall not beam upon any part of any existing residential area nor into a residential district, or into a street. A sign in direct line of vision of a traffic signal shall not be red, green, or amber in color.

G. **Large Industrial Parcels.** In a Light Industrial (INL) or Heavy Industrial (INH) district, if a parcel is three acres in area or more, one additional ground sign is permitted. Such ground sign shall not exceed 200 square feet. Such sign shall be in addition to the maximum surface area for such premises as set forth in subsection E., above.

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.

## Sec. 5.305 Overlay Zones

Nothing in this Article shall be understood as repealing or otherwise modifying the sign regulations and requirements of the overlay zones established by **Article 11, Design Standards.**

## Sec. 5.306 Light Automobile Service Signs

Any business that dispenses gasoline products at the pump to the public for motor vehicles may display, in addition to all other signs permitted in its zoning district, not more than two additional signs. Each of these signs shall not exceed eight square feet in surface area and shall be for the purpose of indicating the pump price of fuel sold or the announcement of special offers. Said sign or signs may be attached to an existing ground sign, lighting standard, the pump, or the wall of a building. The area of such signs shall not be counted against the total sign area limit of the zoning district in which such business is located. Such signs shall not require a permit and need not be erected by a person with a Sign License.

## Sec. 5.307 Campaign Signs

A. **Time.** No campaign sign is permitted except within 30 days prior to the primary and/or general election to which it pertains. All campaign signs must be removed no later than 10 days after the election to which they pertain.

B. **Place and Manner.** Campaign signs shall meet the following requirements:

1. Except for campaign signs on lawful billboards in Light Industrial (INL) and Heavy Industrial (INH) districts or on legal nonconforming billboards, a campaign sign shall not exceed eight square feet in surface area;
2. If two or more signs are joined together by any means, their combined display area per face shall not exceed eight square feet;
3. There is a maximum of two campaign signs per zoning lot;
4. In residential districts, campaign signs may not be internally illuminated;
5. In nonresidential districts, the illumination of campaign signs shall comply with the illumination regulations for such district;
6. All campaign signs must be set back a minimum of five feet from the public right-of-way;
7. No campaign sign shall be placed on public property, or in or on any roadway, parkway, alley, easement, or public right-of-way, or attached to any public utility pole, tree, or other appurtenance on public property;
8. No campaign sign shall be placed on private property without the express consent of the owner or occupier

of the property;

9. No campaign sign shall be constructed, installed, placed, or maintained in such a way as to constitute a public nuisance or hazard; and

10. All campaign signs located on, attached to, within, or painted upon any motorized vehicle, including cars, trucks, pickups, campers, or vans shall not exceed eight square feet and shall not be placed so as to restrict the driver's vision of the road or rearview or sideview mirrors.

C. **Required Bond.**

1. **City and County Elections.** All city and county candidates who intend to display campaign signs shall post a $100.00 bond before any campaign sign shall be permitted, such bond to be filed with the City Clerk-Treasurer. The bond shall be returned to the candidate if all such candidate's campaign signs are removed within the prescribed time. If the candidate does not remove or cause the removal of all such campaign signs within the prescribed time, the bond shall be forfeited to the City and shall be used for the removal of such campaign signs.

2. **State and National Elections.** For any political party that intends to display campaign signs for its candidate(s) in a state or national election, whether primary or general, the chair of each recognized party shall submit one bond in the amount of $100.00 to cover all campaign signs for all state and national candidates running for public office under the auspices of that party, such bond to be filed with the City Clerk-Treasurer. The bond shall be returned to the chair if all such campaign signs are removed within the prescribed time. If the chair does not remove or cause the removal of all such campaign signs within the prescribed time, the bond shall be forfeited to the City and shall be used for the removal of such campaign signs.

D. **Enforcement.** Whenever any campaign sign is found to be in violation of this Section, the candidate or party chair of the party to which the candidate belongs shall be notified in writing of the violation. The candidate or chair shall correct the violation immediately or within a reasonable time as determined by the Building Commissioner. If any violation is not corrected within the prescribed time, the City shall remove or cause to be removed any such campaign sign and any expense incurred by the City shall be deducted from the bond of the candidate or party as the case may be. This remedy is in addition to all other remedies provided in the Municipal Code.

E. **Exemptions.** This Section does not apply to campaign signs that are bumper stickers or to campaign signs in a parade for which a permit has been issued by the City of Valparaiso.

### Sec. 5.308 Temporary Signs

Temporary signs, such as construction signs, or signs in connection with a business or venture being carried on in a temporary location, shall be authorized by the Building Commissioner for not more than two months at a time by written permit which shall show the size, shape, content, height, type of construction and locations of such sign(s) and the period of authorization upon a finding by the Building Commissioner, on the basis of written information furnished by the applicant, that the proposed sign or signs are necessary for the direction of the public and not contrary to the spirit and purpose of this UDO.

### Sec. 5.309 Snipe Signs

In addition to any and all other remedies set forth in this UDO for a violation thereof, the Building Commissioner or his/her designee may remove any snipe sign and confiscate it.

## Division 5.400 Permit, License and Bonding Requirements

### Sec. 5.401 Sign Construction Permit

No person shall (through his/her own action or those of persons he/she hires or directs) commence to erect, alter, construct, or relocate any permanent sign or structure subject to this UDO, except for signs expressly exempted from the permitting process in **Section 5.203, Exempt Signs,** without first obtaining a Sign Permit from the Building Commissioner in accordance with the provisions of **Section 15.202, Administrative Permits.**



Exhibit "E"
Page E-000143

## Sec. 5.402 Annual License Required

A. **Generally.** No person shall engage in the work of erecting, altering, constructing, or relocating any permanent sign that requires a sign permit unless such person holds a valid and current Sign License issued by the Building Commissioner and has such Sign License in his/her possession at the job site.

B. **Application.** Any person or firm desiring a Sign License shall apply on a form provided by the Building Commissioner and tender the required fee and proof of the filing of the required bond. The application shall include the applicant's name (whether an individual or firm), address, and telephone number. Such license shall, unless revoked, be valid for the balance of the calendar year in which it is issued.

C. **License Fees.** The Building Commissioner shall maintain a schedule of license fees. The amounts for such licenses and renewals thereof shall be set from time to time by the City Common Council.

D. **Renewal.** Licenses may be renewed annually.

E. **Forfeiture.**

1. The Building Commissioner may revoke the Sign License of any person or firm if such person or firm:
    a. Has been found to have committed three violations of this UDO;
    b. Has ignored a Stop Order issued by the Building Commissioner;
    c. Has commenced erection or construction of a non-exempt sign without obtaining a permit therefor; or
    d. Has engaged in actions resulting in a forfeiture of the bond.
2. Such person or firm may apply for a new Sign License no sooner than six months after the date of revocation.

F. **Presumption of Violator's Identity.**

1. Unless circumstances clearly show otherwise, there exist the following presumptions in connection with any existing sign (including snipe signs) that violates any provision of this Article:
    a. The sign was erected at its location by, or with the consent of, the owner and occupier of the site;
    b. The sign was erected by, or with the consent of, the company or business advertised thereon; and
    c. The sign was erected by, or with the consent of, the promoter of the item or event advertised thereon (including, in the case of the advertisement of available residential housing, the realtor or other promoter thereof).
2. Any person cited for a violation may rebut any such presumption by introducing evidence of the non-existence of the presumed fact sufficient to prove by a preponderance of the evidence that the presumed fact is not true.

## Sec. 5.403 Annual Bonding

A. **Annual Bond Required.** Every person or firm erecting, altering or removing any non-exempt sign within the city shall file annually with the City Clerk-Treasurer, a bond in the penal sum of $5,000, conditioned that the person, firm or corporation shall comply with the provisions of this code with respect to alterations, locations, permit and construction requirements, and conditioned further to indemnify the City and its officials from any claims or damages sustained, brought, or obtained against the City or its officials because of the alteration, construction, removal or any accident caused by or resulting therefrom.

B. **Deposit in Lieu of Bond.** Whenever this Article requires the posting of a bond, the same may be satisfied by a cash deposit with the City Clerk-Treasurer in an amount equal to the face amount of the bond. Such deposit shall be subject to the same charges as the bond and the City has no obligation to pay any interest on such deposit.

# Division 6.100 Purpose and Applicability

## Sec. 6.101 Purpose

A. **General Scope.** This Article sets forth regulations for the substantive review of subdivision plats, development plans, planned unit development plans, and site plans, to be considered in addition to the other applicable land development regulations of this UDO.

B. **Purpose.** The purpose of this Article is to:

1. Ensure that new development is consistent with the goals and intentions of the Comprehensive Plan;
2. Provide for the harmonious development of the City, for the coordination and alignment of streets within subdivisions with other existing or planned streets, or with other features of the City;
3. Provide for appropriate open space for recreation, public facilities, light, and air;
4. Provide for a distribution of population and traffic which create conditions favorable to health, safety, convenience, and prosperity;
5. Ensure conformance of development plans with the capital improvement program of the City;
6. Ensure that development is compatible with and properly integrated into existing and future neighborhoods; and
7. Ensure that subdivisions and subdivision improvements are designed to:
   a. Reduce potential impacts on street congestion by providing alternative travel routes, provide a meaningful choice of alternative modes of transportation, shorten journey to work trips, or lessen overall vehicle miles traveled;
   b. Promote the orderly layout and use of land;
   c. Secure safety from fire and other dangers;
   d. Facilitate adequate provisions for transportation, potable water, wastewater, schools, parks, playgrounds and other public requirements;
   e. Protect neighborhood areas from the hazard of high-speed through traffic; and
   f. Protect groundwater supplies from contamination.

## 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. **Subdivision Plat.** Land shall not be divided for conveyance until a plat has been approved and submitted to the City for recording in the public records. A subdivision plat shall be required when the owner of a tract of land within the City divides the tract into two or more parts to lay out a subdivision of the tract; lay out suburban, building, or other lots; or lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of the purchasers or owners of the lots within the tract. A subdivision includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a

contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

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.**

C. **Development Plan.** A development plan shall be required for development within the Campus (CA) district. Permits may be issued for construction that is consistent with an approved development plan.

D. **Planned Unit Development.** Planned Unit Developments are subject to the approval procedures set out in **Division 15.500, Procedures and Administration for Planned Unit Development Approval.**

E. **Site Plan.** A site plan is required when the owner of a parcel proposed for development seeks building permits for new construction or expansion of an existing building; or for installing or reconfiguring parking areas, infrastructure, utilities, or drainage. Site plans are required whether or not a subdivision plat or master plan is required.

Statutory Reference: Subsection C.: IC 36-7-4-701(D)

## Division 6.200 Covenants, Conditions, and Restrictions for Site Plans, Plats, and Subdivisions

### Sec. 6.201 Covenants, Conditions, and Restrictions to Implement Approval Conditions

A. **Generally.** Conditions and requirements of development approval that require ongoing efforts of tenants or successors in title shall be included in a declaration of covenants, conditions, and restrictions for the property that shall be recorded in the public records in the chain of title for the property at the applicant's expense. Other requirements shall be in the form of written commitments, pursuant to **Section 15.310, Written Commitments.**

B. **Plat Annotations.** Requirements regarding maintenance of common areas or operation and maintenance of drainage facilities shall be summarized on the plat and set forth in full in the declaration of covenants, conditions, and restrictions, which shall be referenced on the plat.

C. **City Enforcement.**

1. The applicant shall provide proposed covenants, conditions, and restrictions to the City:

a. Upon filing the application for final plat approval; or

b. If no plat approval is sought, before the issuance of any permit that directly authorizes development (development approvals that require covenants, conditions, or restrictions shall be contingent upon approval of the covenants, conditions, and restrictions document).

2. The Plan Commission shall review covenants, conditions, and restrictions that implement requirements of this UDO or conditions of approval. The Plan Commission may require that the applicant grant the City a right of enforcement of the covenants, conditions, and restrictions, in order to ensure continuing compliance.

### Sec. 6.202 Other Covenants, Conditions, and Restrictions

The City shall approve only those covenants, conditions, and restrictions that relate to the development approval, and its right of enforcement shall extend only to those matters and matters that substantially bear upon them. The City will not seek to intervene in purely private disputes about covenants, conditions, and restrictions.

## Division 6.300 Subdivision and Development Design

### Sec. 6.301 Development Design Principles

A. **Generally.** The standards of Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, and Article 12 shall be

applied to site review, development plan review, planned unit development concept plan review, and subdivision plat review in the context of the development design principles of this Section. It is the policy of the City that the principles of this Section be applied to the maximum extent possible without imposing restrictions that reduce the density or intensity of development that is permitted on the subject property by this UDO. The City may require modifications to proposed site plans; development plans; planned unit development concept plans; or subdivision plats that otherwise conform to the standards of the UDO in order to enhance the quality of the design in accordance with the qualitative principles of this Section.

B. **Compatibility.** The proposed site plan, development plan, planned unit development concept plan; or subdivision plat shall be designed in a way that:

1. Provides appropriate space for buffers and transitions between incompatible land uses or obvious changes in density or intensity along side and rear lot lines;
2. Provides vehicular and pedestrian linkages between residential uses and retail, service, and office uses;
3. Protects neighboring property from stormwater runoff;
4. Anticipates and provides for future vehicular and pedestrian connections to neighboring properties that are likely to be developed or redeveloped with similar or supportive land uses within ten years;
5. Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development; and
6. Does not reduce the level of service of public utilities that are provided to surrounding development.

C. **Consistency with City Public Improvement Plans.** The proposed development shall conform to all adopted and applicable capital improvement plans of the City with regard to public infrastructure and facilities, including trails and parks and recreation.

D. **Flood Damage Prevention.**

1. Subdivisions shall be designed to minimize the potential for flood damage;
2. Public utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage;
3. Adequate drainage shall be provided to reduce exposure to flood hazards, and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of:
   a. 50 lots; or
   b. Five acres.

E. **Future Adjacent Development.** The proposed development shall be designed in a way that shows how future development of adjacent parcels under common ownership will relate to the parcel proposed for development in terms of transportation linkages and utilities.

F. **Landscaping.** The subdivision landscaping layout shall promote the zoning district's qualities and character and meet or exceed the standards therein. Bufferyard landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.

G. **Improvement Through Modulation.** The plan review shall consider whether modulations permitted in **Article 12, Modulation**, would enable the plan to improve in quality or preserve natural resources, while maintaining permitted development density.

H. **Preservation of Density and Intensity.** Design review is intended to permit plan modifications that improve design, but not to require a density reduction. The design review shall focus on revising the site plan by altering roads, lots, landscaping, or other plan elements, but not by altering development intensity unless it exceeds permitted standards.

## Sec. 6.302 Subdivision or Development Name



Exhibit "E"
Page E-000147

No subdivision shall have a name that is substantially similar to the name of another subdivision in Porter County, except that a group of related, adjacent subdivisions that are part of an overall plan of development may be named according to a common theme, or given the same name followed by a phase number to identify each phase of the project.

## Sec. 6.303 Streets

A. **Minimum Width of Public Ways.** The minimum width of public street rights-of-way in subdivisions shall be established according to the functional classification of each street, pursuant to **Section 8.204, Street Standards**

B. **Grades of Public Ways.** The City Engineer shall promulgate the requirements for grades of public ways in the **Minimum Standards for Street Design.**

C. **Curves.** The City Engineer shall promulgate the requirements for curves in the **Minimum Standards for Street Design**

D. **Alignment of Subdivision Streets with Existing Streets.**

1. Streets shall be configured as required by **Section 8.204, Street Standards.**
2. Streets shall, to the extent practicable, align with existing streets, and be given the name of the streets with which they align, or shall be offset the minimum distance specified in the Standards Manual.

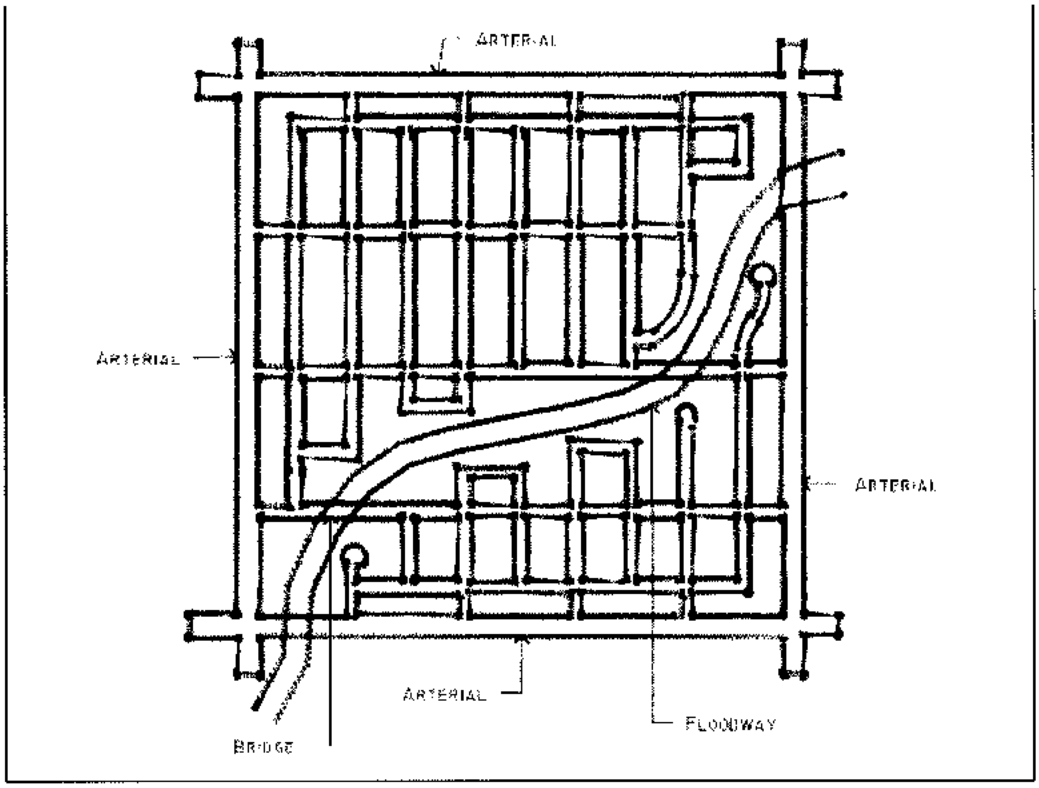
E. **Frontage Streets Along Railroads and Limited or Controlled Access Highways.**

1. Whenever a proposed improvement borders on or contains a railroad right-of-way, or a limited access or controlled access highway, the applicant shall provide a frontage road approximately parallel to such right-of-way which abuts such right-of-way in accordance with the specifications determined by the Board of Public Works and Safety.
2. No site permit or building permit shall be issued unless:
   a. The applicant constructs a frontage road as provided in paragraph 1., above; or
   b. A frontage road is presently in place along the indicated frontage; or
   c. The Board of Public Works and Safety determines that a frontage road is not presently necessary in said location, and the applicant enters into an agreement with the Board of Public Works and Safety that provides for the future dedication of such right-of-way and the future construction of such frontage road at no expense to the City.
   d. The Board of Public Works and Safety may waive the frontage road requirement entirely if it is demonstrated that:
      i. The physical features of the area to be served by such frontage road are not conducive to the construction of said frontage road; or
      ii. If other reasons are present to otherwise make the construction of such frontage road infeasible.

## Sec. 6.304 Blocks

A. **Block Pattern.** In general, streets shall be laid out to create blocks. Within any superblock created by arterials or collectors, the design objective is to provide an interconnected network of streets and pathways so that people may reach other locations within the superblock by walking or bicycling or driving, but particularly without having to access arterial or collector streets with vehicles. See **Figure 6.304.A., Illustrative Block Pattern in Superblock to Create Connectivity.** If practicable, streets shall be arranged in a loose grid or comparable formal arrangement, and open spaces shall be integrated into the block design. Exceptions will be made for green spaces along drainage or stream channels or where other natural resources make a grid or comparable formal arrangement difficult or cost prohibitive.

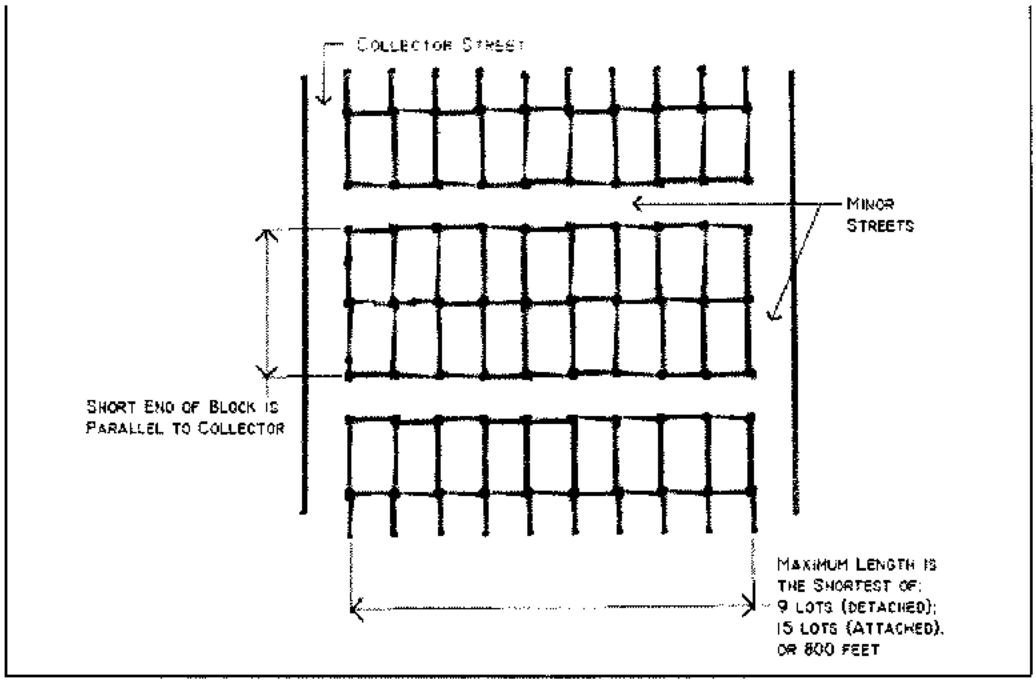





B. **Block Length.** Where possible, blocks shall be laid out to have their short length abutting arterials, collectors, or the development's major road. The blocks should not, in most instances, exceed nine lots in length on one side of the street, except for attached units on individual lots, which shall not exceed 15 lots (or, in the case of condominiums, cooperatives, or rental housing, 15-unit footprints plus required building side yards). See **Figure 6.304.B., Block Length.** No block may exceed 800 feet in length. The length, width, and shape of blocks should be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection.

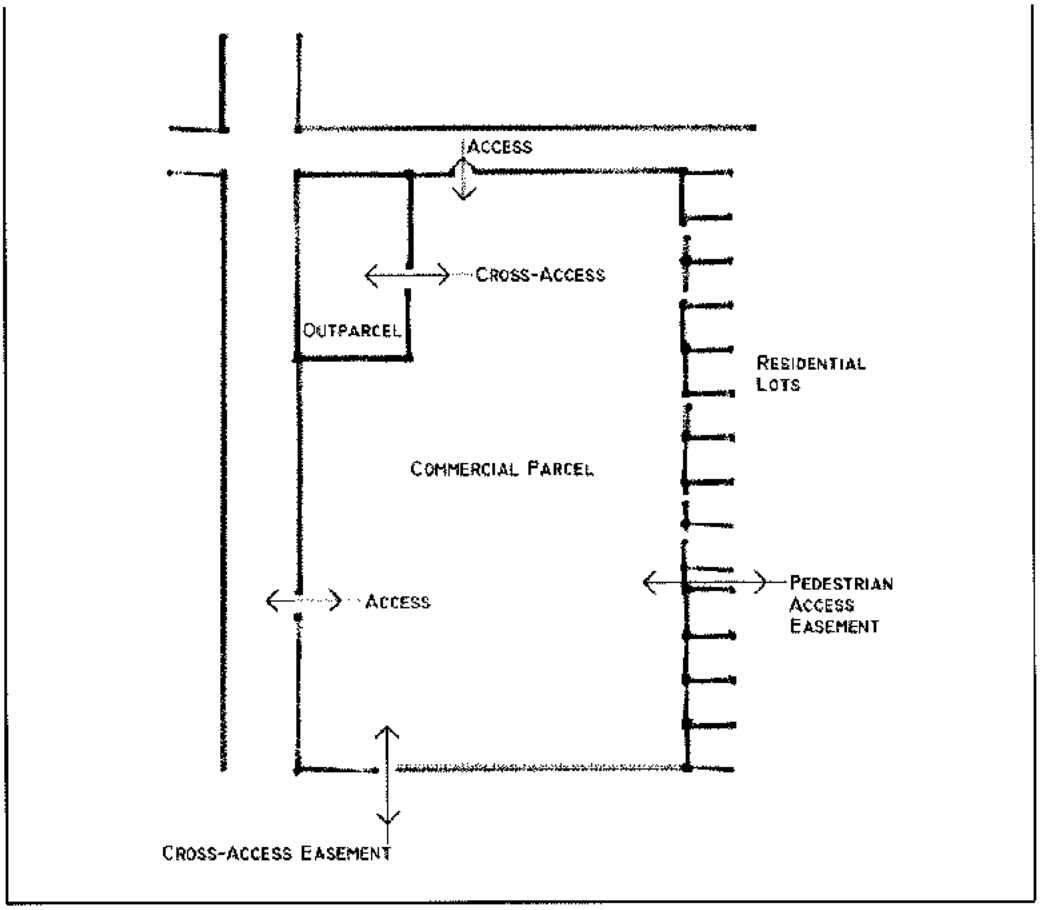


Exhibit "E"
Page E-000149




C. **Block Width.** Blocks should be such width as will provide two tiers of lots, except where reverse frontage lots are located along an arterial or collector street or where such an arrangement is prevented by the size or other inherent site conditions of the property.

D. **Nonresidential Blocks.** Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. See **Figure 6.304.C., Nonresidential Blocks.** In such cases, safe and convenient access to the street and pathway systems shall be required. Space for off-street parking may also require similar access for employees and customers. Extension of streets and utilities shall be provided, as necessary.




## Sec. 6.305 Lots

A. **Minimum Width.** The minimum width of lots in a subdivision shall be as set out in:

1. **Article 3, District Intensity and Bulk Standards,** for the applicable zoning district and development type; or
2. An approved development plan for a development in a Campus (CA) district; or
3. An adopted Planned Unit Development District Ordinance.

B. **Minimum Depth.** The minimum depth of lots in a subdivision shall be:

1. The minimum lot width divided by the minimum lot area set out in **Article 3, District Intensity and Bulk Standards,** for the applicable zoning district and development type; or
2. As specified in an approved development plan for a development in a Campus (CA) district; or
3. As specified in an adopted Planned Unit Development District Ordinance.

C. **Minimum Area.** The minimum area of lots in a subdivision shall be as set out in:

1. **Article 3, District Intensity and Bulk Standards**, for the applicable zoning district and development type; or
2. An approved development plan for a development in a Campus (CA) district; or
3. An adopted Planned Unit Development District Ordinance.

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:

1. Unusual topographic or geographic conditions exist (such as steep slopes, ravines, water bodies, or similar natural (not manmade) features) that make frontage upon an improved public street impracticable; and the



Exhibit "E"
Page E-000151

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

2. A private street subdivision is approved that complies with **Section 8.206, Private Streets;** or

3. 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.

E. **Alternative Standards for Condominium and Alternative Land Development Patterns.** (Refer to standards in Article 3, Sections 3.506, 3.606, or 3.709).

Reference: A, B, and C are pursuant to requirements of 702.B.1.

## Sec. 6.306 Easements

A. **Generally.** During development approval, the City may require the granting of a variety of easements on private property or lots. These easements may be for any of the following, or other approved, purposes:

1. Drainage;

2. Utilities;

3. Access to public utilities or drainage areas;

4. Fire protection;

5. Police protection and other emergency services;

6. Solid waste removal;

7. Pedestrian access; and

8. Conservation.

B. **Utility Easement Width and Location.** Where required, all lots shall provide utility easements (U.E.) for sewer, water, gas, telephone, cable, fiber-to-the-home, or other public utilities that are necessary or desirable to serve the subdivision. Their width and location shall be such that access and maintenance, repair or reconstruction can be accomplished without undue hardship to the utility, as follows:

1. Utility easements for water mains, storm sewers and/or sanitary sewers shall be at least 20 feet in total width. Other utility easements shall be a minimum of five feet wide on any one lot, but not less than 10 feet in total width when centered on a side or rear lot line;

2. Utility easements shall be located in front, side, or rear yards, as determined by the City in accordance with the particular plans and layout of the utility or other service providing company;

3. Where attached housing types are involved and yards are enclosed or very narrow, easements shall be placed in open space areas.

C. **Drainage Easements.** To the extent possible, existing surface drainage patterns serving any off-site properties or two or more proposed lots or properties shall be protected by easements or open space. In addition, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate.

D. **Fire Protection Easements.** Rear fire protection access easements, where provided, shall be improved as appropriate for fire protection equipment, at a width of 20 feet, with appropriate turning radii for the City's fire protection equipment as determined by the Fire Department.

E. **Pedestrian Access Easements.** Pedestrian access easements may be required in accordance with **Division 8.200, Streets, Sidewalks, and Trails.**

F. **Conservation Easements.**

1. The City shall require conservation easements to preserve open space as required by this UDO, and



Exhibit "E"
Page E-000152

to protect natural resources that this UDO requires to be protected.

2. Conservation easements shall exclude other easements that would result in the disturbance of the land, except that pedestrian access easements are permitted within areas protected by conservation easements.
3. Conservation easements shall provide for permanent management and maintenance of the property by a responsible party other than the City, such as a nonprofit land trust or homeowners' association.
4. All conservation easements shall run in favor of two parties:
   a. All lots in the development; and
   b. The City.
5. The conservation easements shall be in a form approved by the City Attorney.

G. **Encroachments and Removal of Encroachments.** No permanent encroachment or structures shall be allowed to be located within the area of any easement required by this Section. While the City or Utility benefiting from the easement will make efforts to minimize disturbances, both shall have the right to remove any encroachment, structures, fences, landscaping or other improvements placed upon such easements. The City and/or utility shall not be obligated to restore or replace any such encroachment but shall restore any disturbed ground surfaces with seeding. The City may assess the cost of removing an unauthorized improvement from an easement against the landowner, including the placing of a lien on the property.

H. **Maintenance of Easements.** The responsibility for the regular maintenance of the ground surface in any easement shall rest with the owner of the property within which the easement exists.

## Sec. 6.307 Open Spaces

A. **Generally.** This Section is designed to achieve the open space requirements of bufferyards, resource protection, recreation, stormwater management, and preservation of community character.

B. **Design.**
1. Generally, open spaces shall be integrated into the development design to bring significant open space to the maximum number of properties, as well as visibility from public rights-of-way within the proposed development. Small, odd, left-over open space areas shall be avoided. Extra landscaping may be required to enhance the value of such spaces where they cannot be avoided.
2. Open space shall be designed to provide greenways along drainage corridors and streams. The landscaping along corridors or streams shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway for the residents of the proposed development.
3. Formal open spaces shall be designed to provide areas of focus within the development. Landscaping and furniture for pedestrians shall be installed to enhance this effect.

## Sec. 6.308 Utilities

A. **Generally.** All developments shall make provision for water, sewer, stormwater, electric, telephone, and cable service, and may make provision for fiber-to-the-home and other public and/or private utilities available to City residents. Where on-site water and sewer are indicated in **Table 3.301.A., Residential Standards,** on-site systems will satisfy this requirement. All drainage and utilities shall be efficiently and unobtrusively integrated into the design and shall avoid off-site impacts.

B. **Capacity.** Where a proposed development is part of a larger tract of land, the City shall require the capacity of facilities to be adequate to serve the entire tract to the extent that the capacity is matched to that of the lines that it extends. Where the proposed development is part of a larger utility service area, the City may require the capacity of the appropriate facilities to be adequate to serve the remainder of the service area.

C. **Potable Water Line Loops.** Potable water lines shall be looped and shall have a secondary feed to the potable water supply.

D. **Interceptors.** Where an interceptor is to be extended through the area being developed, the landowner shall



Exhibit "E"
Page E-000153

provide the necessary easements.

E. **Common Use Easements.** Wherever possible, the City shall require compatible utilities to share easements. See **Section 6.306, Easements.**

Statutory reference: 702.B.3.

### Sec. 6.309 Required Improvements

A. **Design and Installation of Improvements.**

1. All improvements required by this UDO and related City regulations shall be designed and installed in accordance with the Standards Manual.

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 required for off-site improvements that are required by this UDO.

B. **Utility Upgrade Agreement.** The City may require that the applicant upgrade the capacity of municipal utility lines in order to provide adequate facilities to future development in the area of the proposed development. To this end, the City Common Council may authorize the City Administrator to enter into a participation agreement or development agreement that sets out the City's share of additional costs of standard line sizes, and the method and timing of repayment to the applicant. The written agreement shall fairly apportion the cost of providing the upgraded capacity, and shall be executed between the applicant and the City prior to the final approval of plans and specifications.

### Sec. 6.310 Development Phasing

A. **Generally.** A parcel proposed for development may be developed in phases, which each phase separately platted. In such cases, the applicant shall submit a concept plan with the first application for primary plat approval. The concept plan shall show compliance with this UDO by showing:

1. The general arrangements of streets and utilities, and how they will connect to the streets shown on the first application for primary plat approval;

2. The general location of drainage facilities;

3. The general location of protected natural resources; and

4. The general location of proposed uses and housing types.

B. **Consistency with Concept Plan.** In considering each subsequent phase shown on a concept plan, the Plan Commission may impose conditions that are necessary to assure the orderly development of the platted land. Such conditions may include, but are not limited to, temporary alley and street extensions, temporary cul-de-sacs, and off-site utility extensions.

## Division 6.400 Dedication of Land and Improvements; Impact Fees; Fees in Lieu

### Sec. 6.401 Form of Certification and Dedication

A. **Generally.** The certifications set out in this Section shall be transcribed to all Secondary plats, and shall be executed as indicated before such plats are recorded.

B. **Plan Commission Certificate.**
Under authority provided by Indiana Code 36-7-4, et seq., enacted by the General Assembly of the State of Indiana and Ordinance adopted by the Common Council of the City of Valparaiso, this plat was given approval by the City as follows:
Approved by the Valparaiso Plan Commission (or Plat Committee) at a regular meeting held on _____, 20__.
Valparaiso Plan Commission (or Plat Committee)
_____



Exhibit "E"
Page E-000154

President

_____

Executive Director

C. **Surveyors Certificate.**

I, _____, hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana, and that to the best of my knowledge, this plat conforms to the requirements of the City of Valparaiso Unified Development Ordinance, and the Standards Manual; that the markers and monuments shown on the plat actually exist; and that their location, size, type and material are accurately shown.

_____

Surveyor

D. **Deed of Dedication.**

We, the undersigned _____owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided said real estate in accordance with the attached plat. This subdivision shall be known and designated as _____. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public. There are strips of ground of various widths shown on this plat and labeled as easements for various purposes. Utility easements are reserved for the use of public utilities for the installation of mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. Drainage easements are reserved for the use of the City, homeowners, and/or the property owners' association to provide for the construction, maintenance, and operation of drainage conduits, swales, channels, overflows, detention basins, or other runoff management facilities. (If other easements are shown, statements regarding their purpose and to whom they are granted shall be added here.) No permanent or other structures are to be erected or maintained upon said easements. Owners of lots in this subdivision shall take their titles subject to the rights of the public utilities and to the rights of the owners of other lots in this subdivision.

(Additional dedications, protective covenants, private restrictions, or special provisions would be inserted here; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area).

(If provisions for the private operation and maintenance of open spaces and/or drainage facilities is required, then the following paragraph or comparable language shall follow):

Operation and maintenance of open spaces, common areas, rear or side yard swales, detention facilities, and _____ shall be by the Property Owners' Association ("Association"). In the event of an emergency where property damage or personal injury may result from the Association's failure to maintain or repair said facilities, the City shall have the right to enter upon the property, make any necessary corrections to remedy the situation and then recover all administrative, legal, engineering, and construction costs for said work from the Association or by special assessment of the benefitted property owners.

(If Covenants and Restrictions are listed on the plat, then the following paragraph shall follow):

The foregoing covenants, or restrictions, are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20__, (twenty-five year period), at which time said covenants or restrictions shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants or restrictions it is agreed to change such covenants or restrictions in whole or in part. Invalidation of any one of the foregoing covenants or restrictions by judgment or court order shall in no way affect any of the other covenants or restrictions which shall remain in full force and effect. The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and their heirs and assigns.

Witness our Hands and Seals this _____ day of _____ 200__.

_____

_____

STATE OF INDIANA )
)
SS:COUNTY OF PORTER )

Before me, a Notary Public, in and for the said County and State, personally appeared _____ and acknowledged the execution of the foregoing as his voluntary act and deed on this _____ day of _____, 20__.

_____
Notary Public

_____
Printed Name
My Commission Expires:_____

E. **Board of Public Works and Safety Certification.**
This plat was examined by the Board of Public Works and Safety of the City of Valparaiso for compliance with the Standards Manual, and approved this _____ day of _____ 20__.

_____, Mayor

_____, (City Engineer), member

_____, member

ATTEST:_____, Clerk-Treasurer

## Sec. 6.402 Streets and Rights of Way

A. **Within Proposed Development.** Streets, alleys, and other rights-of-way within proposed development shall be appropriately dedicated for the purposes they are intended to serve.

B. **Perimeter Streets; Dedication.** Where the proposed subdivision abuts upon an existing street or half-street that does not conform to the right-of-way standards of **Division 10.200**, Streets, Sidewalks, and Trails, or to the Official Intermodal Transportation Plan (whichever provides for a wider pavement section), the applicant shall dedicate right-of-way width necessary to achieve the required width.

## Sec. 6.403 Drainage Easements

A. **General.** Where a subdivision is traversed by a watercourse, drainageway, natural channel, or stream, the applicant shall provide an easement or right-of-way with a location that is substantially the limit of such watercourse, plus additional width to accommodate a riparian buffer and future maintenance needs.

B. **Drainage Facilities.** Drainage facilities shall be provided and constructed at the expense of the applicant pursuant to the Standards Manual.

## Sec. 6.404 Parks and Recreation

Impact fees for the development of parks and recreation facilities on park land shall be paid, credited, used, or refunded as provided in City of Valparaiso Ordinance 49-2005, as amended from time to time.

# Division 6.500 Mapping and Monuments

## Sec. 6.501 Monumentation

A. **Generally.** A registered land surveyor shall set subdivision monuments in accordance with this section. If this Section conflicts with IAC 1-12-18, Original or Retracement Survey Monumentation, as amended or superseded, the provisions of the Indiana Administrative Code or Indiana Statutes shall prevail.

B. **Location of Monuments.**

1. Except as provided in subsection H., a monument, as defined in subsections C. through G., shall be set at



Exhibit "E"
Page E-000156

every lot or parcel corner, including the interior lots of the subdivision.

2. Corners to be set include the beginning and end of curves and the intersection of lines except where:
   a. The setting of a monument near another monument would cause confusion; or
   b. There is an existing monument at the corner that is within the limits of the relative positional accuracy for the class of survey being performed.

C. **Standard Monumentation.**
   1. Monuments set in unpaved or other nonimpervious locations shall be five-eighths inch diameter or larger iron or steel rods, reinforcement bars, or galvanized pipes weighing a minimum of one pound per foot and being at least 24 inches long and set with the top flush with grade.
   2. Other monuments may be used if they:
      a. Are made of material of similar or greater durability, size, and character; and
      b. Can be found by a device capable of detecting ferrous or magnetic objects.

D. **Alternative Monumentation.** Where practical, monuments in pavement or other impervious areas shall be set according to the requirements contained in subsection C. However, when it is not practical to set a monument in accordance with subsection C., then a two-inch or longer, one-fourth inch or larger diameter, magnetic concrete nail, or similar magnetic monument, shall be set, if possible.

E. **Tags and Caps.** Monuments set under subsection C. or D. shall have a substantial plastic or metal tag or cap permanently affixed showing the registered land surveyor's surname and professional license number or board-issued firm/agency identification number.

F. **Markings Where Monuments Cannot Be Set.** Where monuments as defined in subsection C. or D. cannot be set, the survey points must be:
   1. Marked by:
      a. A drill hole;
      b. A cut cross;
      c. A notch; or
      d. Other similar permanent mark; and
   2. Referenced to any nearby witness monuments or permanent objects, such as:
      a. Building foundations; or
      b. Concrete head walls.

G. **Offset Monuments.**
   1. Where it is not possible or practical to set a monument at the survey point:
      a. A monument shall be offset; and
      b. The location shall be selected so that the monument lies on a:
         i. Line of the survey; or
         ii. Prolongation of the line.
   2. Offset monuments are not required at interior lot corners not adjoining a street right-of-way. Offset monuments shall be identified as such on the plat and, if possible, in the field. However, if existing monuments fall within the acceptable relative positional accuracy of the survey, a monument will not be required to be set.

**H. Timing.** Generally, monuments shall be set before the secondary plat is recorded. However, in the case of new subdivisions where, in the opinion of the surveyor, it is probable the individual lot monuments will be disturbed by construction, only the perimeter of the subdivision, or section thereof, must be monumented before



Exhibit "E"
Page E-000157

recordation. In this situation, the setting of the individual lot monuments may be delayed until no later than:

1. After construction is complete (including buildings); or
2. Two years after recordation of the subdivision plat or, if the subdivision is platted by sections, after recordation of each section; whichever occurs first. In new subdivisions, if monuments are to be set before recording, then the placement of monuments shall be shown on the subdivision plat. If monuments are to be set after construction is complete, the surveyor shall record an affidavit, cross-referenced to the recorded plat, showing which monuments were set and which were found, the dates the monuments were set or found, together with a certification that states to the best of the surveyor's knowledge and belief the information contained in the affidavit is true and correct. Nothing in this subsection shall be construed to require the surveyor to wait until construction is completed to place monuments.

## Sec. 6.502 As-Built Drawings

As-built drawings, certified by a registered surveyor, shall be submitted to the City Engineer upon completion of subdivision infrastructure.

## Division 7.100 Purpose and Applicability

### Sec. 7.101 Purpose

The purpose of this Article is to establish storm water management standards that protect water quality, reduce erosion, and reduce the impacts of runoff on properties that are adjacent to parcels proposed for development.

### Sec. 7.102 Applicability

Any new development, or construction, addition or renovation requiring a permit from the City, shall provide storm water runoff controls as provided in this Article. Appropriate reference shall be made to the latest revision(s) of the Standards Manual.

## Division 7.200 Drainage Plans Required

### Sec. 7.201 General Drainage Plan Requirements.

A. **Plans Required.** Drainage plans may be required for any development. All drainage plans must be approved by the City Engineer before permits are issued or formal approvals granted. Said approval by the City Engineer shall mean that the plan appears to meet the requirements of the City and shall not be interpreted to provide any guarantee or warrantee against damage or inconvenience by flooding or runoff related problem. All drainage plans shall be drawn by an Indiana registered Professional Engineer or Public Land Surveyor.

B. **Drainage Plan Contents.**

1. Drainage plans shall address the rates, volumes, and quality of runoff.
2. The drainage plan shall be of sufficient detail to serve as construction drawings, and may be incorporated with the site plans required under other sections of this UDO or other City ordinances.
3. Drainage plans shall show topographic features, utilities, and locations and existing and proposed elevations of the ground, pavements, drainage course, drainage structures, detention basins, finished floors, green roofs, containment tanks, and other items that might impact drainage. Said features, utilities, etc. to be shown on the plan shall include those on adjacent properties so that possible impacts to those properties may be sufficiently addressed.

C. **Drainage Calculations.** Drainage calculations shall be provided for the analysis of existing drainage courses and/or the design of any proposed drainage course and/or detention basin and discharge control structures. The calculations shall be in a form and shall use methods as required by the City Engineer and as spelled out in the Standards. The drainage plan and calculations shall be thorough enough to allow a complete analysis of the expected impacts on the site and the areas downstream.

### 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

| District | General Pervious Surface Requirement |
|---|---|
| RU | 85% |
| ER | 75% |
| SR | 55% |
| GR, UR | 40% |
| CP, RT | 10% |

B. **Multifamily Residential, Mixed-Use, Commercial, and Industrial Sites.**

1. Drainage plans and calculations shall be prepared by the professional licensed as specified in **Table 7.202.B., Standard Plan Requirements.**

Table 7.202.B.:
Standard Plan Requirements

| Parcel Size or Characteristics | Indiana Professional License Required |
|---|---|
| Three acres or less; no unusual drainage circumstances | Registered Professional Engineer; Registered Land Surveyor; Architect; or Landscape Architect |
| More than three acres; or unusual drainage circumstances | Registered Professional Engineer or Registered Land Surveyor |

2. The designer of the drainage plan shall be liable for any shortcomings or inadequacies in the plan that may reveal themselves after construction.

C. **Subdivisions, Master Plans, and Planned Unit Developments.**

1. Drainage plans and drainage calculations shall comply with the requirements of subsection B., above. The drainage plan shall be presented in concept at the technical review stage of the approval process, as specified in **Division 15.800, Subdivision Plat Procedures; Division 15.400, Procedures and Administration for Development Plan Approval;** or **Division 15.500, Procedures and Administration for Planned Unit Development Approval.**

2. If the concept is approved, the drainage plan shall be presented in sufficient detail at the Primary Plat or PUD approval stage to allow for sound judgments by the City concerning the adequacy of the proposed system.

3. The drainage plan shall be presented in final form prior to the Secondary Plat or PUD approval stage. The drainage plan and drainage calculations must be approved by the City Engineer prior to, or simultaneous with, the approval of any construction plans.

## Division 7.300 Drainage System Standards

## Sec. 7.301 Minor and Major Drainage Systems

A. **Generally.** Whenever drainage control measures are proposed or considered, two systems shall be provided, the Minor System and the Major System.

B. **Minor System.** The minor system shall be designed to convey the runoff from the more frequently experienced rainfall events. Generally this system is designed for the storm with the 10-year frequency of recurrence. The system shall consist of swales, inlets, sewers and ditches.

C. **Major System.** The major system shall be designed to convey and manage the runoff from the least frequently experienced rainfall events. This system shall be designed for the storm with the 100-year frequency of recurrence. The system shall consist of swales, inlets, sewers, ditches, and streets. It shall be designed to safely convey and manage the runoff and to minimize property damage.

## Sec. 7.302 Pass-Through Runoff

A. **Drainage from Tributary Locations.** All drainage plans shall accommodate the runoff that enters the site from other locations in the tributary watershed. The runoff may be diverted around the site or accommodated directly in the design of the site storm runoff control measures. In no event shall off site drainage be blocked or restricted by the proposed development.

B. **Detention.** When appropriate, and at the request of the City Engineer, the pass-through runoff shall be directed through the site detention basins to provide downstream protection from the storms with the more frequent recurrence intervals. When this is required, the discharge structure and overflow shall be designed to accommodate the pass-through runoff.

## Sec. 7.303 Exit Characteristics

A. **Discharge.** The characteristics of the runoff exiting a site shall not differ substantially after development from those that existed before development. Any runoff concentrated through the course of development into a sewer, culvert, swale or ditch shall only be discharged into a defined and established drainage course.

B. **Improvements.** The City Engineer may require the applicant to improve the drainage course downstream from a lot or parcel proposed for development so that it is capable of conveying the increase in runoff that results from the proposed development. The requirement may be imposed in order to address either the rate of discharge or the duration of discharge.

## Sec. 7.304 Public and Private Systems

A. **Determination.** During the course of the planning and design of runoff control measures, it shall be determined and documented whether the measures are to be public or private.

1. Public systems shall be maintained by the City of Valparaiso after their acceptance by the City. Generally, public systems shall be those in and/or under public streets, or those conveying the runoff from large areas of the City.

2. Private systems.

   a. Private systems shall be privately maintained. Generally, private systems shall be those in and under private streets and private sites. Rear yard swales, ditches that convey the runoff from individual sites, or development detention basins constructed as a runoff control measure for a development, shall be private systems.

   b. Provisions shall be made for the maintenance of private systems. On an individual site, the landowner shall maintain the system. In a development, a property owners association or some other entity shall be established to provide for said maintenance. Enforceable documentation of the provisions for maintenance shall be provided to the City Engineer and accepted by him if, in his opinion they are appropriate.

   c. If the system is not maintained so that it functions in the manner that it was designed and constructed, and thereby threatens to affect or damage properties owned by others, or is



Exhibit "E"
Page E-000161

otherwise not in compliance with any agreement between the owner and the City, the Board may, after notice by registered mail to the owner of the property, cause the necessary repairs to be completed. The cost of said repairs may be assessed to the property owner(s) through the City's assessment process. The City may also pursue any other remedies that are available pursuant to **Division 17.200, Enforcement**, or state law.

B. **Easements Required.**

1. Recorded easements shall be provided over all components of public and private systems, and when the development requires platting, shall be shown and annotated on the recorded plat.
2. Easements shall run to the benefit of properties benefitted by the drainage system, and to the City of Valparaiso for purposes of construction, operation, repair and maintenance of the facilities located in said easements.
3. However, the establishment of said easements shall in no manner obligate the City to maintain private systems but shall, in the event of an emergency, allow the City to enter and make temporary emergency repairs to the system.
4. The cost of said emergency repairs may be billed to the entity responsible for the maintenance of the system.

## Sec. 7.305 Individual Lots

A. **Adequacy of Control Measures.** On individual lots that are proposed for development, the runoff control measures shall specifically provide for adequate surface slopes away from all building structures. They shall also provide for the appropriate elevation of said structure as it may relate to ground water elevations and/or flood elevations from adjacent streams, ponds, detention basins, or street low points.

B. **Discharge.** The location and configuration of downspouts and/or sump pump discharges shall be such that the runoff does not damage or inconvenience adjacent properties.

1. In general, downspouts and sump pump discharge shall be directed towards the front or rear of the site and not at the adjacent site property lines.
2. In no event shall downspouts, sump pumps, footing tiles, or any other surface or ground water source be discharged into the sanitary sewer system.

C. **Grading for Proper Surface Runoff.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade shall be maintained and established from the finished ground level line at the front of the building to the center of the front lot line at the sidewalk level. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the runoff of surface water from flowing onto the adjacent properties except as provided by natural drainage course or drainage easements.

D. **Existing Established Grade.** When a new building is constructed on a vacant lot between two existing buildings, or adjacent to an existing building, the existing established grade shall be used in determining the ground elevation around the new building. The yard around the new building shall be graded as far as possible, in such a manner as to meet existing grades and not to permit runoff surface water to flow into the adjacent properties, except as provided by natural drainage course or allowed by drainage easements.

## Sec. 7.306 Controlled Discharge Required

A. **Applicability.** The runoff from any combined roof and pavement area over 5,000 square feet, or pavement area alone over 3,500 square feet, shall be controlled and managed in some manner, approved by the City Engineer, before it discharges to the City street or sewer system. In this respect, green roofs are encouraged.

B. **Single- and Two-Family Dwellings Exempted.** Single- and two-family dwellings are exempt from the strict requirements of this Section. However, the runoff from said construction shall be controlled in a manner that

minimizes impacts on adjacent properties.

## Sec. 7.307 Storm Sewers, Structures, Ditches, Swales, and Culverts

All storm sewers, structures, ditches, swales, culverts, and stormwater quality best management practices shall be designed and constructed according to the requirements of the latest revision(s) of design and construction standards provided by the City Engineer and sound engineering practice. They shall be designed to safely convey the appropriate design flows, provide the required water quality benefits, and to minimize maintenance and repair needs.

## Sec. 7.308 Retention Basins Prohibited

Because of the predominant soil characteristics in the City of Valparaiso, retention basins are prohibited.

## Sec. 7.309 Detention Basins

A. **Where Required.** Generally, detention basins are required for all parcels proposed for development except:
   1. Individual single- and two-family residential lots;
   2. Within the CBD district; or
   3. Where waived by the City Engineer because provisions are committed or already in place that are appropriate for runoff management.

B. **General Design Requirements.**
   1. Detention basins shall be designed with consideration for:
      a. The welfare of the residents who live in the vicinity; and
      b. The safety of those who might be attracted to the facility;
   2. Basins and their appurtenances shall be designed to:
      a. Require minimum maintenance;
      b. Include slopes that are flat enough for safe walking and mowing; and
      c. Accommodate uses other than detention, such as recreation, man-made wetlands, open space, or other similar uses.
   3. The use of fences shall be kept to the minimum necessary to:
      a. Provide for public safety; or
      b. Address a demonstrated security need.
   4. The basin shall be attractively designed, to include the following attributes:
      a. Varying slopes;
      b. Avoidance of straight lines;
      c. Inclusion of long sweeping curves that make the facility appear to be natural and part of the overall landscape; and
      d. Landscaping with tress and shrubs appropriate to the location and hydrology.
   5. Forebays shall be included to capture solids before they enter the basin.
   6. The slope of the banks of detention basins shall not exceed one foot of rise to each four feet of run.

C. **Storage Volume and Discharge Rate.** Detention basins shall provide a storage volume that is adequate to contain the runoff from the developed site that results from a storm event that has a 100-year frequency of recurrence. The discharge control structure shall be designed as a multi-staged facility, reducing the discharges from rainfall events ranging from the highest frequency of recurrence to the lowest. Under no circumstances shall the discharge rate resulting from an event with a 100-year frequency of recurrence exceed the runoff from the undeveloped site that results from a storm with a 2-year frequency of recurrence.



Exhibit "E"
Page E-000163

D. **Dry Bottom Basins.**

1. Dry bottom basins shall be designed so that the runoff from the rain events with the highest frequency of recurrence ("first flush") are captured with detention times appropriate for the greatest water quality benefits.

2. Paved low flow channels are prohibited.

E. **Wet Bottom Basins.** Wet bottom basins generally present more difficult maintenance requirements than do the dry bottom basins. These requirements include, but are not limited to, weed control, algae control, possible wildlife management, erosion control at the shore line, and maintenance of the supplemental water supply equipment. The developer shall make adequate prevision for these items.

1. Wet bottom basins shall be designed to provide a permanent water depth that is adequate to:

   a. Retard weed growth; and

   b. Sustain aquatic life.

2. Provision shall be made for walkways around the perimeter of the pool, to allow for recreational use and access for weed control and emergency response. The ground slopes below pool level shall be sufficiently flat to allow an individual who falls in to recover and walk from the water without great difficulty.

3. The need for shoreline bank protection from wave action shall be addressed in the basin's design. Techniques for shoreline bank protection include:

   a. The use of a vegetated buffer at the water's edge that extends into the water; or, if it is demonstrated to the City Engineer that such design is impracticable,

   b. Hardscape.

4. The need for supplemental water supply for extended periods without rainfall should also be considered in the design of a wet bottom basin.

F. **Paved Area Basins.** Paved areas such as parking lots may be used for detention basins where the City Engineer determines that they contribute to the function of the overall storm water management system for the parcel proposed for development, and there is no practicable alternative to their use. The basins shall be designed so that the maximum stored water depth is not likely to cause damage to vehicles or adjacent property. Generally, the basin(s) should be located in the more remote areas of the lot and/or in the service drives.

G. **Underground Basins.** Underground detention basins are permitted, but should be used only when no other options are available (including paved area basins that comply with subsection F., above). Underground basins shall be designed using vaults, pipe networks, or other means that allow access for inspection, cleaning, and/or maintenance. Storage of runoff in the voids of aggregate beds shall be avoided.

H. **Discharge Control Structure and Overflow.** Discharge control structures shall be designed to be safe, simple, and easily maintained. Their design shall be such that they are not subject to clogging with debris. They shall not rely on manual operation of valves or gates. They shall be designed to provide storage from the runoff generated by storm events with the greater frequencies of recurrence, as well as the "major storms(s)."

## Sec. 7.310 Renovation of Existing Developed Sites

There are certain sites in the City that were developed without providing appropriate drainage control measures. If any renovations or additions that require a site and/or building permit are proposed for these locations, the applicant shall also provide reasonable drainage control measures that are appropriate for the site.

## Sec. 7.311 Erosion and Siltation

Wherever possible, drainage control measures shall be designed to help control erosion and siltation. Pass-through runoff shall be diverted around the site to the greatest extent that is practical. Detention basins shall be undercut to provide sediment traps during the construction phase of the development. After the development is completed, the basins shall be cleaned and the ground surfaces brought to final grade.

## Division 7.400 Erosion Controls on Sites with Land Disturbing Activities

### Sec. 7.401 Purpose and Applicability

A. **Purpose.**

1. The Common Council of the City of Valparaiso, Indiana finds that soil erosion resulting from land disturbing activities can cause a significant amount of sediment and other pollutants to be transported to locations including watercourses, wetlands, lakes and reservoirs. The purpose of this ordinance is to preserve certain natural resources; to protect the quality of air and water, and to protect and promote the health safety and welfare of our citizens, to the extent practical by minimizing the amount of sediment and other pollutants resulting from soil erosion that is a result of land disturbing activities, from being transported to adjacent lands, watercourses, wetlands, lakes and reservoirs.

2. The objective of this Division is to control of wind borne and/or water borne soil erosion and the resulting sedimentation that is accelerated by land disturbing activities. Measures taken to control erosion and sedimentation should assure that sediment is not transported to improper locations by wind or water. The intent of this ordinance is to require practices that will control soil erosion and thereby minimize the amount of soil and sediment leaving sites where the vegetative cover has been disturbed.

3. This Division is adopted under the authority granted by Indiana Code 36-1-4-11, 36-7-4, and all acts supplemental and amendatory thereto. This authority provides for the administration, enforcement and amendment of this ordinance for controlling soil erosion in the City of Valparaiso, Indiana.

B. **Applicability.** This Division applies to land disturbing activities, including those associated with agricultural, commercial, industrial, institutional, residential and highway development, except for the following:

1. Land disturbing activities that involve less than 3,000 square feet of land, unless:

   a. Those sites are immediately adjacent to a storm sewer inlet, ditch, stream, wetland or other watercourse; or

   b. Those sites are on ground with a slope of six percent or greater.

2. Land disturbing activities specifically exempted in writing by the Board of Public Works and Safety, or its authorized representative, because of conditions unique to the parcel proposed for development or lot that make the use of soil erosion controls unnecessary.

### Sec. 7.402 General Design Principles

A. **Design Principles.** The following principles apply to all land disturbing activities within the City, and shall be considered when preparing construction plans and/or submissions required under this UDO:

1. To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with steep slopes where deep cuts and fill would be required should be avoided.

2. Natural vegetation should be maintained and protected wherever and whenever possible. Areas immediately adjacent to watercourses, wetlands and lakes should be left undisturbed wherever possible.

3. The selection of soil erosion and sedimentation control measures should be based on the size of the project, the frequency of climatic events likely to accelerate erosion, the season during which the project is being constructed, and the potential for damage should erosion and sedimentation occur.

4. In the design of erosion and sedimentation control measures the requirements for proper maintenance should be considered.

5. Provision should be made to accommodate the increased runoff caused by changed surface and soil conditions both during and after development. Drainageways should be designed so that their final gradients and resultant velocities will not cause erosion.

6. Provision should be made for the proper transport of soil from the site without tracking or spilling soil along the transport route.



Exhibit "E"
Page E-000165

B. **Sequencing of Activities and Improvements.**

1. All construction activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
2. Sediment basins, silt traps and filters should be installed prior to the beginning of construction to remove as much sediment as possible from runoff leaving the site or entering watercourses, wetlands, lakes or reservoirs.
3. Permanent vegetation and erosion control structures shall be installed and temporary structures shall removed prior to the issuance of final occupancy permits.

## Sec. 7.403 Design Criteria, Standards, and Specifications

All erosion control measures, including, but not limited to those required to comply with this ordinance, shall meet the design criteria, standards and specifications as adopted by the Board of Public Works and Safety, and those listed in the *Indiana Handbook for Erosion Control in Developing Areas*, as may be amended from time to time.

## Sec. 7.404 Specific Requirements

A. **Generally.** The applicant shall control erosion and sediment through the entire duration of the land disturbing activity.

B. **Specific Requirements.** The following measures shall be utilized where required to provide the necessary control:

1. Runoff from off-site, flowing through the lot or parcel proposed for development, shall be diverted around the land disturbing activity by means of swales, channels, ditches, culverts or storm sewers. The diversion may be a temporary installation, utilized only until the land disturbing activity is complete, or it may be a permanent part of the proposed improvement on the land. Such diversion shall not be such that it causes drainage or erosion problems down stream.
2. Any proposed detention basin shall be utilized during construction as a sediment basin to trap as much soil as possible during the land disturbing activity. Such basins shall be designed for this purpose, utilizing over excavation for temporary sediment storage, temporary perforated standpipes and or stone filters as required by proper engineering design. The City Engineer may waive this requirement if it is demonstrated that an alternative strategy for trapping sediment will perform better.
3. Temporary sediment traps may be required in areas where runoff exits the lot or parcel proposed for development, and is likely to carry sediment from eroded soils. The temporary traps shall be sized proportionately with the expected flow rate from the site.
4. Ingress and egress to the lot or parcel proposed for development shall be by way of coarse stone drive(s) of sufficient length to cause soil picked up by the tires of vehicles to be dropped before the vehicle enters the roadway. Drives shall be designed and situated so that they provide maximum protection against tracking of soil or mud onto the street. For single family and duplex home sites, the stone drive should coincide with the final location of the drive to the residence.
5. Drain inlets and entrances to culverts shall be protected with an installation of silt fence.
6. All disturbed ground left inactive for a period of 21 days shall be seeded, sodded or stabilized with mulch or equivalent. Between the dates of October 1 and the release of the frost law in the following year, the disturbed ground shall be stabilized with the use of silt fence or approved equivalent.
7. Storage piles of soil left for longer than three days shall be completely encircled with silt fence. If left inactive or unused for longer than 21 days the pile shall be seeded, sodded, or covered with a mulching fabric or tarpaulins.
8. Stone check dams shall be used in open drainage courses to slow velocities of the runoff and allow sediment to drop out of the runoff.
9. Silt fence shall be installed along the down slope edges of all disturbed areas on the site. In general, silt fence shall be installed at the edges of pavements, adjoining properties and open water courses whenever the

adjacent ground slopes towards that street, adjoining property or watercourse.

## Sec. 7.405 Maintenance of Erosion Control Measures

All erosion control measures shall be maintained throughout the course of the construction or until the growth of vegetation has made them unnecessary. If silt fence is temporarily removed to allow access to a portion of the site, it shall be re-installed at the end of the work day. The applicant is responsible for the maintenance of all erosion control measures.

## Sec. 7.406 Erosion Control Plan

A. **Generally.** An erosion control plan, (the plan) shall be submitted with each application for an Erosion Control Permit. The Board of Public Works and Safety shall have the authority to waive any of the requirements for the plan if the requirement is not necessary to control erosion due to the nature of the lot or parcel proposed for development or the type of development proposed.

B. **Single-Family, Two-Family, and Three-Family Home Sites.** The erosion control plan for single-, two- and three-family home sites shall be made a part of the sketch provided with the application for a building permit. It shall be prepared by the applicant and shall show, as a minimum, the direction of surface slopes (arrows), any watercourses on the lot, and the location of the silt fence and/or other erosion control installations proposed.

C. **Attached Single-Family or Multiplex with More than Four Units; Multifamily; and Nonresidential Sites.** The Erosion Control Plan for attached single-family or multiplex with more than four units, multi-family, and all non-residential sites shall conform to the following:

1. The plan shall be prepared by an Indiana Licensed Professional Land Surveyor, Engineer, Architect or Landscape Architect.
2. The plan shall be drawn to a scale adequate to clearly show the site and the required information. In no case shall the plan be drawn to a scale less than 1 inch =100 feet.
3. The plan may incorporate one or more sheets as necessary to clearly convey its intent. The plan may also incorporate text to explain any specifics, cover the specifications for the materials required, or explain development phasing.
4. At a minimum, the plan shall show all existing and proposed:
    a. Site boundaries, lots, etc.
    b. Watercourses (with sizes), ponds, lakes, wetlands.
    c. Apparent floodplains, floodway fringes, and floodways.
    d. Soil types and their erodability. The information provided in the Soil Survey of Porter County, Indiana, as published by the U.S. Dept. of Agriculture, Soil Conservation Service, is appropriate.
    e. Vegetative cover such as crops, grass, weeds, and/or trees.
    f. Utilities, structures, road pavements and other improvements.
    g. Existing contours at an interval not greater than two feet. An adequate number of spot elevations may be provided in lieu of the contours.
    h. Locations and dimensions (where applicable) of all proposed erosion control measures.
    i. Provisions for maintenance of the erosion control measures during the course of the project.
    j. Provisions for removal of the temporary measures when final vegetation and control structures are established.



Exhibit "E"
Page E-000167

## Division 8.100 Purpose and Applicability

This Article provides the standards for streets, driveway access, and water and sewer utilities, which are designed to ensure that new development is consistent with the Comprehensive Plan. In addition, they are intended to ensure that:

- Adequate public facilities are installed at the time of a project's development so that occupants have adequate services to protect their health and safety;
- The facilities will function efficiently and require minimal maintenance; and
- Developments are functional and internally safe to the greatest degree possible without reducing the permitted density and increasing adverse impacts on the environment and adjoining properties.

### Sec. 8.101 Purpose

A. **Generally.** This Article provides the standards for streets, driveway access, and water and sewer utilities, which are designed to ensure that new development is consistent with City plans and policies and good planning principles.

B. **Balance of Interests.** The standards of this Article are intended to ensure that:

1. Adequate public facilities are installed at the time of development, so that occupants have adequate services to protect their health and safety;
2. The facilities will function efficiently and require minimal maintenance; and
3. Developments are functional and internally safe to the greatest degree possible without:
   a. Reducing the permitted density; or
   b. Increasing adverse impacts on the environment or adjoining properties.

### Sec. 8.102 Applicability

This Article applies to all development which involves the installation of streets, sidewalks, trails, or utilities, except as specifically provided herein.

## Division 8.200 Streets, Sidewalks, and Trails

### Sec. 8.201 Street Design Objectives

A. **Integration.** New streets and substantially improved existing streets shall integrate into the existing street pattern so as to:

1. Address the new development's circulation needs;
2. Provide a pattern of streets that facilitates navigation within the City; and
3. Where higher-order functional classifications are involved, facilitate City-wide traffic movements.

B. **Safety.** New streets and substantially improved existing streets shall provide a safe and convenient layout and design.

C. **Character.** New streets and substantially improved existing streets shall correspond to and reinforce the

community character of the district(s) in which they are constructed.

D. **Natural Resources.** New streets and substantially improved existing streets shall respect natural resources, topography, and drainage. Streets shall be adjusted to the contours of the land so as to produce useable lots and streets with reasonable gradients (slopes).

## Sec. 8.202 Official Intermodal Transportation Plan

A. **General.** The Official Intermodal Transportation Plan ("Plan"), is incorporated by reference, as are all notations, references, indications, and other details shown thereon. The Plan shows the location of existing and proposed thoroughfares and intermodal facilities, both within and without the jurisdiction of the Commission.

B. **Amendment.**

1. To enhance connectivity within superblocks, to provide a choice of travel routes, to reduce traffic conflicts and vehicle miles traveled, and to promote coordination among property owners with respect to the ultimate development and alignment of collector and minor streets, the City shall review, and as appropriate, amend its **Official Intermodal Transportation Plan** when development occurs in an area for which plans for local circulation have not yet been developed. The area that is subject to the amendment shall be a superblock, or bounded by waterways, irrigation canals or other similar boundaries.

2. The superblock that contains the parcel proposed for development shall be evaluated to identify desired collectors or streets within the superblock, areas for marginal access or reverse frontage streets, and preferred intersection locations. The **Official Intermodal Transportation** shall be amended, if prudent, based on the adopted **Official Intermodal Transportation Plan** and policies of the Comprehensive Plan, property maps, zoning, and topographic and alignment information.

3. The following criteria shall be used in amending the **Official Intermodal Transportation Plan:**

   a. Collector streets shall serve only the superblock and not provide alternative or cut-through routes for regional or City-wide traffic. Where superblocks are too large, new collector alignments may be designated. Where new collectors are designated, they should be extensions of existing collectors or be designed to be extended through several superblocks.

   b. Where possible, collectors shall be located:

      i. On the superblock's largest parcels; or

      ii. Along parcels where the cost can be distributed among several landowners.

   c. Parallel access shall be used where providing individual access to small parcels would create adverse safety conditions due to frequent access to arterial or collector roadways.

   d. The plan shall be sensitive to natural resources and topography.

   e. The plan shall include quarter-section streets where practicable.

C. **Effect.**

1. Within the City limits, street design and layout shall be consistent with the **Official Intermodal Transportation Plan.**

2. That part of the map which shows existing and proposed thoroughfares and intermodal facilities in areas outside the jurisdiction of the Plan Commission is intended as advisory only, until such time as any part of this area comes within the jurisdiction of the Plan Commission, at which time all paths, trail, routes, sidewalks, intermodal facilities, street locations, notations, and references applying to said area shall become a part of this UDO.

## Sec. 8.203 Functional Classification

A. **Generally.** The major streets and highways included on the Official Intermodal Transportation Plan are hereby classified on the basis of proposed width and type and in accordance with their proposed function as Arterial, Collector, or Local.

B. **Functional Classifications.** The following functional classifications are applicable in the City:

1. Arterials are streets designated to carry large volumes of traffic. Certain arterial streets may be designated as Limited Access Highways, to which entrances and exits are provided only at controlled intersections, and access is denied to abutting properties.
2. Collectors are streets that are planned to facilitate the collection of traffic from local streets, to provide circulation within neighborhood areas, and to provide convenient ways for traffic to reach arterial streets.
3. Local Collector Streets are local streets that are located wholly within a subdivision, which, although not shown as a collector on the Official Intermodal Transportation Plan, are built to collector specifications and standards at the request of the Plan Commission.
4. Local Streets are streets that are designed primarily to provide access to abutting properties.

C. **Designated Arterials.** Designated arterials are listed in **Table 8.203.A., Designated Arterials.** If the width of these designated arterials is different from the widths required for arterial streets by **Section 8.204, Street Standards,** then the widths of this table shall control.

Table 8.203.A.:
Designated Arterials

| Street Name | From | To | Width (ft.) |
|---|---|---|---|
| Burlington Beach Road | Campbell Street | East City Limits | 80 |
| Calumet Avenue | North City Limits | Vale Park | 100 |
| Calumet Avenue | Vale Park | Morgan | 80 |
| Campbell Street | Lincolnway | Brown | 80 |
| Campbell Street | Brown | West | As Platted |
| Campbell Street (AKA Meridian) | Lincolnway | North City Limits | 80 |
| County Road 175 W | CR 500 N | North City Limits | 80 |
| County Road 600 N | Meridian | State 149 | 60 |
| Evans Avenue | Calumet | East City Limits | 80 |
| Froberg Road (150 W) | SR 130 | North City Limits | 80 |
| Hayes Leonard Road | Morthland (US 30) | South City Limits | 80 |
| Horseprairie | West Street | South City Limits | 80 |
| Joliet Road | Lincolnway | Hayes Leonard Road | 60 |
| Joliet Road | Hayes Leonard | West City Limits | 80 |
| LaPorte | Lincolnway | East City Limits | 100 |
| Lincolnway | Joliet | Sturdy | 80 |
| Lincolnway (AKA State Road 130) | Joliet | West City Limits | 100 |
| Morgan | Lincolnway | Calumet | As Platted |
| Roosevelt | Lincolnway | Vale Park | 80 |
| Silhavy | LaPorte Ave. | North City Limits | 80 |
| Smoke | State Route 2 | Division | |
| State Route 2 | Morthland Drive | City Limits | 80 |
| State Route 2 | State Route 49 | East City Limits | 80 |
| Sturdy | Morthland Drive | LaPorte | 100 |
| Tower Rd (250 W) | US 30 (Morthland) | South City Limits | 80 |
| Vale Park | E. City Limits | West City Limits | 80 |
| Washington | Lincolnway | South City Limits | As Platted |
| West | Horseprairie | Campbell | 80 |



Exhibit "E"
Page E-000171

D. **Designated Collectors.** Designated collectors are listed in **Table 8.203.B., Designated Collectors.** If the width of these designated collectors is different from the widths required for collector streets by **Section 8.204, Street Standards,** then the widths of this table shall control.

Table 8.203.B.:
Designated Collectors

| Street Name | From | To | Proposed Width |
|---|---|---|---|
| Axe | Morthland | Union | 60 |
| Beech | Calumet | Sturdy | As Platted |
| Beech | Sturdy | Chicago | 60 |
| Brown | Napoleon | Campbell | As Platted |
| Brown | Washington | Morgan | As Platted |
| Bullseye Lake | Campbell | Calumet | 60 |
| Calumet | Morgan | Franklin | As Platted |
| Chicago | Lincolnway | Roosevelt | As Platted |
| Chicago | Roosevelt | Silhavy | 60[1] |
| Cityview Drive | Smoke Road | US 30 | 60 |
| Comeford | Sturdy | Morthland | As Platted |
| County Club | Calumet | Silhavy | 60 |
| County Road 375 N | Froberg Road | SR 130 | 60 |
| Eisenhower | Roosevelt | Silhavy | 50[2] |
| Evans | Washington | Calumet | 60 |
| Franklin | Glendale | Brown | As Platted |
| Franklin | Brown | South | 60 |
| Garfield | Union | Beech | As Platted |
| Glendale | Campbell | Silhavy | 60 |
| Goodrich Road | Ransom | North City Limits | 60 |
| Harrison | Calumet | Campbell | As Platted |
| Harrison | Campbell | West City Limits | 60 |
| Hayes-Leonard | Joliet | Morthland | 60 |
| Hayes-Leonard | Morthland | South City Limits | 60 |
| Howe | Lincolnway | Yellowstone | 60 |
| Indiana | Campbell | Garfield | As Platted |
| Jefferson | Roosevelt | Weston | As Platted |
| Joliet | Lincolnway | West City Limits | 60 |
| LaPorte | Garfield | Lincolnway | As Platted |
| Linwood | Union | Morthland | 60 |
| Martinal Road | Sager | Sturdy | 60 |
| Michigan | Calumet | Brown | As Platted |
| McCord | Calumet | Silhavy | 60 |
| Monroe | Napoleon | Garfield | As Platted |
| Morgan | Calumet | Union | As Platted |
| Murvihill Road | West City Limits | East City Limits | 60 |
| Napoleon | Brown | Chicago | As Platted |
| Nickel Plate | Franklin | Axe | 60 |



Exhibit "E"
Page E-000172

| | | | |
|---|---|---|---|
| Old Oak | Harrison | Vale Park / Goodrich | 60 |
| Park | Yellowstone | Campbell | 60 |
| Penna Hill | Silhavy | Sturdy | 60 |
| Ransom | Campbell | West City Limits | 60 |
| Roosevelt | Lincolnway | LaPorte | 60 |
| Sager | Cityview Drive | Division | 60 |
| Silhavy | LaPorte Avenue | South City Limits | 60 |
| South | Washington | Franklin | 60 |
| St. Clair Road | State 149 | Meridian | 60 |
| Strongbow Centre | Penna Hill | Morthland | As Platted |
| Sturdy | LaPorte | Vale Park | 60 |
| Sturdy | Morthland | South City Limits | 60 |
| Thornapple Way | Morthland | State Route 2 | As Platted |
| Tower Rd. (250 W) | US 30 (Morthland) | North City Limits | 60 |
| Union | Morgan | Garfield | 60 |
| Valparaiso | Evans | Burlington Beach | 60 |
| Washington | Glendale | Brown | As Platted |
| West | Morthland | Horseprairie | 60 |
| Yellowstone | Lincolnway | Harrison | 60 |
| 325 E | Division | Murvihill | 60 |

[1] This extension of Chicago Street shall not include extensions of Mayfield or Harmel Streets.

[2] Right-of-way width as platted through Worthington Gates and Whitcombs subdivisions.

## Sec. 8.204 Street Standards

A. **Access.**

1. Subdivisions with 30 or more lots, or multifamily developments with 50 or more dwelling units, shall have at least two access points to/from existing roadways. Those access points shall be located as far apart as practical and consistent with **Division 9.400, Access Management and Circulation.**
2. The street layout of a subdivision shall provide access to all building sites and parcels.
3. Street alignment within the subdivision shall utilize curves, islands, intersections, and/or other methods that allow adequate access but discourage speeding.

B. **Offsite Connectivity.**

1. Certain appropriate streets shall be extended to the boundaries of the subdivision to provide for future connections to other properties, consistent with the **Official Intermodal Transportation Plan.**
2. Wherever streets have been dedicated or platted on the adjacent properties for extension into or through the proposed subdivision then those streets shall be incorporated into the street layout of the proposed subdivision.
3. Wherever there exists a portion of a dedicated or platted street or alley adjacent to the proposed subdivision the remainder of the street or alley shall be platted to the prescribed width in the proposed subdivision.

C. **Right-of-Way and Pavement Widths.**

1. 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.**



Exhibit "E"
Page E-000173

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. Where additional right-of-way is needed to obtain vertical curve, grade, clear sight triangles, turn lanes, or medians, the required right-of-way shall be adjusted to the extent necessary in accordance with local needs as determined by the City Engineer.

Table 8.204: Right-of-Way Width

| Classification | ROW Width |
|---|---|
| Signature Arterial | 120 ft. |
| Arterial | 100 ft. |
| Arterial | 80 ft. |
| Arterial | 60 ft. |
| Collector | 60 ft. |
| Local Street (Nonresidential or Multifamily) | 60 ft. |
| Local Street (Residential) | 50 ft. |
| Frontage Street | 40 ft. |

## Sec. 8.205 Performance Standards For Residential Streets

A. **Floodplain Areas.** In floodplain areas, narrower rights-of-way may be approved and drainage accomplished in a manner that provides for the minimum width, while accommodating the stormwater movement. The City Engineer shall assist in developing an acceptable cross-section that minimizes environmental impact.

B. **Traffic Calming.** Straight, or nearly straight, sections of residential streets of a length greater than 500 feet shall be designed to include traffic calming devices (See **Section 8.211, Traffic Calming**).

C. **Stormwater.**

1. Where a curb is designated, an enclosed stormwater conveyance system shall be included, or curb breaks or turnouts shall lead to open systems, which shall be designed pursuant to subsection C.2., below.

2. On roads without curbs, bioswales, natural stream channels or ditch drainage shall be used, unless they are unacceptable to the City Engineer due to capacity, environmental sensitivity, topography or other feature of the land.

D. **On-Street Parking.** On-street parking requirements are outlined in **Article 9, Parking, Loading, Access, and Lighting**.

E. **Mid-Block Pedestrian Connections.** Mid-block connections in the form of public access easements and walkways shall be provided along blocks that are 500 feet or greater in length, to establish linkages between blocks and, particularly, to common facilities such as parks and open areas.

## 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 subject to a common maintenance agreement, property owner association, or similar legal arrangement.

3. A unique or highly unusual situation exists where economic considerations or the character of the land or the surrounding development are such that a public street cannot reasonably be provided. The inability of an applicant to meet the requirements of this UDO shall not be a basis for consideration for this exception.

4. The private street meets or exceeds City Standards but, because of unique operation or maintenance issues, the Board of Public Works and Safety determines that private maintenance and operation of the street is in the best interest of the City.

C. **Requirements for Private Streets.** If and when private streets are permitted, they shall meet all of the following requirements:

1. Private streets shall be designed and constructed in the same manner as public streets. This includes any site fees, inspections and demonstration of compliance with the Standards Manual.

2. Cross-access easements shall be provided, in order to ensure the continued access to all properties.

3. Adequate provisions shall be put in place for the enforcement of traffic and/or parking violations, removal of unlicensed or abandoned vehicles, maintenance, snow-plowing, street sweeping, and trash collection. Said provisions shall be:

   a. Acceptable to the City;

   b. In full force and effect prior to the issuance of any Certificate of Occupancy for any unit in the development; and

   c. Shall run with the land.

4. Where private streets provide access to properties under different ownerships, the City may require that the private streets be held under a single ownership, such as a Property Owners' Association, rather than under multiple ownerships. In such cases, Association documents that are acceptable to the City Attorney shall provide for assessments to pay for the cost of maintenance, and the plat shall be annotated with a notice that the street is private and subject to a covenant for maintenance.

5. Street name signs shall indicate that the street is private.

6. The private streets will not interfere with the implementation of the Official Intermodal Transportation Plan.

D. **Exceptions and Relief.**

1. Exceptions to this subsection B., above, may be granted by the Board of Public Works and Safety or the Site Review Committee, as follows:

   a. Exceptions to the requirements of subsection B.1. or B.2., above, are approved by the Site Review Committee.

   b. Exceptions to the requirements of subsection B.3. or B.4., above, are approved by the Board of Public Works and Safety.

2. No exceptions shall be granted until the Board of Public Works and Safety or Site Review Committee, as applicable, is satisfied that compliance with the requirements of subsection C., above, is adequate to protect the health, safety and welfare of the residents or tenants of the development, and the interests of the City of Valparaiso and its residents.

3. The Board of Public Works and Safety shall hear and decide all requests for relief from the provisions of this Section. The decision shall be based upon substantial compliance with the requirements of this Section and sound engineering principles. The Board's decisions may be appealed to the City of Valparaiso Board of Zoning Appeals.

E. **Permits.** No permits shall be issued for the development of private streets (or development to be served by private



Exhibit "E"
Page E-000175

streets) unless approval of the private streets is granted by the Board of Public Works and Safety pursuant to this Section.

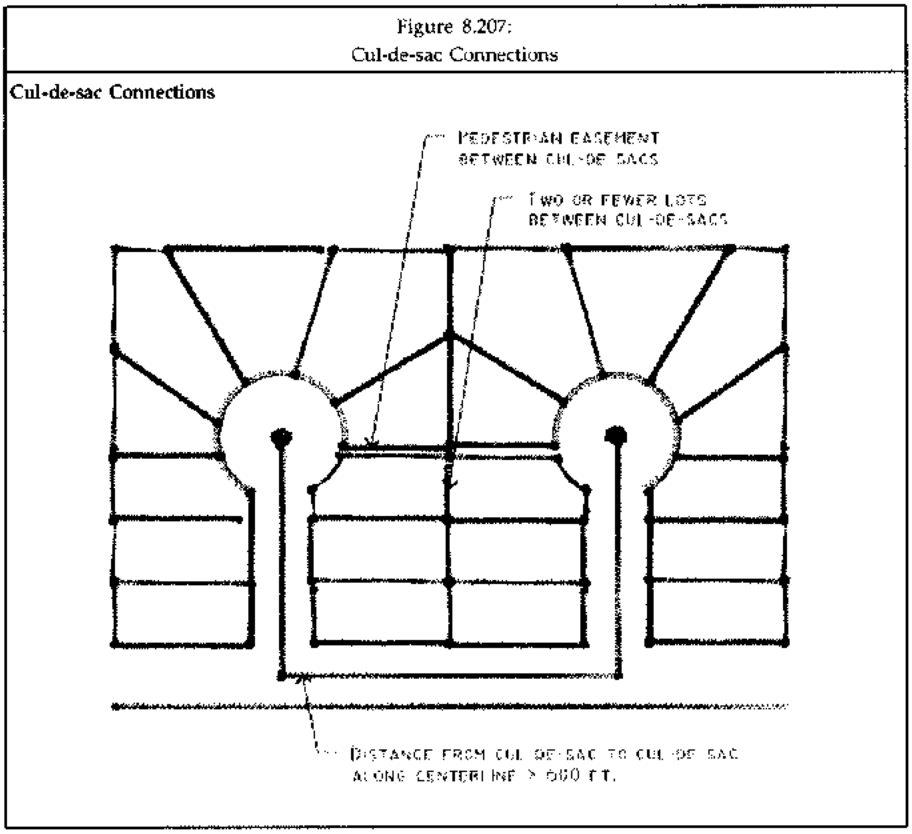
## Sec. 8.207 Cul-de-sacs

A. **Generally.** Cul-de-sacs shall not be permitted except in instances where the Planning Commission finds that unusual or hardship circumstances exist which justify their use.

B. **Unusual and Hardship Circumstances.** The following constitute unusual or hardship circumstances which permit the use of cul-de-sac streets:

1. Natural resources, such as floodplains, wetlands, or open water, make standard blocks inefficient; and
2. The cul-de-sac streets serve no more than 20 lots, or are no more than 600 feet in length, whichever results in a shorter street segment; and
3. The pedestrian circulation system provides for direct, non-vehicular access between cul-de-sac ends where:
   a. Two lots or fewer are situated between them; and
   b. The distance between them, measured along street centerlines, is more than 650 feet. See **Figure 8.207, Cul-de-sac Connections.**

Figure 8.207:
Cul-de-sac Connections




C. **Dimensional Standards.**

1. All cul-de-sacs shall be designed to permit vehicles to turn around without backing, except on private roads serving less than five lots.
2. Cul-de-sacs shall have minimum radii of 60 feet to the property line and 50 feet to the back of curb.
3. Cul-de-sacs shall not be used to provide multiple access to individual buildings (e.g., two-family or attached single-family units), where private driveways would conflict or involve expanses of driveway



Exhibit "E"
Page E-000176

pavement that are wider than 24 feet.

4. Cul-de-sacs that terminate residential streets shall have a landscaped island at the center, with no fewer than two canopy trees installed.

D. **Snow Storage and Renewal.** The design of any cul-de-sac shall provide for the storage of cleared snow, based on a six-inch snowfall, without:

1. Blockage of driveways that connect to the cul-de-sac; or
2. Causing Public Works operators undue hardship in the performance of their duties.

## Sec. 8.208 Alleys

A. **Generally.** Alleys may be provided for primary or secondary vehicular access to lots and uses. Alleys may not provide any access to property outside of the parcel proposed for development in which the alleys are dedicated.

B. **Minimum Widths.** The following minimum widths shall apply to alleys platted after the effective date of this UDO:

1. Minimum Right-of-Way Width: 20 feet
2. Minimum Cartway Width: 18 feet

C. **Alley Length.** Alleys shall be the same length as the blocks that provide frontage to the lots that the alleys serve, with minor variation permitted to account for curvature of intersecting streets.

D. **Alley Intersections and Curves.**

1. Alleys should intersect streets at right angles. The intersection of a street and an alley should be constructed as a standard approach.
2. A minimum curb radius of 30 feet to the inside edge of the alley paving shall be provided at intersections between alleys, and the additional area shall be platted as part of the alley.

E. **Alley Turnouts.** Alley turnouts shall meet the following minimum standards:

1. Minimum width of pavement at intersection: 20 feet
2. Turnouts shall be paved to the property line.
3. No gate, building, or garage opening shall be located closer than 20 feet to an alley turnout, measured from the closest edges of pavement along the alley and along the intersecting street right-of-way.

F. **Dead-Ends Prohibited.** No dead-end alley or cul-de-sac alley shall be permitted.

## Sec. 8.209 Intersections and Street Offsets

A. **Intersections.**

1. An intersection shall have three or four street approaches with centerlines that intersect at a common point.
2. Streets shall intersect at as near a right angle as possible.
3. No street intersection shall have an angle less than 75 degrees.

B. **Offsets.** Centerline offsets of street jogs shall have the following minimum distances:

1. Local Streets, Local Collector Streets, and Collector Streets: 150 feet.
2. Arterials: One quarter mile.

## Sec. 8.210 Medians and Entrance Ways

A. **Use and Beautification of Medians.**

1. Medians that are part of a dedicated public right-of-way may not be utilized for any purpose other than by the City or a public utility. However, a subdivider or other entity may beautify a median with landscaping



Exhibit "E"
Page E-000177

with the approval of the City Engineer or Planning Director, provided that:

a. It does not interfere with existing or proposed public utilities;

b. It conforms to the sight distance requirements of **Section 8.215, Sight Distance Requirements;** and

c. The applicant has submitted documentation with regard to the entity that will have permanent responsibility for maintenance of and liability for such improvements.

2. The City Engineer or Planning Director may refer the application to the Board of Public Works.

B. **Subdivision Access.** Streets that provide ingress and egress to a subdivision shall:

1. Be connected to existing public streets at locations that will not:

a. Create sight distance problems on the existing streets (see **Section 8.215, Sight Distance Requirements**); or

b. Interfere with the safe operation of existing intersections.

2. When connected to Collector or Arterial streets, have the connecting intersections designed so as to minimize interruption of the flow of traffic on those Collector or Arterial streets. At a minimum:

a. The dimensions of the street at the point of connection shall be a minimum of 80 feet in width by 140 feet in depth.

b. Passing blisters and deceleration tapers shall be provided on the Collector or Arterial streets.

c. A minimum of two exit lanes shall be installed on the connecting subdivision street to minimize the delay of vehicles entering the Collector or Arterial street.

3. Gatehouses or architectural features that highlight the entrance are permitted in the median of a subdivision entranceway that meets the specifications of this Section.

## Sec. 8.211 Traffic Calming

A. **Where Required.** Traffic calming measures may be required on local streets and residential collector streets that:

1. Serve 92 or more residential units (or are otherwise demonstrated to carry volumes of traffic in excess of 100 vehicles per hour during peak hours), and have a straight or relatively straight alignment for a distance of 500 feet or more; or

2. Are configured or connected is such a way that they are likely to be attractive as a short cut to avoid congested intersections or difficult turn movements.

B. **Traffic Calming Options.** Traffic calming options that may be required by the City are illustrated in **Figure 8.211, Traffic Calming Improvements.** They include:

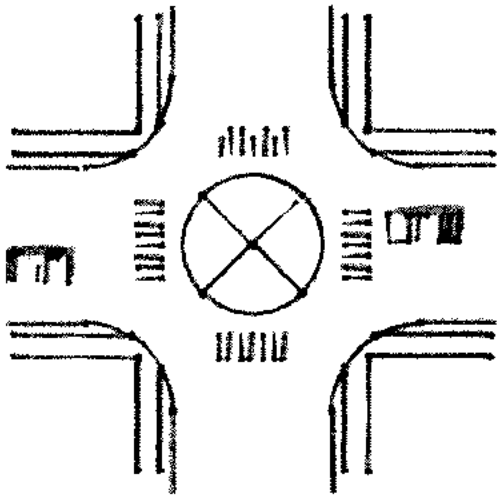
1. Islands at intersections.
2. Pavement changes.
3. Elevated pedestrian crossings.
4. Intersection throttling curbs.
5. Islands in straight sections.
6. Altering of the curve radii to preserve large trees.
7. Interruptions in parking lanes.
8. Chicanes.
9. Diverters.

Figure 8.211:
Traffic Calming Improvements

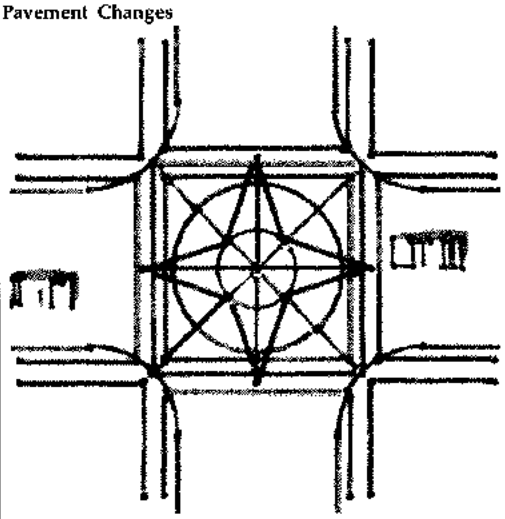


Exhibit "E"
Page E-000178

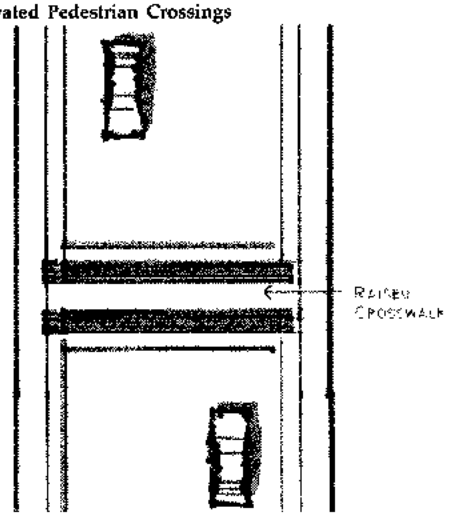
Islands at Intersections



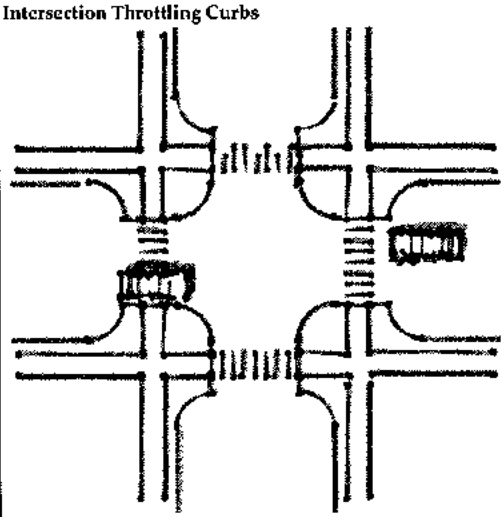
Pavement Changes



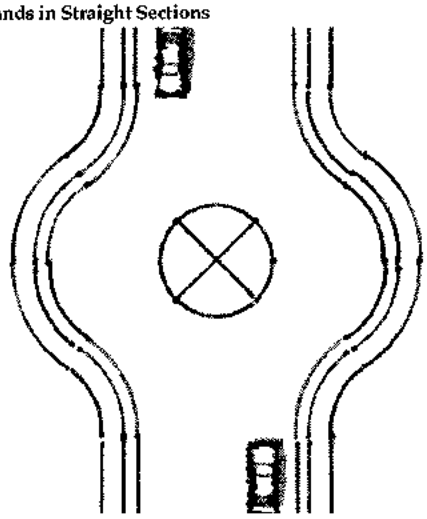
Elevated Pedestrian Crossings



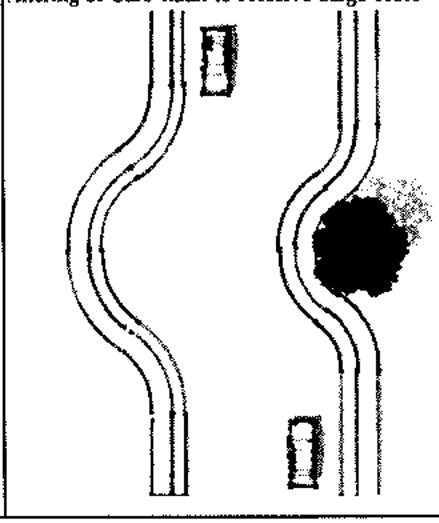

Intersection Throttling Curbs



Islands in Straight Sections



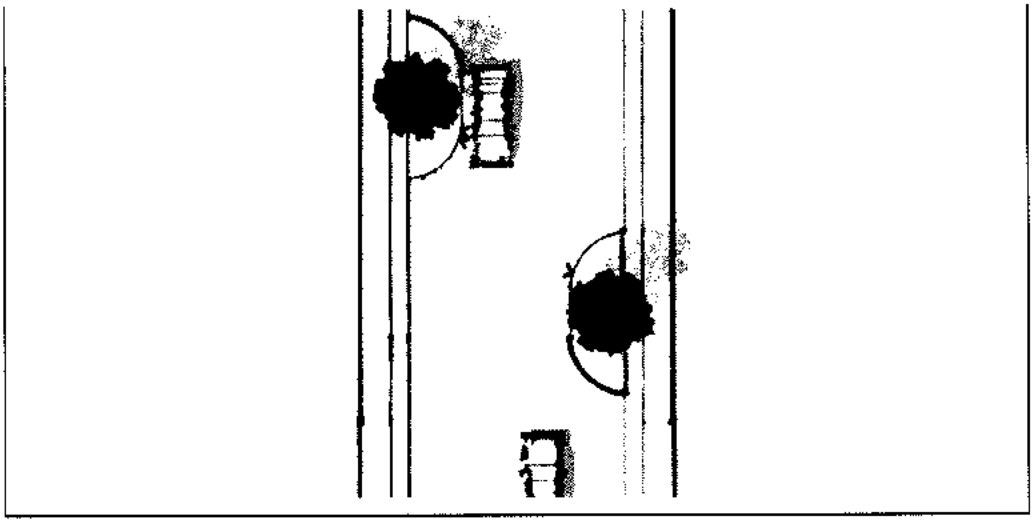
Altering of Curb Radii to Preserve Large Trees



Interruptions in Parking Lanes



Exhibit "E"
Page E-000179



## Sec. 8.212 Curbs

A. **Generally.** All streets shall be constructed with curb and gutter except as provided for in the Standards Manual.

B. **Exception.** The City Engineer is authorized to approve street sections without curb and gutter for:

1. Frontage streets; and
2. Applications in which natural resources will be better protected by an alternative drainage system.

C. **Curb Radii.** The City Engineer shall promulgate standards for curb radii and include them in the Standards Manual.

## Sec. 8.213 Sidewalks

A. **Generally.** Sidewalks are required along all public and private streets. They shall be constructed of concrete.

B. **Location of Sidewalks.**

1. Sidewalks shall be provided in the area between the right-of-way line and the edge of pavement, as shown in the Standards Manual.
2. The outer boundaries of sidewalks shall be located in the platted street right-of-way, generally six inches from the property line. This six inch width is included in the required parkway width specified in **Table 8.204, Right-of-Way and Pavement Width**. Sidewalks may meander into the parkway to protect the root systems of mature trees, provided that no sidewalk is located closer than four feet to the back of curb (or edge of pavement if no curb is present). This arrangement shall not reduce the right-of-way width requirement.
3. Walks shall also be installed in pedestrian easements.

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 multi-use pathways on the perimeter of the parcel proposed for development; and
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 to Building Entries.** Connections shall be provided from all public sidewalks and pathways to buildings housing non residential and multiple family uses.

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

A. **General**. Bicycle routes, lanes, multiuse pathways, and trails as designated on the Official Intermodal Transportation Plan maps shall be designated on all site plans for new mixed, or multiple use developments or development that is of significant scope (as determined by the Planning Director) 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. **Multi-Use Pathways**. Multi-use pathways are required where designated on the Official Intermodal Thoroughfare Plan as described above.

1. All pathways shall be at least eight feet wide, and designed posted, and marked according to the requirements of the Standards Manual.
2. Where a pathway crosses an intersection, the pathway shall be marked as a bicycle crossing. Right turns at intersections shall be on the shoulder of the intersecting street if the pathway or bicycle lane does not continue along the intersecting street.

D. **Trails**.

1. Off-street bicycling and jogging trails shall be developed in accordance with any adopted parks and recreation plans, to link major attractions and destinations throughout the community, including neighborhoods, parks, schools, churches, libraries, Valparaiso University, major employment centers, and shopping areas.
2. Development that abuts a linear corridor that is identified in an adopted parks and recreation plan shall provide an easement for the construction of a trail in accordance with the master plan.
3. All trails, private or public, shall be marked as such, and maintenance responsibilities shall be established at the time of a primary plat.

E. **Dedication of Right of Way/Easements**.

1. An amount of right-of-way sufficient for the provision of the required bicycle routes, lanes, multi-use pathways, and trails or sidewalks as listed in Section 8.213 or 8.214 above shall be dedicated to the city prior to the occupancy or use of any property or development subject to the rules of this ordinance.
2. In special circumstances, the owner or developer of the property may request approval of a payment-in-lieu of installation or required facilities listed above equivalent to the cost of construction of such facility by the city. The request shall be made to and granted by the Board of Works and Park Board, and payment made in the form designated by the city.
3. In special circumstances, with permission granted by the Board of Works, an access and maintenance easement may be granted to the city in lieu of dedication of the necessary right of way for the provision of required facilities listed above. Such easement shall be recorded on the Office of the Recorder of Porter County, Indiana. The Board of Works shall forward such requests to the Park Board for recommendation



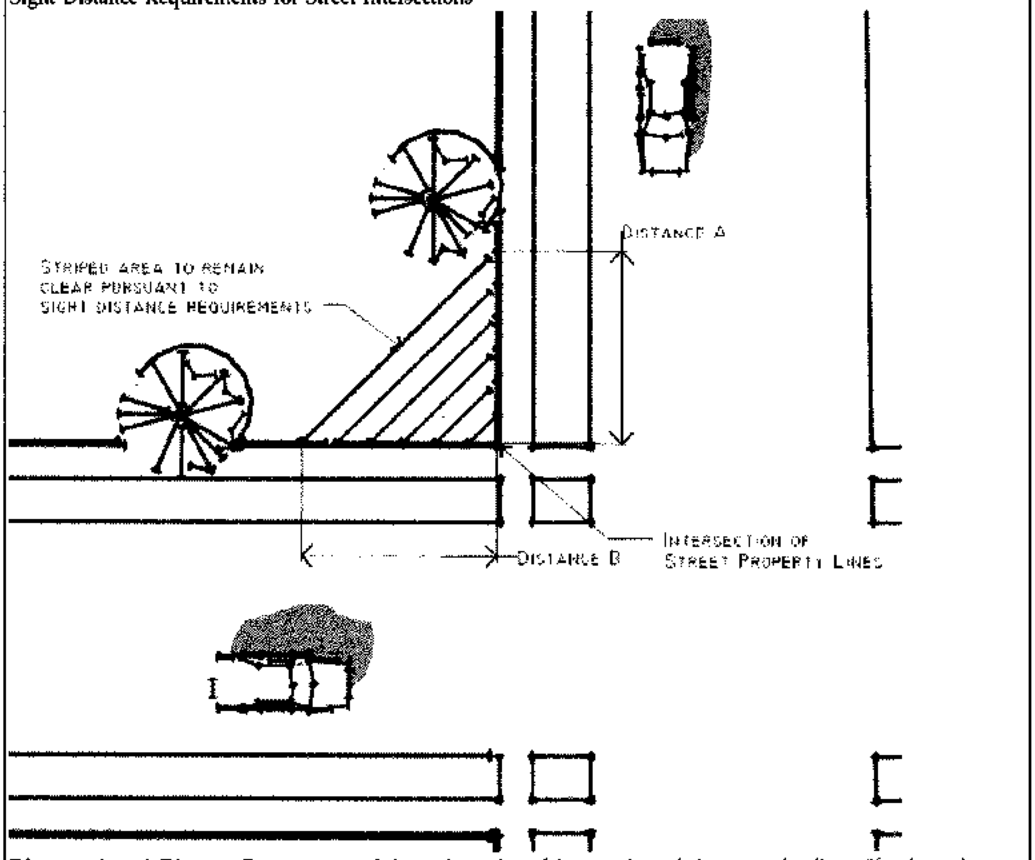
Exhibit "E"
Page E-000181

and consider such recommendation prior to action being taken on any such request.

## 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.

Figure 8.215.A.:
Sight Distance Requirements for Street Intersections



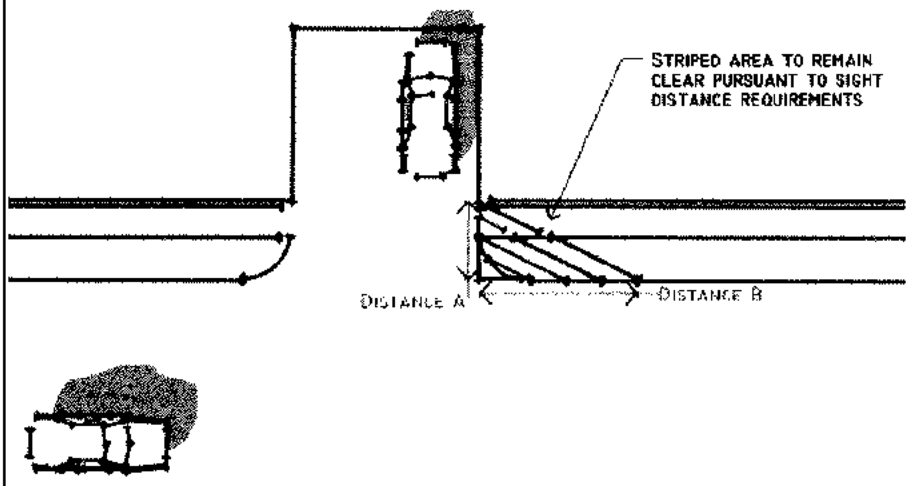

**Distance A** and **Distance B** are measured from the point of intersection of the street lot lines (if private lots are squared off) or the extension of the street lot lines (if private lots are rounded off), away from the intersection along the street lot lines.

1. At the intersection of a collector street and local street, Distance A and Distance B (refer to **Figure 8.215.A., Sight Distance Requirements for Street Intersections**) shall not be less than 25 feet.
2. At the intersection of two local streets or the intersection of a street and an alley, Distance A and Distance B (refer to **Figure 8.215.A., Sight Distance Requirements for Street Intersections**) shall not be less than 15 feet.

B. **Driveway Intersections.** At the intersection of a local street and a driveway, between the elevations of 2.5 and six feet above the driveway grade, Distance A shall not be less than 10 feet, and Distance B shall not be less than 20 feet (refer to **Figure 8.215.B., Sight Distance Requirements for Driveways**). Mature plantings with foliage between 2.5 and six feet above the finished lot grade shall extend no closer than 12 feet to the street right-of-way line.

Figure 8.215.B.:
Sight Distance Requirements for Driveways

Sight Distance Requirements for Driveways (only one side shown, both sides shall be clear)




**Distance A** is measured from the intersection of the streetward projection of the driveway line and the edge of street pavement, along the driveway line in the direction of the interior of the lot. **Distance B** is measured from the intersection of the streetward projection of the driveway line and the edge of street pavement, along the edge of the street pavement away from the driveway line.

C. **Exceptions.**

1. Shade trees are permitted to overhang the specified triangles, provided that all branches are not less than eight feet above the street level.
2. No portion of a fence or wall exceeding 2.5 feet in height above the finished lot grade shall exceed 25 percent opacity when located in a required yard that either:
   a. Has vehicular access to a street; or
   b. Abuts such access.

D. **Trees or Utility Poles Within the Right-of-Way.** Neither trees nor utility poles shall be placed within the public right-of-way within 50 feet of the intersecting centerlines at street intersections.

## Sec. 8.216 Street Naming Standards

A. **Generally.** Streets shall be named or renamed so that:

1. Their names are easy to understand;
2. Duplication or conflict with other names is avoided; except as provided in **Section 6.303, Streets,** subsection D.

B. **Notice.** If streets are named or renamed or lots and structures are numbered or renumbered under this Section, the Plan Commission shall notify the following entities of its action no later than the last day of the month following the month in which the action is taken:

1. The County Auditor or board of registration;
2. The administrator of the enhanced emergency telephone system established under IC 36-8-16, if any;
3. The E-911 service;
4. The United States Postal Service; and
5. Any person or body that the commission considers appropriate to receive notice.

## Sec. 8.217 Street Lighting Standards



Exhibit "E"
Page E-000183

A. **Public Streets.** In any development with public streets, the developer shall provide adequate electrical service to proposed street light locations as determined by the City Engineer. General standards for public street lighting may be included in the Standards Manual.

B. **Private Streets.** In any development with private streets, the City Engineer shall review the lighting plan for adequacy regarding safety and ease of pedestrian and vehicular access. General standards for private street lighting may be included in the Standards Manual.

### Sec. 8.218 Signage and Signalization

A. **Generally.** Signage and signalization shall be provided within parcels proposed for development as determined by the City Engineer according to whether such signage or signalization is warranted by traffic engineering considerations.

B. **Installation.** The applicant shall pay the City for the installation of street name signs at each street intersection, and all regulatory (stop, yield, etc.) and advisory signs as determined by the Traffic and Safety Committee and affirmed by the Board of Public Works.

C. **Fair Share Contribution to Off-Site Improvements.** If it is likely that a signal will be required at an off-site intersection, either in total or in part because of the impacts of the proposed development (either at present or in the future), the developer shall pay an appropriate fair share of the design and installation costs for the signal. The developer shall negotiate with the Board of Public Works and Safety as to the appropriate share required.

### Sec. 8.219 Right-of-Way Maintenance

Owners of property that abuts a public right-of-way shall maintain the property between the edge of pavement or the inside of the curb and the owner's property line, including providing for continuing compliance with **Section 8.215, Sight Distance Requirements.**

## Division 8.300 Utilities

### Sec. 8.301 Underground Utilities Required

A. **Generally.** All utilities, except power transmission lines, shall be installed underground.

B. **Exceptions.** Overhead lines are permitted when it is demonstrated that:

1. The parcel proposed for development is located in a Neighborhood Conservation (NC) district in which overhead utilities that serve the parcel already exist; and

2. The parcel proposed for development is composed of fewer than three lots that are not proposed for further subdivision, and overhead utilities that serve the parcel already exist.

### Sec. 8.302 Sanitary Sewers

A. **Generally.** All uses shall be served by public sanitary sewer systems, except those in the Open Space (OS) district that are noted in **Table 3.301, Standards Applicable to Parcels Proposed for Development,** which may use on-site systems. The presence of adequate public sanitary sewer capacity shall be certified by the Utilities Director.

B. **Installation of Utility Lines.**

1. Applicants shall install all sewer lines to City specifications and connect to the City sewer system.

2. All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be extended to the projected right-of-way line.

### Sec. 8.303 Water Supply

A. **General.** All developments shall be connected to the City water system, except those in the Open Space (OS) district where on-site service is approved. Multifamily developments consisting of more than one four-unit building, subdivisions, Planned Unit Developments, and nonresidential developments shall have prior written



Exhibit "E"
Page E-000184

approval from the Department of Water Works that assures that an adequate supply of water is available.

B. **Standards.** Water shall be supplied using fire-rated lines, and shall be delivered according to the minimum specifications provided by the Department of Water Works .

C. **Fire Flows and Hydrants.**

1. All development must be served by adequate water supply and pressure to provide fire protection according to standards promulgated by the Department of Water Works in consultation with the Fire Department.

2. Spacing between hydrants shall be established by the Department of Water Works in consultation with the Fire Department.

## 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 area 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 or delineation is discouraged.

6. Creatively designed, clean and functional pedestrian alleys and walkways should provide forpedestrian 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



Exhibit "E"
Page E-000185

*siree*

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.

## Division 8.500 Standards 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."



Exhibit "E"
Page E-000186




## Division 9.100 Purpose and Applicability

### Sec. 9.101 Purpose

The purpose of this Article is to ensure that:

A. Adequate off-street parking is provided for uses that are permitted by this UDO.

B. Sufficient parking is provided in nonresidential areas that are near residential neighborhoods, so that the character and quality of life in the residential neighborhoods are protected from overflow parking;

C. Adequate loading areas are provided that do not interfere with the function of other vehicular use areas;

D. Access to sites is managed to maintain the desired function of the adjacent street; and

E. Vehicular use areas are designed and lighted to promote public safety without creating undue light pollution and glare.

### Sec. 9.102 Applicability

A. **Applicability.**

1. All new development shall provide all of the parking spaces required by **Section 9.201, Parking and Loading Requirements Table,** and shall comply with all other provisions of this Article.

2. Expansions to existing development and changes in use that require additional parking shall provide parking only to the extent of the new demand created by the expansion or change in use.

3. Changes in use of existing buildings that result in a fewer required parking spaces shall not be required to provide additional parking spaces.

4. No parking is required for non-residential development in the CBD, except as may be required by **Division 2.500, Limited and Special Use Standards.**

B. **Timing of Compliance.** No certificate of occupancy shall be issued unless and until off-street vehicular parking is provided in accordance with this Article.

## Division 9.200 Parking and Loading Calculations

### 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 |
|---|---|---|
| **Agricultural Uses** | | |
| Agriculture | 2 spaces / d.u.[1] used as farm residence | na.[2] |

| | | |
|---|---|---|
| **Nursery or Greenhouses** | 4 spaces / 1,000 sf. [3] of enclosed sales space | 1 space / 2 acres, but not more than 4 spaces |
| **Farmstead** | 2 spaces / d.u. | na. |
| **Commercial Stables** | 3 spaces / 1,000 sf. office or administrative space, plus 1 space per 3 stalls | 1 space / 40 stalls |
| **Kennel** | 1 space / 250 sf. | na. |
| **Residential Uses** | | |
| **Boarding House, Dormitory, Fraternity, or Sorority** | 1 space / bedroom | na. |
| **Single-Family** | 2 spaces / d.u. | na. |
| **Single-Family Cluster** | 2 spaces / d.u. | na. |
| **Single-Family Attached** | 2 spaces / d.u. | na. |
| **Planned or TND** | 2 spaces / d.u. | na. |
| **Multi-Family** | Studio and 1 bedroom units: 1.5 spaces / d.u.2+ bedroom units: 3 spaces / d.u. | na. |
| **Multi-Family with Commercial (used in mixed-use shared parking calculations)** | 1 space / d.u. | na. |
| **Multi-Family in Central Place District within 330 feet of a public parking lot or facility** | 1.5 spaces / d.u. | na. |
| **Multi-Family in the Central Business District within 330 feet of a public parking lot or facility with adequate capacity to meet required parking** | No Requirement | |
| **Manufactured Home** | 2 spaces / d.u. | na. |
| **Group Homes** | 3 spaces / d.u. | na. |
| **Live-Work Units** | 3 spaces / d.u. | na. |
| **Home-Based Businesses (spaces required in addition to residential parking requirements)** | | |
| Home Occupation | No additional parking required | na. |
| Home Business | Generally: 2 additional spaces. Exception: CN, CG, RT, or CA districts: 1 space / non-family employee.In all cases, if the use includes permitted retail space, add 1 space / 250 sf. used for retail showroom[4] | na. |
| Cottage Industry | Generally: 3 additional spaces. Exception: CN, CG, or RT districts: 1 space / non-family employee.In all cases, if the use includes permitted retail space, add 1 space / 250 sf. used for retail showroom | na. |
| Child Care Homes | 1 space per employee, plus 2 off-street parking spaces for loading and unloading[4] | na. |
| **Institutional Uses** | | |
| **Places of Public Assembly** | | |
| Places of Worship, Theatres,and Conference Centers | 1 space / 3 seats or 1 space / 30 sf. floor area used for moveable seating or 1 space / 6 ft. of bench seating | 1 space / 40,000 sf. |
| Cultural or Arts Centers,Museums, and Aquariums | 5 spaces / 1,000 sf. used for assembly | 1 space / 40,000 sf. |
| Libraries | 5 spaces / 1,000 sf. | 1 space |
| School, Elementary or Middle | 2 spaces / classroom | 1 space / 40,000 sf. |



Exhibit "E"
Page E-000188

| | | |
|---|---|---|
| School, High | Special Study | Special Study |
| Day care center | 1 space / 250 sf. | na. |
| **College** | | |
| College/University | by special study, to be included on campus masterplan | by special study, to be included on campus masterplan |
| Trade School, Professional School, or Language School | 1.1 spaces / student | 1 space / 40,000 sf. |
| **Institutional Residential** | | |
| Monasteries & Convents | 1 space / 2 rooms | 2 spaces / 30,000 sf. |
| Sheltered Care Facilitiesand Rehabilitation Centers | Greater of 1 space / 3 rooms or 1 space / bedroom | 1 space / 20 bedrooms |
| Assisted Care Living Facilitiesor Congregate Care Facilities | 1.5 spaces / dwelling unit | 1 space / 20 bedrooms |
| Nursing Homes | Greater of 1 space / 3 rooms or 1 space / bedroom | 1 space / 20 bedrooms |
| **Protective Care** | | |
| Jails or Prisons | 2 spaces / 1,000 sf. | 2 spaces |
| Work Release | 3 spaces / 1,000 sf. | 1 space |
| Psychiatric Hospitals | 3 spaces / 1,000 sf. | 1 space |
| **Private Clubs (no food service)** | 8 spaces / 1,000 sf. | 1 space / loading bay |
| **Public Service** | | |
| General (not listed below) | 1 space / FTE[5] + 1 space / stored vehicle | 1 space / loading bay |
| Police Station | 1 space / 250 sf. | 1 space / loading bay |
| Post Office | 6 spaces / 1,000 sf. + 1 space / stored vehicle | 1 space / loading bay |
| Fire Station | 4 spaces / vehicle bay | 1 space / loading bay |
| **Utilities, Neighborhood** | 1 space | na. |
| **Hospitals** | | |
| Hospitals | Special study with campus master plan | 1 space / 20,000 sf. |
| Respite Care Facility | 1 space per employee per shift (may be reduced with other form of agreement and 2 spaces for drop-off/pick-up | na. |
| Medical Laboratories | 1 space / 300 sf. | 1 space / 20,000 sf. |
| **Commercial Uses** | | |
| **Agricultural Support and Other Rural Services** | 4 spaces / 1,000 sf. | 1 space / 15,000 sf. |
| **Alcoholic Beverage Sales** | 5 spaces / 1,000 sf. | 1 space / 5,000 sf. |
| **Bed and Breakfast** | 2 spaces + 1 space / room | na. |
| **Commercial Lodging** | | |
| Convention Center Hotel | 1.2 spaces / guest room + 1 space / 100 sf. meeting space | 1 space / 20,000 sf. |
| Hotel or Motel | 1 space / guest room plus one space per 10 rooms or fraction thereof | 1 space / 20,000 sf. |
| **Commercial Retail** | | |
| General | 5 spaces / 1,000 sf. | 1 space / 25,000 sf. |



Exhibit "E"
Page E-000189

| | | |
|---|---|---|
| Food or Consumer Electronics | 5 spaces / 1,000 sf. | 1 space / 15,000 sf. |
| **Heavy Retail** | | |
| General (not listed below) | 1 space / 400 sf. | 1 space / 10,000 sf. |
| Home Centers or Building Materials | 4 spaces / 1,000 sf. | 1 space / 10,000 sf. |
| **Light Automobile Service** | | |
| General (not listed below) | Greater of: 1.5 spaces per 1,000 sf. or 4 spaces / bay | 1 space / 20,000 sf. |
| Gas Station | 1 space / 2 pump stations | 1 space / 20,000 sf. |
| **Drive-In Facility** | | |
| General (not listed below) | 5 spaces / 1,000 sf. + 3 stacking spaces / window | 1 space / 25,000 sf. |
| Restaurants (drive through/drive-in) | 20 spaces / 1,000 sf. + 5 stacking spaces/window | 1 space / 25,000 sf. |
| Banking | 4.5 spaces / 1,000 sf. + 5 stacking spaces/window | 1 space / 25,000 sf. |
| **Mixed Use** | See Sec. 11.205, Mixed Uses and Shared Parking | 1 / 25,000 sf. of nonresidential uses |
| **Office** | | |
| General (not listed below) | 3 spaces / 1,000 sf. | 1 space / 33,000 sf. |
| Bank/Finance, Telemarketing | 4 spaces / 1,000 sf. | 1 space / 33,000 sf. |
| Medical Office / Clinic | 5 spaces / 1,000 sf. | 1 space / 33,000 sf. |
| **Car Wash** | | |
| Carwash, single car, auto bay | 2 spaces + 6 stacking spaces / bay + 1 drying space | 1 space / 20,000 sf. |
| Carwash, multiple car, auto bay | 4 spaces + 12 stacking spaces / bay + 2 drying spaces | 1 space / 20,000 sf. |
| Carwash, self wash bay | 2 spaces / bay (not including bay) | 1 space / 20,000 sf. |
| **Restaurant** | 1 space / 75 sf. | 1 space |
| **Services** | | |
| General (not listed below) | 2.5 spaces / 1,000 sf. + 1 space / FTE + 1 space / company vehicle | 1 space / 33,000 sf. |
| Barber Shops | 5 spaces / 1,000 sf. | 1 space / 33,000 sf. |
| Beauty Shops | 5 spaces / 1,000 sf. | 1 space / 33,000 sf. |
| Dry Cleaner | 4 spaces / 1,000 sf. | 1 space / 33,000 sf. |
| Funeral Homes | 6 spaces / 1,000 sf. | 1 space / 33,000 sf. |
| Laundry (self-service) | 8 spaces / 10 washers | 1 space / 33,000 sf. |
| **Shopping Center** | 5 spaces / 1,000 sf. | 1 space / 15,000 sf. |
| **Vehicular Sales, Rental, and Service** | 1 space / 1,000 sf. + 1 / 15 storage spaces | 1 space / 15,000 sf. |
| **Veterinarian** | 5 spaces / 1,000 sf. | 1 space / 33,000 sf. |
| **Recreation and Amusement Uses** | | |
| **Adult Uses** | General: Greater of: 4 spaces / 5 seats or 1 space / 250 sf.If food and beverage service is offered: 14 spaces / 1,000 sf. | 1 space |
| **Campgrounds** | 1 space / camp site, located at camp site + 3 spaces / 50 camp sites, located at office | na. |
| **Commercial Amusement, Indoor** | | |
| General (not listed below) | 6 spaces / 1,000 sf. | 1 space |



Exhibit "E"
Page E-000190

| | | |
|---|---|---|
| Bowling Alley / Pool Rooms | 5 spaces / lane; 2 spaces / pool or billiard table | 1 space |
| Indoor Arenas / Theaters / Assembly Rooms | 1 space / 3 seats or 1 space / 30 sf. floor area used for moveable seating or 1 space / 6 ft. of bench seating | 1 space |
| Skating Rinks | 1 space / 100 sf. rink surface | 1 space |
| **Commercial Amusement, Outdoor** | | |
| General (not listed below) | Greater of: 1 space / 3 seats or 5 spaces / 4 playing stations | 1 space / 2 acres |
| Outdoor Arenas | 1 space / 3 seats or 1 space / 6 ft. of bench | 1 space / 2 acres |
| Amusement Parks | Special Study | Special Study |
| **Recreation, Indoor** | | |
| General (not listed below) | 4.5 spaces / 1,000 sf. | 1 space |
| Swimming Pool | 1 space / 100 SF of pool | 1 space |
| Tennis/Racquetball/Handball | 3 spaces / court | 1 space |
| Community Recreation Center | 1 space / 250 sf. | 1 space |
| **Recreation, Outdoor** | | |
| Active Recreation,general (not listed below) | 1 space / 10,000 sf. of active recreation area | 1 space |
| Camps, Day or Youth | 1 space / FTE+ 1 space / bus | 1 space |
| Golf Course | 3 space / hole | 1 space |
| Golf Driving Range/Rifle Range | 5 spaces / 4 stations | 1 space |
| Parks, Playground | 1 space / 4,000 sf. of play area | 1 space |
| Equestrian Facilities | 1 space / 4 stalls + 1 space / 2,000 sf. riding area | 1 space |
| Swimming Pool | 1 space / 100 sf. of pool | 1 space |
| Tennis Courts | 3 spaces / court | 1 space |
| Athletic Fields | Greater of: 1 space / 4 ft. bleacher area or 30 spaces / field | 1 space |
| All Passive Recreation | 1 space / acre up to 50 acres + 1 space / 3 acres over 50 acres | na. |
| **Industrial Uses** | | |
| **Light Industry** | 1 space / 500 sf. + 1 space / company vehicle | Greater of: 1 space / 20,000 sf. or 1 space / loading bay |
| **Heavy Industry** | | |
| General (not listed below) | 2.5 spaces / 1,000 sf. + 1 space / vehicle | Greater of: 1 space / 15,000 sf. or 1.25 spaces / bay |
| Trucking (no loading or warehousing) | 3.0 / 1,000 sf. + vehicle operated from site | Greater of: 1 space / 15,000 sf. or 1.25 spaces / bay |
| Regional Utilities | 1 / 1,000 sf. | Special Study |
| **Warehousing and Transportation** | 1 / 1,000 sf. | 1.5 spaces / bay |
| **Utilities, Community** | 1 / 1,000 sf. | Special Study |
| **Extraction** | 1 / vehicle + accessory | 1 space / extraction vehicle |
| **Waste Facilities** | 1.25 spaces / disposal vehicle | 1 space / disposal vehicle |
| **Salvage and Recycling** | | |



Exhibit "E"
Page E-000191

| | | |
|---|---|---|
| Recycling and/or Storage | 1 space / 500 sf. of facility | 1.25 spaces / bay |
| Junkyard | 1 / 2,000 sf. storage + 1 / vehicle used in the operation | Greater of: 1 space / 15,000 sf. or 1.25 spaces / bay |
| **Disposal** | 1 space / disposal vehicle | 1 space / disposal vehicle |
| **Special Uses** | | |
| **Airports** | Special Study | Special Study |
| **Cemetery** | 4 spaces / 1,000 sf. used for assembly, or 20 per acre of grave sites, whichever is more | 1 space |
| **Parking and Transit Facilities** | | |
| Stand Alone Parking Lot | No Minimum | na. |
| Transit Facilities | Inter-City Transit: Special StudyIntra-City Transit: NA | na. |
| **Wireless Telecommunication Facilities** | 2 spaces / tower(may be grass pavers) | na. |
| **Temporary Uses** | | |
| **Commercial Outdoor Sales Event** | NA | na. |
| **Contractor's Office** | 1 space / 200 sf. | na. |
| **Farm Stand** | 8 spaces | na. |
| **Garage Sales** | NA | na. |
| **Model Home** | 4 spaces / model | na. |
| **Public Interest and Special Events** | 1 space / 3 anticipated attendees | 1 space / anticipated supply truck |
| **Sales Offices** | 10 spaces | na. |
| **Sidewalk Sales and Farmers' Markets** | | |
| Sidewalk Sales | No Additional Parking Required | na. |
| Farmers' Market | Downtown: No Additional Parking Required;All Other Locations: 1 space / 150 sf. booth area | na. |
| **Temporary Manufactured Home** | By Use | By Use |
| **Truck Load Sales** | Special Study | 1 space / truck |

[1] d.u. = dwelling unit [2] na. = not applicable[3] sf. = square feet (*see* **Sec. 9.202, Calculation of Required Parking Spaces**)[4] parking spaces shall be designed to appear as a residential driveway, or be accessed from an alley.[5] FTE = full-time equivalent employee

B. **Uses Not Listed.** The Planning Director shall determine the parking requirements for uses that are not listed based on the uses in **Table 9.201, Minimum Parking and Loading Requirements,** that are most similar to the proposed uses or based on parking studies of similar uses that are provided by the applicant and certified by a qualified professional engineer.

## Sec. 9.202 Calculation of Required Parking Spaces

A. **Floor Area.** Where the number of parking spaces in **Table 9.201, Minimum Parking and Loading Requirements,** is calculated based on the floor area of the use. However, the measurement of floor area shall not include restrooms and areas that are designed and used exclusively for storage.

B. **Fractional Spaces.** When the number of required off-street parking spaces results in a fractional space, the fractional space shall be rounded up to the next highest whole number.

C. **Multiple Nonresidential Uses.** If several nonresidential uses occupy a single parcel or building, the off-street parking and loading requirements shall be the cumulative total for all uses. However, centers with multiple retail,

service, or restaurant tenants shall be classified cumulatively as "shopping center" for the purposes of parking requirements.

D. **Mixed-Use Development; Shared Parking.** A reduction of required parking spaces based on the sharing of parking in mixed-use development is permitted as provided in **Section 9.205, Mixed Uses and Shared Parking.**

E. **Reduction of Parking for Drive-Through Service.** Restaurants and financial institutions that provide drive through service that complies with the stacking requirements of **Section 9.303, Vehicle Stacking Requirements,** may reduce number of required parking spaces by 50 percent for financial institutions.

F. **Reduction of Parking or Loading Requirements by Demonstration of Lesser Demand.**

1. The City may approve a reduction in the number of required parking or loading spaces if the applicant demonstrates that such a reduction is appropriate based on specific parking demand forecasts for the proposed use, provided that:
    a. Such forecasts are made by a qualified traffic engineer, and are based upon a peak parking analysis of at least five comparable uses; and
    b. The comparability of the uses shall be documented in detail, which includes their location, size, transportation system access, use restrictions, and all other factors that were considered by the traffic engineer that could affect parking demand.
2. The City may retain a qualified traffic engineer at the applicant's expense to review the parking demand forecast and provide recommendations to the City.
3. The City may rely on the applicant's special study or the special study conducted by the City's consultant.
4. The Plan Commission may require that space be reserved or land-banked for additional parking upon a determination that there is a reasonable likelihood that the nature of the use could change in a manner that increases its parking demand.

G. **Reduction of Parking Requirements by Provision of Bicycle Amenities.** The Planning Director may authorize a ten percent reduction in the number of required off-street parking spaces for development that provides amenities or incentives for bicyclists that are in addition to the provision of outdoor bicycle parking spaces. Examples of accommodations that would qualify for the credit include:

1. Enclosed bicycle lockers;
2. Employee shower facilities, lockers, and dressing areas; or
3. Meaningful financial incentives for employees to bicycle to work.

H. **Additional Credits.** See **Section 9.203, On-Street Parking and Public Lot Credit.**

## Sec. 9.203 On-Street Parking and Public Lot Credit

A. **Generally.** In the 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.

## Sec. 9.204 Location of Off-Street Parking



Exhibit "E"
Page E-000193

A. **Location of On-Site, Off-Street Parking.** Parking shall be set back behind any required bufferyard. Parking spaces, aisles, and turning areas shall not encroach upon or overhang any street, driveway, or public right-of-way.

B. **Location of Off-Site, Off-Street Parking.** Parking or overflow parking may be located off-site in common parking areas, subject to the maximum distance requirements of **Table 9.204, Distance to Required Parking.**

**Table 9.204: Distance to Required Parking**

| Use | Location of required parking | Location of overflow or valet parking |
|---|---|---|
| Single-family (except atrium homes and townhouses) | Same lot as principal building | Within 600 feet of lot |
| Atrium homes, townhouses, and multi-family | Within 180 feet of principal building being served | Within 600 feet of principal building being served |
| Multifamily in CP and CBD Districts | Within 330 feet of principal building being served | Within 600 feet of principal building being served |
| All other uses | Within 600 feet of principal building being served | Within 600 feet of principal building being served |

C. **Guest Parking.** In the GR and UR districts, guest parking in excess of the minimum parking requirements may also be permitted in platted guest parking islands within enlarged cul-de-sacs. However, in no case shall required parking be located within the guest parking islands.

## Sec. 9.205 Mixed Uses and Shared Parking

A. **Generally.** Mixed-use development may be granted reductions in required parking that are available pursuant to this Section.

B. **Shared Parking Table.** Shared parking allows a reduction in the total number of required parking spaces when a parcel is occupied by two or more uses which typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed below, the minimum total number of required parking spaces may be determined by the following procedures:

1. Multiply the minimum required parking for each individual use, excluding spaces reserved for use by specified individuals or classes of individuals, by the appropriate percentage listed in **Table 9.205, Shared Parking Table,** for each of the designated time periods.

2. Calculate a sum for all uses for each of the five columns. The minimum parking requirement is the highest of these sums.

3. In general, the maximum reduction pursuant to **Table 9.205, Shared Parking Table**, shall be 25 percent. However, a greater reduction is permitted, provided that:

   a. Sufficient land is set aside for each parking space in excess of the 25 percent reduction that is not constructed, so that the spaces may be constructed at a later date should the City Engineer determine that they are necessary; and

   b. The property owner executes and records a document that guarantees that the spaces will be constructed upon written order of the City Engineer.

**Table 9.205: Shared Parking Table**

| Use | Weekday | | | Weekend | |
|---|---|---|---|---|---|
| | Night (12AM to 6AM) | Day (6AM to 6PM) | Evening (6PM to 12AM) | Day (6AM to 6PM) | Evening (6PM to 12AM) |

| | | | | | |
|---|---|---|---|---|---|
| Residential | 100% | 60% | 90% | 80% | 90% |
| Office | 5% | 100% | 10% | 10% | 5% |
| Retail / Commercial | 5% | 70% | 90% | 100% | 70% |
| Commercial Lodging | 80% | 80% | 100% | 50% | 100% |
| Restaurant | 10% | 50% | 100% | 50% | 100% |
| Entertainment | 10% | 40% | 100% | 80% | 100% |
| All Others | 100% | 100% | 100% | 100% | 100% |

C. **Special Shared Parking Study.** It is understood that uses may have very different hours of operation and peak parking demand hours. The City desires to encourage the sharing of parking and reduced impervious surfaces. Thus, where a reduced need for parking exists, the City may reduce the required number of spaces. If the methodology in **Table 9.205, Shared Parking Table,** is not used, a special study shall document the parking required for mixed uses by reviewing peak loading times for uses during a 24-hour day and designing for the peak hour demand.

1. The study shall provide data on the following:
   a. The recommended parking needs of the project.
   b. The sensitivity of the proposed uses to change. For example, a center with no restaurant could have significant changes in parking if a restaurant was added.
   c. Similar mixes of uses in other areas of the community.
   d. Degree of variability of parking for individual uses (average, range, and standard deviation).
2. The City may require a reserved open area if it believes that the risk of parking needs changing over time so warrants. Once the project is occupied and well established, if there is a surplus of parking, the applicant may petition for additional development capacity and parking using the reserved area.

D. **Shared Parking Among Lots Under Different Ownership.** When a shared parking reduction is to be applied to uses on several lots under different ownership, the following shall be provided:

1. A plan that provides for interconnected lots;
2. Recorded easements that provide, at a minimum, for:
   a. Cross-access among the parking areas and connections to permit parking by the different uses anywhere in the connected properties;
   b. Allocation of maintenance duties;
   c. A pedestrian circulation system that connects uses and parking areas, making it easy and convenient to move between uses; and
   d. A right of enforcement by the City.

## Sec. 9.206 Bicycle Parking

A. **Applicability.** Bicycle parking shall be required pursuant to this Section for:

1. All parcels proposed for development that have parking lots with 20 or more parking spaces; and
2. All recreation areas within subdivisions.

B. **Number of Bicycle Parking Spaces.**

1. Surface parking lots: One bicycle parking space per 10 parking spaces, to a maximum of ten bicycle parking spaces
2. Structured parking lots:



Exhibit "E"
Page E-000195

a. Minimum number of bicycle parking spaces: six

b. Structures with more than 120 parking spaces shall provide one bicycle parking space per 20 parking spaces,

c. Maximum requirement (additional spaces are optional): 10

3. Recreation areas within subdivisions: One bicycle parking space per three parking spaces.

4. Bicycle racks are not required for bicycle parking associated with single-family detached, single-family attached, and multiplex residential uses. Required bicycle parking for such residential uses may provided in garages, storage rooms and other resident accessible, secure areas.

C. **Bicycle Parking Design Standards.**

1. Bicycle parking shall be designed so that:

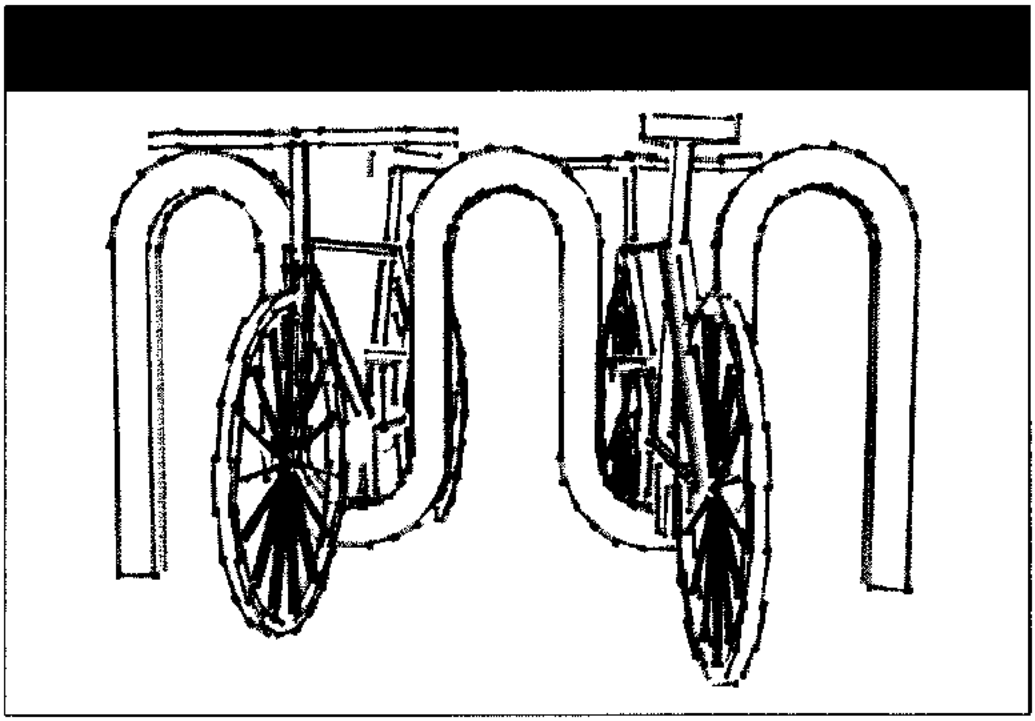
a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped lock if both wheels are left on the bicycle. See **Figure 9.206, Permitted Bicycle Parking Example - Wave Rack.**

b. A bicycle that is six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components.

c. Racks must be securely anchored.

d. Areas devoted to bicycle parking shall be hard surfaced.

e. Bicycle parking designs that only allow one locking point at the wheel are prohibited.



D. **Bicycle Parking Location Standards.**

1. Short-term bicycle parking must be located within 50 feet of the principal building entrance, at the same grade as the sidewalk or accessible route.

2. An aisle at least five feet wide shall be provided behind all required bicycle parking to allow room for bicycle maneuvering.

3. If required bicycle parking is not visible from the street or principal building entrance, a sign shall be



Exhibit "E"
Page E-000196

posted at the principal building entrance indicating the location of the bicycle parking.

E. **Bicycle Parking Maintenance Standards.** The property owner or property owners' association shall maintain bicycle parking. Damaged, rusted, or missing racks shall be repaired or replaced, as appropriate, in order to create a secure parking facility for bicycles in accordance with this Section.

F. **Administrative Adjustments.** The Planning Director is authorized to approve an administrative adjustment reducing the number of bicycle spaces if it is demonstrated that:

1. The use will not generate any bicycle traffic; or
2. It is impossible to provide bicycle parking at the subject location.

## Division 9.300 Parking and Loading Design

### Sec. 9.301 Parking Space, Driveway and Module Standards

A. **Standard Parking Space Dimensions.** Parking spaces shall have the following dimensions.

1. Standard Parking Space: 9 ft. x 20 ft.; however, in locations where the vehicle may overhang the edge of pavement, the length of a standard parking space may be reduced to 18 ft.
2. Compact Parking Space: 9 ft. x 16 ft.

B. **Number of Required Disabled Parking Spaces.** Disabled parking shall be provided as set out in **Table 9.301, Disabled Parking Requirements**, or as required by the Americans with Disabilities Act, whichever provides for more disabled parking. Disabled parking is included in the total number of required parking spaces.

Table 9.301:
Disabled Parking Requirements

| Number of Required Parking Spaces | Number of Disabled Spaces | Number of Disabled Spaces thatMust be Van Accessible |
|---|---|---|
| 1 to 25 | 1 | 1 |
| 26 to 50 | 2 | 1 |
| 51 to 75 | 3 | 1 |
| 76 to 100 | 4 | 1 |
| 101 to 150 | 5 | 1 |
| 151 to 200 | 6 | 1 |
| 201 to 300 | 7 | 1 |
| 301 to 400 | 8 | 1 |
| 401 to 500 | 9 | 2 |
| 501 to 1000 | 2 percent of total | 1 out of 8 disabled parking spaces,rounded up |
| 1001 and over | 20 plus 1 for each 100 over 1000 | 1 out of 8 disabled parking spaces,rounded up |

C. **Disabled Parking Space Dimensions, Design, and Location.** The dimensions, design, and location of disabled parking spaces shall be as required by the Americans with Disabilities Act. A summary of requirements is provided in **, Illustrations.**

D. **Parking Space Markings.** All standard and accessible parking spaces shall be clearly marked as set out in the Standards Manual, which shall not be inconsistent with this Section.

E. **Vertical Clearance.** A vertical clearance of not less than eight feet shall be provided over all parking spaces. Additional clearance shall be provided for larger vans, sports utility vehicles, and light trucks that require such clearance if parking demand from such vehicles is anticipated. All parking garage entrances shall include an overhead bar to alert oversized vehicles regarding clearance.



Exhibit "E"
Page E-000197

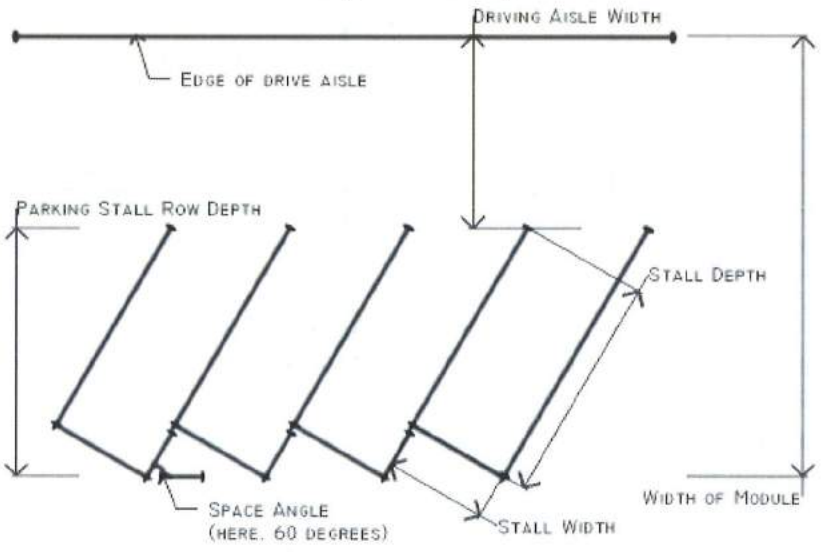
F. **Parking Module Dimensions.** Parking modules shall be dimensioned as shown in **Table 9.301, Minimum Horizontal Parking Dimensions for Standard Automobiles.** The dimensions that are set out in the table are illustrated in **Figure 9.301.B., Parking Module Standards.**

**Table 9.301:**
**Minimum Horizontal Parking Dimensions for Standard Automobiles**

| Dimension | One-Way | Space Angle (degrees) | | | |
|---|---|---|---|---|---|
| | Parallel | 30 | 45 | 60 | 90 |
| **One Row of Parking** | | | | | |
| Parking stall row depth | 9 ft. | 17.8 ft. | 20.5 ft. | 21.8 ft. | 20 ft. |
| Driving aisle width | 12 ft. | 12 ft. | 14 ft. | 17 ft. | 22 ft. |
| Minimum width of module (row & aisle) | 21 ft. | 29.8 ft. | 34.5 ft. | 38.8 ft. | 42 ft. |
| Interlock reduction (per overlapping parking stall row, see Figure 9.301B, *Interlock Reductions)* (ft.) | 0 | 3.9 ft. | 3.2 ft. | 2.25 ft. | 0 |
| **Two Rows of Parking** | | | | | |
| Parking stall row depth (total for both rows) | 18 ft. | 35.6 ft. | 41 ft. | 43.6 ft. | 40 ft. |
| Driving aisle width | 12 ft. | 12 ft. | 14 ft. | 17 ft. | 22 ft. |
| Minimum width of module (rows & aisle) | 30 ft. | 47.6 ft. | 55 ft. | 60.6 ft. | 62 ft. |
| Interlock reduction (per overlapping parking stall row, see Figure 9.301B, *Interlock Reductions)* (ft.) | 0 | 3.9 ft. | 3.2 ft. | 2.25 ft. | 0 |

**Figure 9.301A:**
**Parking Module Standards**

**Single Row of Parking**




**Two Rows of Parking**

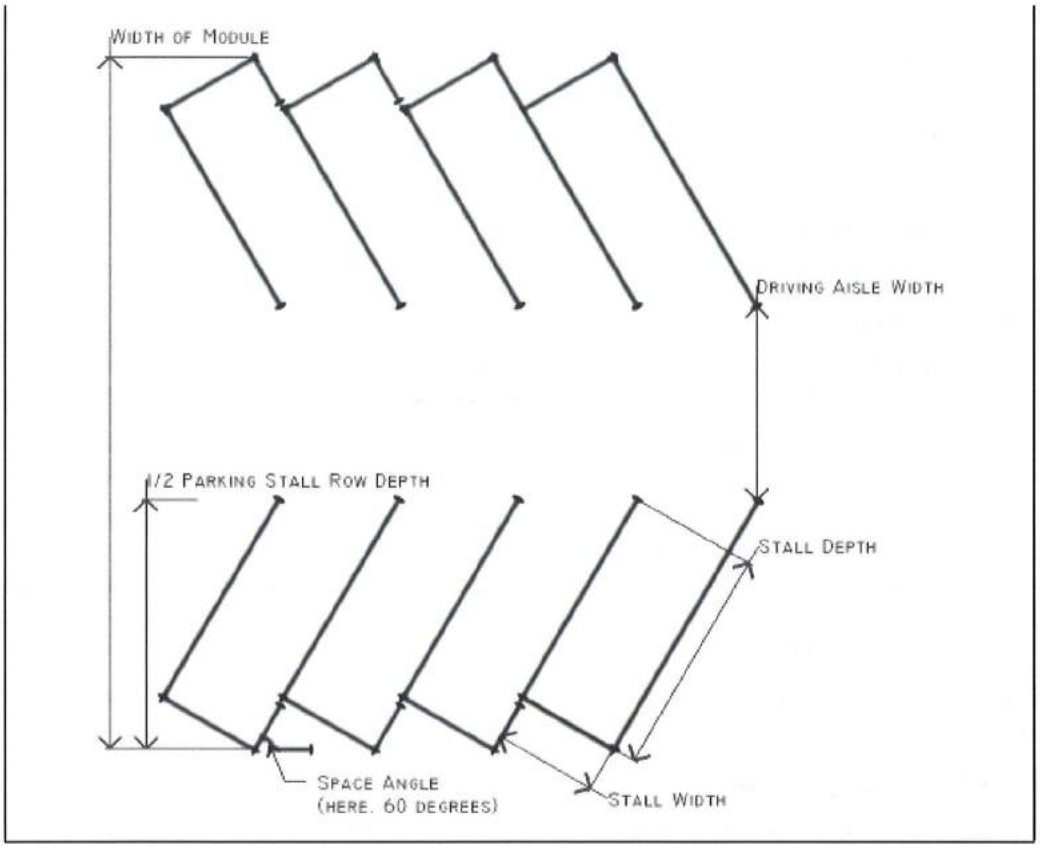
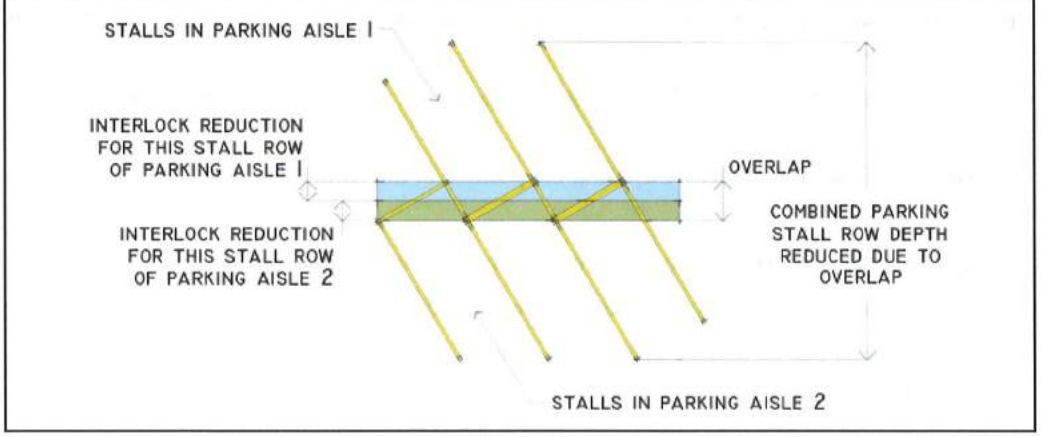



**Figure 9.301.B.:**
**Interlock Reductions**

**The interlock reduction is available on any side of an angled parking row that interlocks with another angled parking row.**




G. **Residential Driveway Design.** Driveways for residential units leading to/from any garage or carport shall not be 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 and any garage or carport shall be 30 feet.

## Sec. 9.302 Off-Street Loading



Exhibit "E"
Page E-000199

A. **Generally.** All uses shall provide off-street loading as required by **Table 9.201, Minimum Parking and Loading Requirements.** Loading spaces shall be designed as follows:

B. **Dimensions.**

1. Minimum width of loading bay (side to side): 12 feet.
2. Minimum length of loading bay (front to back):
    a. For semi-trailers: 60 feet.
    b. All other loading spaces: 25 feet.
3. Minimum vertical clearance: 14 feet.

C. **Use of Right-of-Way.** Where off-street loading areas are required, at no time shall any part of a truck or van be allowed to extend into a public right-of-way while the truck or van is being loaded or unloaded.

D. **Maneuvering Space.** Adequate off-street truck maneuvering space shall be provided on lot and not within any public street right-of-way or other public lands so that trucks can maneuver to the docking area.

E. **Location.** All loading areas are required to be located on the same lot as the building or lot served by the loading area. Semi-trailer loading spaces and loading docks shall be located behind buildings and completely screened from view from adjacent properties and public rights-of-way by walls, enclosures, berms, or landscaping. Loading areas shall be located such that no part of a truck extends into right-of-way or interferes with parking access while it is loading or unloading.

F. **Fire Exit or Emergency Access.** Off-street loading facilities shall be designed so as not to interfere with any fire exits or emergency access facilities to either a building or site.

## Sec. 9.303 Vehicle Stacking Requirements

A. **Generally.** Uses that include drive-through service shall provide at least:

1. Financial institutions, convenience stores, or pharmacies: Four stacking spaces per window, including the position at the window.
2. Drive through restaurants:
    a. Four stacking spaces to each menu board;
    b. Four stacking spaces between the menu board and the first window (including the position at the first window); and
    c. Two spaces between the first window and the second window (including the position at the second window).
3. Dry cleaners: Two stacking spaces, including the position at the window.

B. **Design.**

1. A stacking space is eight feet wide by 18 feet long, exclusive of access drives and parking aisles.
2. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation.
3. Stacking areas shall not be located between the facade of a building and the public street upon which the building fronts.
4. Stacking lanes shall be designed with an abutting eight-foot wide bypass lane.

## Sec. 9.304 Use of Parking and Loading Areas

A. **Storage Prohibited.**

1. Required off-street parking spaces shall be available for operable passenger automobiles of the residents, customers, patrons, and employees of the use to which they relate.
2. Storing materials, boats, campers, recreational vehicles, or inoperable vehicles, or parking trucks or trailers

is prohibited in parking areas, unless:

a. The outdoor storage use is permitted in the applicable zoning district and approved for the subject property;

b. The areas that are set aside for such parking are not counted towards the parking requirements for the use; and

c. The areas that are set aside for such parking comply with the requirements for outdoor storage (e.g., buffering or screening of outdoor storage areas).

3. The long-term storage of trailers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.

4. Trash enclosures, dumpsters, and transformers shall not be located in parking areas.

B. **Vehicle Work Prohibited.** No major vehicle work of any kind or nature is permitted within off-street parking facilities.

C. **Blocking Access Prohibited.**

1. Blocking loading spaces or parking spaces is prohibited.

2. Loading spaces or parking spaces shall not be designed or located in a manner that blocks access to other loading spaces, parking spaces, driving aisles, fire lanes, ingress or egress points, or building entrances.

3. Parking, loading, and access areas shall be kept free of permanent or moveable structures which block access, of any type (e.g., trash receptacles or compactors).

4. Parking within a driveway approach or across public sidewalks is prohibited.

D. **Sales.** The sale of goods in a parking lot is prohibited, except when the applicable requirements for temporary sales, as set out in **Division 2.600, Temporary Uses,** are met.

E. **Residential Parking.** Parking for residential uses is restricted to motor vehicles that are less than 22 feet in length. Vehicles shall be parked on paved driveways or parking areas, which in the case of single-family, single-family attached, and multiplex development, shall relate to a garage or carport. In areas where there are no garages or carports, motor vehicles that are less than 22 feet in length may be parked on off-street parking lots or paved driveways that are constructed perpendicular to a minor residential street.

### Sec. 9.305 Surfacing and Maintenance of Off-Street Parking Areas

A. **Surfacing.** Off-street parking areas shall be surfaced as follows:

1. In general, off-street parking areas that are required to have more than three parking spaces shall be graded and surfaced with concrete or other material approved by the City Engineer that will protect against potholes, erosion, and dust, according to the City's engineering standards manual.

2. The City Engineer may permit less durable surfaces (such as grass pavers, crushed stone, or gravel) for off-street parking facilities that serve athletic fields, public or private parks, low-turnover uses, and overflow parking needs, provided that:

a. The perimeter of such parking areas is defined by bricks, stones, railroad ties, or other similar devices; and

b. Surfaces with loose materials are set back at least 25 feet from a public street.

B. **Maintenance.** Off-street parking surfaces shall be kept in good condition and parking space lines or markings shall be kept clearly visible and distinct.

## Division 9.400 Access Management and Circulation

### Sec. 9.401 General Access Management Provisions

A. **Compliance with this Division.** The City recognizes that there are many different contexts in which compliance



Exhibit "E"
Page E-000201

with the standards of this Division are more or less feasible. **Table 9.401, Compliance with Access Management Regulations,** sets out six generalized situations, the access management objective with respect to the particular situation, and the alternative methods available to the applicant for complying with the requirements of this Division.

Table 9.401:
Compliance with Access Management Regulations

| Land Use | Situation | Objective | Method of Compliance |
|---|---|---|---|
| Single Family, Duplex, or Twin Home | Individual lot seeks direct connection to arterial or collector street. | Prevent direct access to thoroughfares. | Avoid connection to arterial or collector street. If no other access is feasible, investigate alternative use. If no other use is feasible, City Engineer may approve connection if driveway is designed so that vehicles do not back out into traffic. |
| All uses other than single family, duplex, or twin home | Lot proposed for development abuts lots that are built, have individual access connections, and do not comply with spacing requirements. | Allow reasonable access for existing lots, but consolidate access at first available opportunity. | Existing access may be maintained, but if thresholds of Subsection D. are met, then compliance with **Section 9.405.A.** is required. If there is no existing access, then temporary access may be created upon demonstration of compliance with **Section 9.405.A.** |
| | Lot proposed for development is to be subdivided into several commercial lots. | Ensure that new subdivisions do not frustrate the City's access management objectives. | Lots are created with the minimum frontage required by **Section 9.402, Minimum Arterial Frontage** and meet the access spacing and corner clearance standards of **Section 9.403, Access Spacing and Corner Clearance**; or subdivider provides for common access **(Section 9.405) and the common access meets the requirements of Section 9.403, Access Spacing and Corner Clearance.** |
| | Existing lot proposed for development does not conform to **Section 9.402, Minimum Arterial Frontage** and at least one abutting lot under separate ownership is not developed. | Allow reasonable access for existing lot, and ensure that future development will have shared or cross access as necessary to ensure compliance with this Division. | Provide access in compliance with the access spacing and corner clearance standards of **Section 9.403, Access Spacing and Corner Clearance** and provide for future common access as will ensure implementation of such standards as provided in **Section 9.405, Common Access and Internal Cross Access.** |
| | Lot proposed for development abuts another lot under common ownership. | Ensure that development of commonly owned property does not frustrate City's access management objectives. | Lots are consolidated, if necessary, to meet the minimum frontage required by **Section 9.402, Minimum Arterial Frontage** and meet the access spacing and corner clearance standards of **Section 9.403, Access Spacing and Corner Clearance**; or applicant provides for common access **(Section 9.405) and the common access meets the requirements of Section 9.403, Access Spacing and Corner Clearance.** |
| | Lot proposed for development abuts another lot which has recorded a covenant pursuant to **Section 9.405, Common Access and Internal Cross Access.** | Ensure that recorded common access and cross access covenants are carried out. | Common access or internal cross access is provided as set out in the recorded document. If the common access point would prevent an adjacent undeveloped lot from complying with this Division, then a covenant to provide common or cross access shall be provided as set out in **Section 9.405, Common Access and Internal Cross** |



Exhibit "E"
Page E-000202

| | | | |
|---|---|---|---|
| | | | Access. |
| | Lot proposed for development is located in a signature corridor overlay district, pursuant to **Division 13.300**, Signature Corridor Overlay Districts. | Ensure that Signature Corridor plan is carried out. | Frontage street or reverse frontage street shall be provided to connect to abutting parcels. If frontage street or reverse frontage street is not already established, the City Engineer shall determine which alignment is appropriate based on which will provide the safest and most efficient access to all of the parcels in the same block. |

B. **Degree of Compliance.** If the width of a lot or other constraint prevents an individual access from being compliant with **Section 9.403, Access Spacing and Corner Clearance,** then common access shall be provided via joint access and/or cross-access easements. Even if common access does not achieve compliance with **Section 9.403, Access Spacing and Corner Clearance,** it shall be utilized if it creates a wider spacing between access points than would be provided in the absence of common access.

C. **Alternative Access for Corner Lots.** Lots that abut intersections of arterial streets and local streets shall take access from the minor street if the access meets the corner clearance requirements of **Section 9.403, Access Management and Corner Clearance.**

D. **Timing of Compliance with this Division.**

1. New development and subdivision shall demonstrate compliance with this Division for each required development approval.
2. Properties with access connections that do not meet the requirements of this Division shall be brought into compliance to the greatest extent possible when modifications to the roadway are made or when a change in use results in one or more of the following conditions:
   a. A connection permit is required.
   b. Site review or platting is required.
   c. The site experiences an increase of 20 percent or greater in peak hour trips or 100 vehicles per hour in the peak hour, whichever is less, as determined by one of the following methods:
      i. An estimation based on the Institute of Traffic Engineers (ITE) Trip Generation manual (latest edition) methodology for typical land uses, or
      ii. Traffic counts made at similar traffic generators located in the City, or
      iii. Actual traffic monitoring conducted during the peak hour of the adjacent roadway traffic for the property.
3. If the principal activity on a parcel with access connections that do not meet the regulations of this Division is discontinued for a period of one year or more, then upon establishment of any use, the parcel must comply with all applicable access requirements of this Division to the extent possible.

## Sec. 9.402 Minimum Arterial Frontage

A. **General.** In general, the minimum arterial frontage that is required of lots that take direct access from an arterial of any type shall not be less that that shown in **Table 9.402, Minimum Arterial Lot Frontage.** No new lots shall be created that have less frontage than set out in **Table 9.402, Minimum Arterial Lot Frontage,** unless the subdivider provides for common access as set out in Subsection C.

Table 9.402:
Minimum Arterial Lot Frontage

| Posted Speed Limit (mph) | Minimum Connection Spacing (ft.) |
|---|---|
| ≤ 30 | 225 |
| 35 | 275 |



Exhibit "E"
Page E-000203

| | |
|---|---|
| 40 | 330 |
| 45 | 385 |
| ≥ 50 | 450 |

B. **Increased Frontage Requirement.** A greater lot frontage may be required for driveways greater than 25 feet in width, or development that requires more than one access connection to the arterial.

C. **Decreased Frontage Requirement.** A lesser lot frontage may be provided for lots with common access easements and shared access driveways, provided that the standards of **Section 9.403, Access Spacing and Corner Clearance**, are met, and legal instruments are recorded as provided in **Section 9.405, Common Access and Internal Cross Access.**

## Sec. 9.403 Access Spacing and Corner Clearance

A. **Local Streets and Collectors.** There shall be a minimum spacing between the near edges of adjacent access points to minor streets and collectors as set out in **Table 9.403.A., Access Spacing, Minor Streets and Collectors.**

Table 9.403.A.:
Access Spacing, Minor Streets and Collectors

| Street Classification of Abutting Lot Frontage | Minimum Connection Spacing (ft.) |
|---|---|
| **Residential Driveways** | |
| Minor Street | 30 |
| Collector Street | 30 |
| **Commercial, Recreation, and Institutional Driveways** | |
| Minor Street | 30 |
| Collector Street | 75 |
| **Industrial Driveways** | |
| Minor Street | 40 |
| Collector Street | 75 |

B. **Arterials.** There shall be a minimum spacing between the near edges of adjacent access points to high speed principal arterials, principal arterials, and minor arterials, as set out in **Table 9.403.B., Access Spacing, Arterials.**

Table 9.403.B.:
Access Spacing, Arterials[1]

| Posted Speed Limit (mph) | Minimum Connection Spacing (ft.) |
|---|---|
| ≤ 30 | 200 |
| 35 | 250 |
| 40 | 305 |
| 45 | 360 |
| ≥ 50 | 425 |

[1] Signature corridors may have different requirements. See **Section 11.303 General Design Standards for Signature Corridor Right-of-Way.**

C. **Access Spacing, Opposite Sides of Street.** In order to prevent conflicting left-turn movements, connections on opposite sides of the street shall be directly opposite each other or offset by a distance of at least 75 feet, unless a median prevents the potential conflicts.

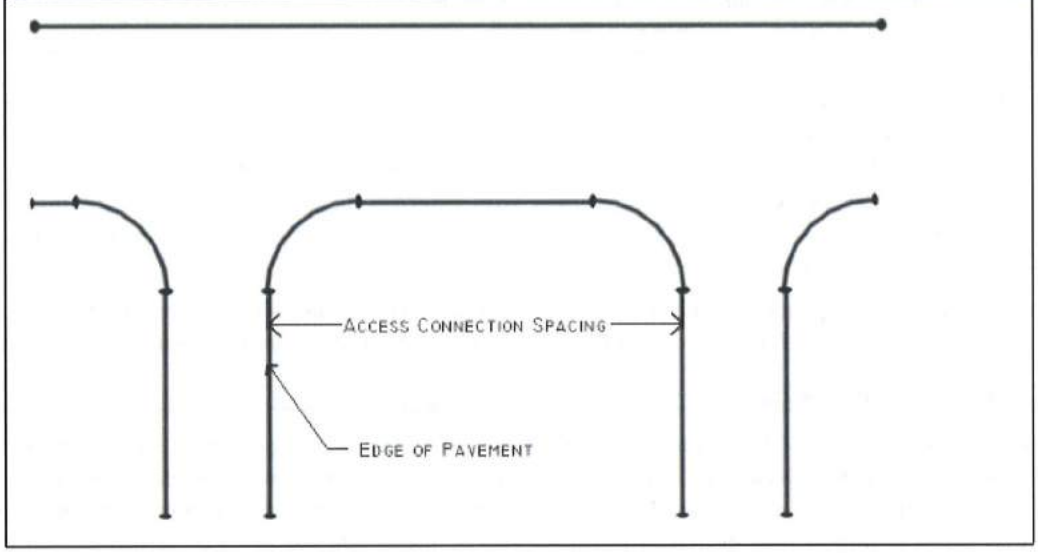
D. **Measurement of Access Spacing.** The minimum spacing requirements of this Section are measured along the edge of the travel way, from the closest edge of pavement of the first access connection to the closest edge of pavement



Exhibit "E"
Page E-000204

of the second access connection, including corner clearance, as illustrated in **Figure 9.403, Measurement of Access Connection Spacing.** Access points include streets, alleys, driveways, and service roads.

**Figure 9.403:**
**Measurement of Access Connection Spacing**




E. **Corner Clearance.**

1. 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.

**Table 9.403.C.**
Minimum Corner Clearance, City Streets

| Street Classification | Intersecting Street Classification | Minimum Corner Clearance | |
|---|---|---|---|
| | | Street | Intersecting Street |
| **Residential Driveways** | | | |
| Minor | Minor | 20 feet | 20 feet |
| Minor | Collector | 30 feet | 30 feet[1] |
| Collector | Collector | 30 feet[1] | 30 feet[1] |
| Arterial | Minor | Restricted | 75 feet |
| Arterial | Collector | Restricted | 75 feet[1] |
| Arterial | Arterial | Restricted | Restricted |
| **Commercial and Industrial Driveways** | | | |
| Minor | Minor | 30 feet | 30 feet |
| Minor | Collector | 30 feet | 30 feet |
| Collector | Collector | 75 feet | 75 feet |
| Arterial | Minor | 125 feet[2] | 75 feet |



Exhibit "E"
Page E-000205

| | | | |
|---|---|---|---|
| Arterial | Collector | 125 feet[2] | 75 feet |
| Arterial | Arterial | 125 feet[2] | 125 feet[2] |

[1] Applies to multifamily driveways, and to other residential driveways as limited by Section 9.401, General Access Management Provisions.

[2] A variance is required for corner lots with arterial street frontage where the required corner clearance cannot be met as a result of its lot width or depth.

2. If the dimensions of an existing lot and the absence of a reasonable opportunity for shared access make compliance with Paragraph E.1. impractical, then right-in, right-out access may be permitted at the farthest available point away from the intersection. For example, a light automobile service use (e.g., a gas station) that cannot establish shared access with neighboring properties may be permitted to have two right-in, right-out access points (one on each frontage), provided that they are located as far away from the intersection as possible.

3. Where ownership allows, and the geometry of the street intersection warrants, the minimum corner clearance shall be greater than shown in **Table 9.403.C., Minimum Corner Clearance, City Streets.**

## Sec. 9.404 Access Dimensions

A. **General.** The dimensions of access points are based on the peak hour trip generation volume of the uses to which access is to be provided. Peak hour trips may be allocated to one or more proposed access points. A qualified engineer shall provide the calculations for peak hour trip generation and assignment to proposed access points. However, the low impact uses described in subsections B. and C. are not required to provide calculations by an engineer with respect to trip generation and assignment.

B. **Single-Family, Twin Home, and Duplex Lots.** Each lot that contains a single-family, twin home, or duplex shall have no more than two driveways along any street frontage. Driveway width shall not exceed the width set out in **Table 9.404.A., Maximum Width of Access.**

**Table 9.404.A.: Maximum Width of Access**

| Use Classification | Standard | Maximum Access Width (ft.) |
|---|---|---|
| Single-Family Residential | One-car garage (max. width) | 12 |
| | Two-car garage (max. width) | 22 |
| | Three-car garage (max. width) | 25 |
| Twin Home and Duplex | Two, one-car garages (max. width) | 24 |
| | Two, two-car garages (max. width) | 27 |

C. **Low Volume Presumption.** The following uses are presumed to required only a single low volume access point, as described in **Table 9.404.B., Access Standards, General,** or, if located within the Urban Residential (UR), Central Business District (CBD), Central Place (CP), or Residential Transition (RT) district, **Table 9.404.C., Access Standards, Urban Areas.** Uses that are presumed to be of low impact pursuant to this subsection shall not require additional analysis for so long as the conditions of this subsection are met:

1. All residential development of less than 50 units which is not of a type that is subject to subsection B.

2. All nonresidential development, except light automobile service, in which less than 5,000 square feet of floor area is served by the access point.

D. **Standard Dimensional Requirements.**

1. In all districts except the Urban Residential (UR), Central Business District (CBD), Central Place (CP), and Residential Transition (RT) districts, the access standards of **Table 9.404.B., Access Standards, General** apply.

| Table 9.404.B.: Access Standards, General | | | | | | |
|---|---|---|---|---|---|---|
| Access Type | Maximum peak hour volume | Access Lanes and Lane Widths | Reservoir | Radius Return by Street Functional Classification | | |
| | | | | Arterial | Collector | Minor |
| Low Volume | 50 trips | 12 ft. ingress; 12 ft. egress | 25 ft. | 30 ft. | 20 ft. | 15 ft. |
| Mid-Volume | 200 trips | 14 ft. ingress; 4 ft. median; 2 12 ft. egress* | 50 ft. | 30 ft. | 20 ft. | 15 ft. |
| High Volume | 500 trips | 14 ft. ingress; 4 ft. median; 2 12 ft. egress* | 100 ft. | 35 ft. | 30 ft. | 20 ft. |
| * Only 1 egress shall be required if the access point is configured as a right-in, right-out access. | | | | | | |

2. In the Urban Residential (UR), Central Business District (CBD), Central Place (CP), and Residential Transition (RT) districts, the access standards of **Table 9.404.C., Access Standards, Urban Areas** apply.

| Table 9.404.C.: Access Standards, Urban Areas | | | | | | |
|---|---|---|---|---|---|---|
| Access Type | Maximum peak hour volume | Access Lanes and Lane Widths | Reservoir | Radius Return by Street Functional Classification | | |
| | | | | Arterial | Collector | Minor |
| Low Volume | 150 trips | 12 ft. ingress; 12 ft. egress | 25 ft. | 25 ft. | 20 ft. | 15 ft. |
| Mid-Volume | 300 trips | 12 ft. ingress; 2 11 ft. egress* | 25 ft. | 25 ft. | 20 ft. | 15 ft. |
| High Volume | 500 trips | 14 ft. ingress; 4 ft. median; 2 11 ft. egress* | 50 ft. | 30 ft. | 25 ft. | 20 ft. |
| * Only 1 egress shall be required if the access point is configured as a right-in, right-out access. | | | | | | |

E. **Measurement of Reservoir.** Generally, the reservoir indicated in Tables 11.404.B. and 11.404.C. is measured from the property line to the edge of the first parking space or aisle. However, the reservoir may be measured from the edge of pavement of the adjacent street if it is demonstrated that:

1. Measurement from the edge of pavement allows for an improved site design; and
2. It is not anticipated that the adjacent street will be widened for at least 25 years.

F. **Peak Hour Volume in Excess of 500 Trips.** If the peak hour volume of an individual access point exceeds 500 trips, the access point shall be designed as a street intersection. Further access to lots or parking areas shall be evaluated according to the standards of this Division (e.g., the corner clearance standard will apply to the distance from the intersection to the first internal access connection, and the reservoir standard will apply to the distance between the connection and the first parking space).

G. **Alternative Design.** The City Engineer may require that access points be configured as right turn in, right turn out when the provision of left turn access would result in significant disruption of traffic flow on the public street.

## Sec. 9.405 Common Access and Internal Cross Access



Exhibit "E"
Page E-000207

A. **Separate Ownership; No Common Plan of Development.** Where adjacent properties are separately owned and not part of a common plan of development, the City may require common access or internal cross access as the parcels are developed, substantially improved, or redeveloped. As such, an applicant may be granted temporary individual access if:

1. The applicant demonstrates that a reasonable offer with regard to cross-access was refused by the adjacent landowner; and
2. The applicant records a covenant acceptable to the Planning Director to ensure that the connection will be provided and access will be consolidated upon the earlier of:
    a. Approval for development, substantial improvement, or redevelopment, of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or
    b. The applicant's parcel and the adjacent parcel coming under common ownership; and
3. The applicant demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic.

B. **Common Ownership or Common Plan of Development.** Phased development, development sites under the same ownership, or development sites that are consolidated for the purposes of development and comprised of more than one building are considered unified parcels. Unified parcels shall provide access as follows:

1. The number of connections permitted shall be the minimum number necessary to provide reasonable access to the overall site and not the maximum available for the site's frontage; and
2. Access to outparcels shall be internalized using the shared circulation system and designed to avoid excessive movement across parking aisles or queuing across surrounding parking and driving aisles.

C. **Terms.** The City may require that common and cross access easements include one or more of the following:

1. A continuous drive extending the entire length of each block it serves, or at least 1,000 feet of linear frontage along a thoroughfare, whichever is less.
2. Sufficient width to accommodate a two-way access between properties, designed to accommodate automobiles and service and loading vehicles.
3. Stub-outs and other design features to allow abutting properties to be tied in to provide future cross access.
4. Linkage to other cross access drives in the area.
5. Common access, internal cross access, and driveway entrance improvements for non-residential developments shall be made prior to the recording of a subdivision plat, unless proper surety has been posted to guarantee those improvements.

D. **Approval and Recording of Easements.**

1. Access that is shared by adjacent properties, whether under single or separate ownership, requires that an appropriate legal instrument to ensure continued shared access be approved by the Planning Director and recorded in the official public record at the applicant's expense. The recorded book and page number shall be referenced on any subsequent subdivision plats of the property.
2. If there is an existing shared access for which there is no recorded legal documentation, such documentation shall be executed and recorded as provided in subsection D.1.

## Sec. 9.406 Number of Access Points

A. **General.**

1. Generally, the maximum number of access points allowed will be the smallest number of access points that are necessary to accommodate the peak hour demands of the site. For example, if a use in the Commercial, General (CG) district generates 300 peak hour trips (see **Table 9.404.B., Access Standards, General**), then it would be served by one high volume access point, not six low volume access points
2. The maximum number of access points may be increased if:

a. The lot fronts on an arterial and one or more side streets of lesser functional classification;

b. Access to the site will be provided from the streets of lesser functional classification; and

c. The total number of access points along the arterial frontage is reduced.

B. **Limitation.** Nothing in this Section supersedes the other access management requirements of this Division.

## Sec. 9.407 Modification of Access Management Requirements

A. **Reduction of Spacing Requirements.** The spacing requirements of **Section 9.403, Access Spacing and Corner Clearance,** may be reduced in any of the following circumstances:

1. Spacing may be based on an assessment of the individual safety and operational considerations of the proposed connection if:

a. Current average daily trip volume (ADT) on the segment of the arterial upon which the proposed development fronts is below 2,000; and

b. It is demonstrated that there is little, if any, potential for development within 25 years that would raise the ADT to more than 2,000.

2. Where adequate access connection spacing cannot be achieved, the City may permit lesser spacing when shared access is established with an abutting property. A shared access agreement shall be executed and recorded as provided in **Section 9.405.D. Common Access and Internal Cross Access.**

3. Where no other alternatives exist, construction of an access connection may be allowed along the property line farthest from the intersection or closest access. To provide reasonable access under these conditions, but also provide the safest operation, consideration should be given to designing the driveway connection to allow only the right-in turning movement or only the right-in/right out turning movements if feasible. In such a case, the applicant shall demonstrate that:

a. The inability to meet the access spacing requirements was not due to the owner subdividing the property after the effective date of this UDO without providing internal access;

b. A reasonable offer with regard to cross-access was refused by the adjacent landowner; and

c. A covenant acceptable to the Planning Director to ensure that the connection will be provided and access will be consolidated upon the earlier of:

i. Approval for development, substantial improvement, or redevelopment, of the adjacent property, if providing such connection is a requirement of the approval; or

ii. The applicant's parcel and the adjacent parcel coming under common ownership; and

d. Failure to comply with the access spacing requirements will not materially affect the safe and efficient flow of traffic.

B. **Increase of Spacing Requirements.** The City may require greater access spacing if the use will generate significant truck traffic.

# Division 9.500 Exterior Lighting Standards

## Sec. 9.501 Nonresidential Lighting Standards

A. **Generally.** The maximum permitted illumination and the maximum permitted luminaire height shall conform with this Section.

B. **Fixture Type.**

1. Generally, light fixtures shall be "cut-off" fixtures that limit lighting that is visible or measurable at the property line.

2. "No cut-off" fixtures may be used only for decorative purposes, provided:

a. They have luminaires that produce no more than 1,500 lumens (approximately equal to a 100W



Exhibit "E"
Page E-000209

incandescent bulb);

b. They have a maximum height of 15 feet; and

c. They use energy-efficient bulbs, such as compact fluorescent (CF).

C. **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 25 feet in height.

D. **Maximum Illumination.**

1. Outdoor lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to such adjacent properties.

2. Outdoor lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed three-tenths foot-candle, measured vertically, and three-tenths foot-candle, measured horizontally, on adjacent properties.

3. The ground-level luminance ratio (the ratio between the luminance of the brightest point on the property and the darkest point on the property) shall not exceed 12 to one.

4. If additional light is necessary, it shall be provided within an enclosed structure.

E. **Canopy Lighting.** Canopy lighting for uses that have sheltered outside work or service areas, such as gas stations, shall meet the standards of this Section. All luminaires shall be recessed into the canopy so that they cannot be viewed from off-site from an eye height of four feet (to protect automobile drivers from glare).

F. **Outside Wall-Mounted Lighting.** Outside wall-mounted lighting shall also comply with the standards of this Division, except that lighting that is required by the Federal Aviation Administration shall comply with Federal standards.

## Sec. 9.502 Exterior Lighting for Outdoor Recreation

A. **Generally.** Ball diamonds, playing fields, driving ranges, tennis courts, and similar amusement or recreation uses have unique requirements for nighttime visibility and, generally, have limited hours of operation. The standards of this Section, and not **Section 9.501, Nonresidential Lighting Standards,** apply to outdoor recreation uses.

B. **Fixture Type.** Light fixtures for illumination of playing courts and athletic fields shall be "cut-off" fixtures that limit lighting that is visible or measurable at the property line.

C. **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 80 feet in height.

D. **Maximum Illumination.**

1. Field and court lighting shall be deflected, shaded and focused away from adjacent properties and shall not be a nuisance to such adjacent properties.

2. Field and court lighting shall be designed so that any overspill of lighting onto adjacent properties shall not exceed one-half foot-candle, measured vertically, and one-half foot-candle, measured horizontally, on adjacent properties.

3. A landscaped bufferyard may be used to block lighting spillover onto adjacent property. The Planning Director may require more opaque bufferyards than those in **Division 10.400, Bufferyard Requirements,** to achieve this objective.

## Sec. 9.503 Public Safety and Public Nuisance

A. **Generally.** The City may require the modification or removal or limited operation of existing or new lighting fixtures found to be a public hazard or public nuisance according to the criteria of this Section.

B. **Hazards.** Criteria for finding illumination to be a public hazard are as follows:

1. Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of the surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle.

2. Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in their path.

C. **Nuisance.** Criteria for finding illumination to be a public nuisance are as follows:

1. Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of their property.

2. A high frequency and/or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property.

3. Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any person from the usual and reasonable enjoyment of the public streets and properties of the City.



Exhibit "E"
Page E-000211

CITY OF VALPARAISO INDIANA
Unified Development Ordinance

## Division 10.100 Purpose and Applicability

### Sec. 10.101 Purpose

This Article provides the detailed landscaping standards for all development including landscaping for street trees, yards, open space, parking lots, and bufferyards. It also contains standards for installing and maintaining landscaping materials. The standards are intended to protect and preserve the appearance and character of the community, to promote the health and quality of life of the residents of the City through the protection of specified trees located on property within the City and to protect the value of our natural heritage and conserve water by promoting the planting of native trees and shrubs, and to establish standards for removal, maintenance, and planting of trees. In establishing these procedures and standards, it is the City's intent to encourage the preservation of trees and their value to the community, increase the compatibility of adjacent uses, and to minimize the effects on the surrounding environment due to noise, dust, debris, artificial light intrusions, and other impacts of an adjoining or nearby use.

### Sec. 10.102 Applicability

A. **Generally.** Except as provided in subsection B., the standards of this Article apply to all new development, redevelopment, or substantial improvements to existing sites or buildings.

B. **Exceptions.** The following are exceptions to the standards of this Article:

1. Individual lots of record that are used for single-family or two-family dwellings are subject only to the on-lot landscaping requirements, and only when a vacant lot is developed, or when a lot is redeveloped. This exception does not extinguish any requirements, conditions, or covenants associated with development approval of any lot or subdivision.

2. Sites which are proposed for redevelopment or substantial improvement, where due to the geometry of the site or existing improvements, installation of landscaping in full compliance with this Article would be impracticable or an unreasonable financial burden on the applicant, in which case the City may approve a lesser landscaping requirement, provided that the reduction of landscaping standards is only to the extent necessary to make the installation practicable or financially reasonable.

## Division 10.200 General Requirement

### Sec. 10.201 Permitted and Prohibited Landscape Material

A. **Permitted and Prohibited Landscape Material.** Lists of permitted and prohibited plants are provided in **Appendix B**, Plant Lists.

B. **Other Landscape Material.** Landscaping material that is not listed in **Appendix B**, Plant Lists, may be installed provided that it is not prohibited by this UDO, state, or federal regulations, but such material will not count toward the landscaping requirements of this Article.

### Sec. 10.202 Calculation of Landscape Requirements

A. **General.**

1. The landscape requirements of this Article are computed as provided in this Section.

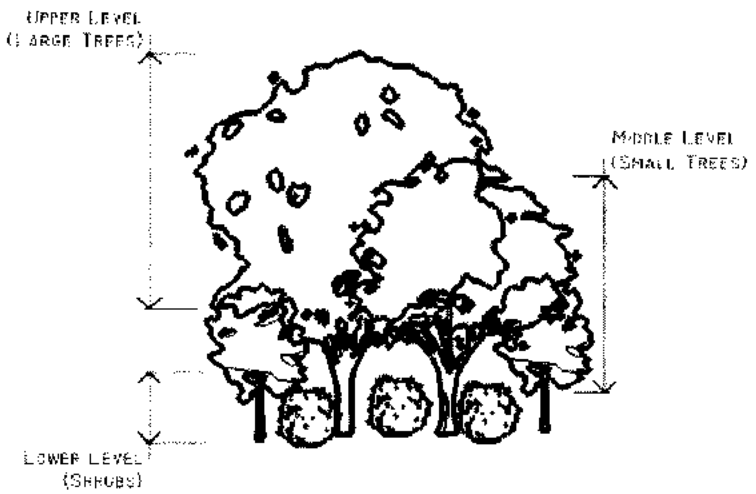
2. Landscaping for yards, open space, parking, and bufferyards is specified in three layers of plant material:

a. Large trees (mature height over 25 feet) at the upper level (or overstory);

b. Small trees and medium to large shrubs (mature height from 3 feet to 25 feet) at the middle level (or understory); and

c. Herbaceous perennials, grasses and small shrubs (mature height 3 inches to 3 feet) at the lower level (or groundcover). See **Figure 10.202, Landscaping Layers.**

**Upper, Middle, and Lower Levels of Landscaping**




B. **Per Acre Requirements.** Where the number of large trees, small trees, and shrubs are calculated on a per acre basis, the landscaping requirements are computed by multiplying the number of large trees, small trees, and shrubs required per acre by the number of acres (to the nearest $1/100^{th}$ acre) of land in the category addressed by the regulation (e.g., open space). All fractions are rounded up to the nearest whole number.

C. **Per Lot Requirements.** Where the number of large trees, small trees, and shrubs are calculated on a per lot basis, each lot must meet the minimum requirement.

D. **Per Dwelling Unit (d.u.) Requirements.** Where the number of large trees, small trees, and shrubs are calculated on a per dwelling unit basis, the landscaping requirements are computed by multiplying the number of large trees, small trees, and shrubs by the number of dwelling units. Such landscaping must be provided on the same parcel as the dwelling units, within 200 feet of the residential buildings.

E. **Large Tree Equivalents. Appendix B**, Plant Lists, lists the large trees that may be used to satisfy the large tree requirements.

F. **Species Diversity.**

1. In order to avoid large monocultures of trees and shrubs:

a. For projects that require fewer than 10 large trees:

i. No more than 20 percent of each category of required landscaping (large trees, small trees and medium to large shrubs) on a site shall be of any one species; and

ii. No more than 40 percent of each category shall be of any one genera.

b. For projects that require 10 large trees or more:

i. No more than 10 percent of each category of required landscaping (large trees, small trees and and medium to large shrubs) on a site shall be of any one species; and



Exhibit "E"
Page E-000214

ii. No more than 40 percent of each category shall be of any one genera.

2. Street trees shall be diversified to prevent large-scale losses in the event of disease or blight. Each street block shall have at least 3 genera of street trees, and no more than 20 percent of the street trees in the City shall be of the same genus.

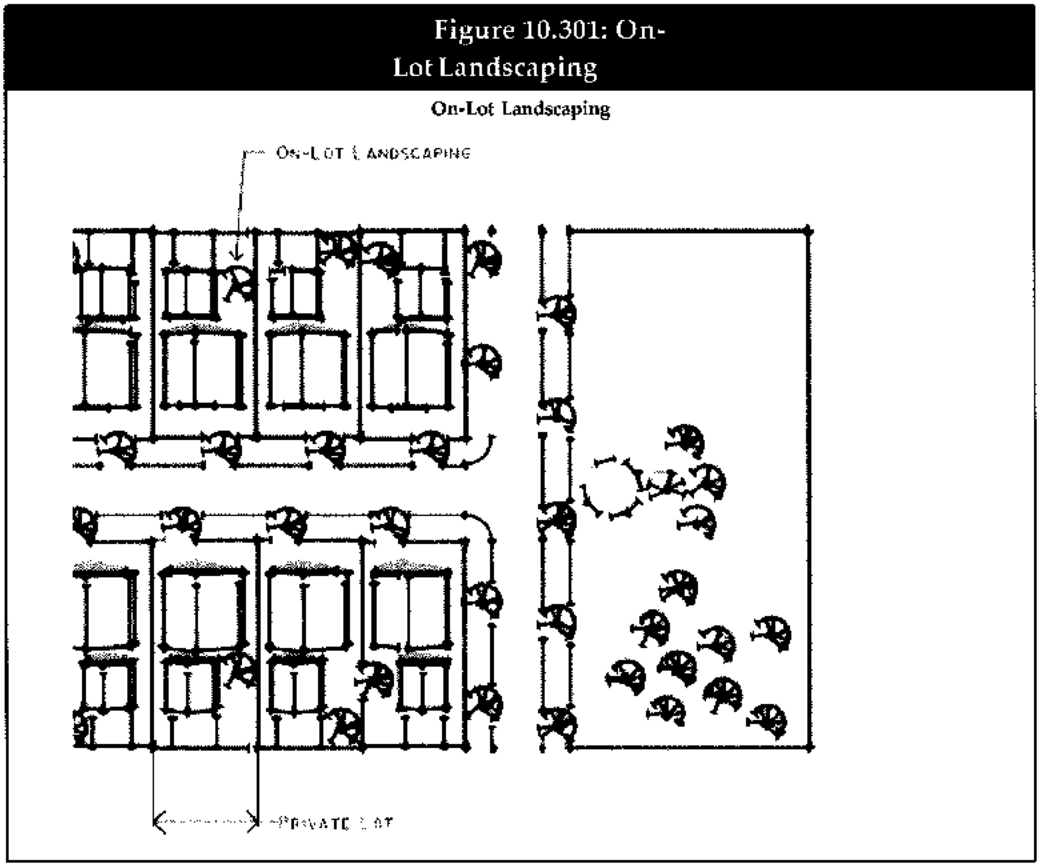
## Division 10.300 Development Landscaping

**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/determined 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 landcaping 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 10.301, On-Lot Landscaping.** Areas where other required landscaping or bufferyards have already been provided are not included in the area for calculation of required on-lot landscaping.

Figure 10.301: On-Lot Landscaping




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

Table 10.301:



Exhibit "E"
Page E-000215

| On-Lot Landscaping Standards | | | |
|---|---|---|---|
| District and 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) | | | |
| per approved campus plan | | | |
| Business Park (BP) | | | |
| All uses | 8 per acre | 16 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 | 46 per acre |
| Commercial, Neighborhood (CN) | | | |
| All uses | 16 per acre | 32 per acre | 90 per acre |
| Commercial, General (CG) | | | |
| All uses | 9 per acre | 18 per acre | 50 per acre |
| Central Business District (CBD) | | | |
| All uses | 5 per acre | 10 per acre | N/A |



Exhibit "E"
Page E-000216

| | | | |
|---|---|---|---|
| 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 | 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 street rights of way and private streets. The area of foundation planting beds shall be no less than four (4) 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.

D. **Front Yards.** In all districts except the RU, CBD and CG Districts, lots that include buildings that are more than 60 feet wide or two stories tall shall be landscaped with trees that are arranged to break up the appearance of building mass, so that the building is perceived to be divided into widths of no greater than 50 feet when viewed from street-level vantage points along public street rights-of-way.

E. **Groundcovers and Sod or Seed.** Residential yards, including those on single-family, two-family, and multifamily lots, shall be sodded, seeded or planted with permitted groundcovers as set out in **Appendix B**, Plant Lists.

F. **Timing of Installation.** Required trees, shrubs, and sod shall be installed on each lot prior to the issuance of a certificate of occupancy for that lot. The City may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits.

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 residentially zoned or used lots, the perimeter shall be planted with a Class C Bufferyard as described in **Section 10.401, Bufferyard Classifications.**

## Sec. 10.302 Special Residential Landscaping

A. **Generally.** Additional landscaping is required for single-family and two-family residential development where there is not alley access to parking areas or garages, as provided in this Section.

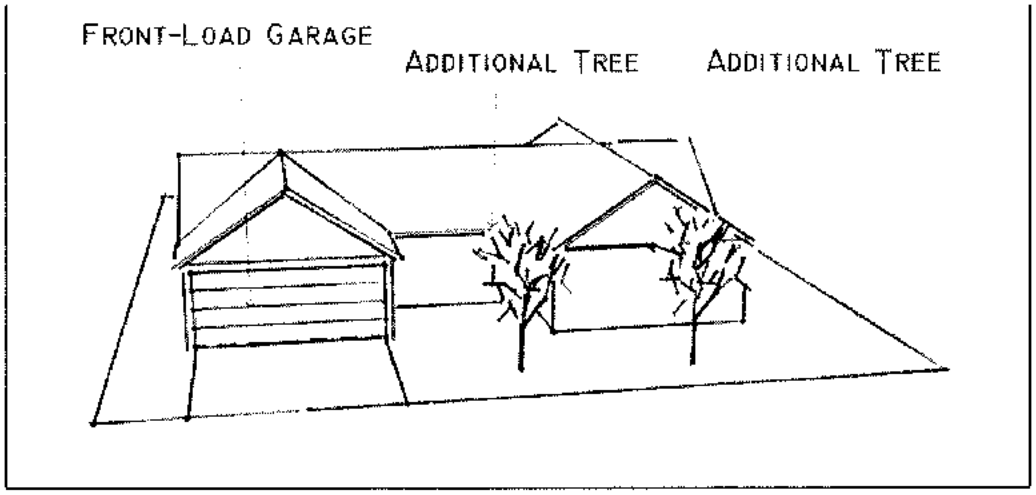
B. **Front-Load Garages.** In addition to on-lot landscaping requirements set out in **Section 10.301, On-Lot Landscaping**, one small tree or medium to large shrub that is at least six feet in height at the time of planting shall be installed in the front yard of a residential lot for each 10 linear feet of width of front-load garage door. For the purpose of this calculation, fractions shall be dropped. See **Figure 10.302.A., Front-Load Garage Landscaping** (illustrating a 22-foot wide garage).

**Figure 10.302.A.:**
**Front-Load Garage Landscaping**



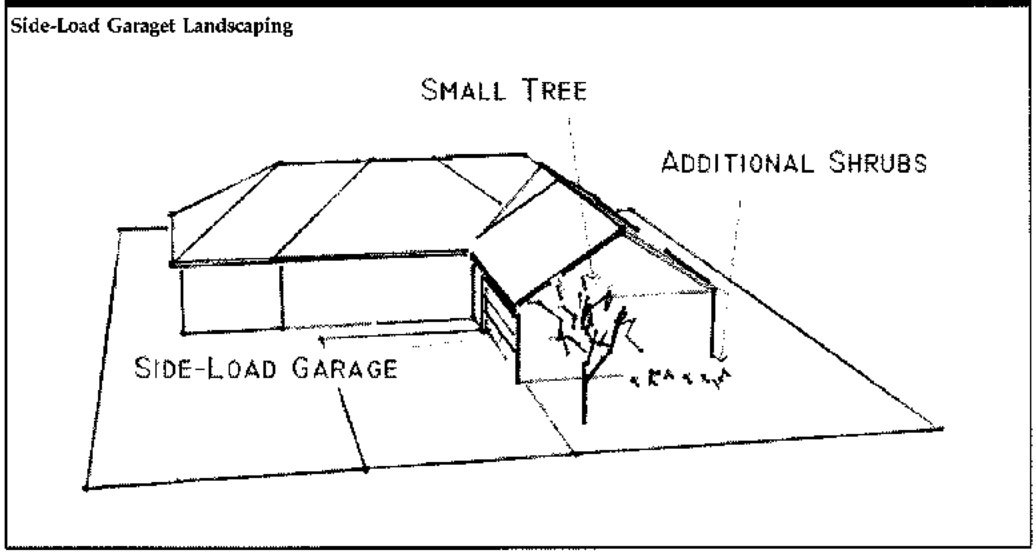



Exhibit "E"
Page E-000217




C. **Side-Load Front Garages.** In addition to the on-lot landscaping requirements set out in **Section 10.301, On-Lot Landscaping,** one small tree and four shrubs, herbaceous perennials, or clumps of ornamental grasses shall be planted along the street side of any side-load front garage that is closer than ten feet to the front property line. See **Figure 10.302.B., Side-Load Garage Landscaping.**

Figure 10.302.B.:
Side-Load Garage Landscaping




## Sec. 10.303 Open Space Landscaping

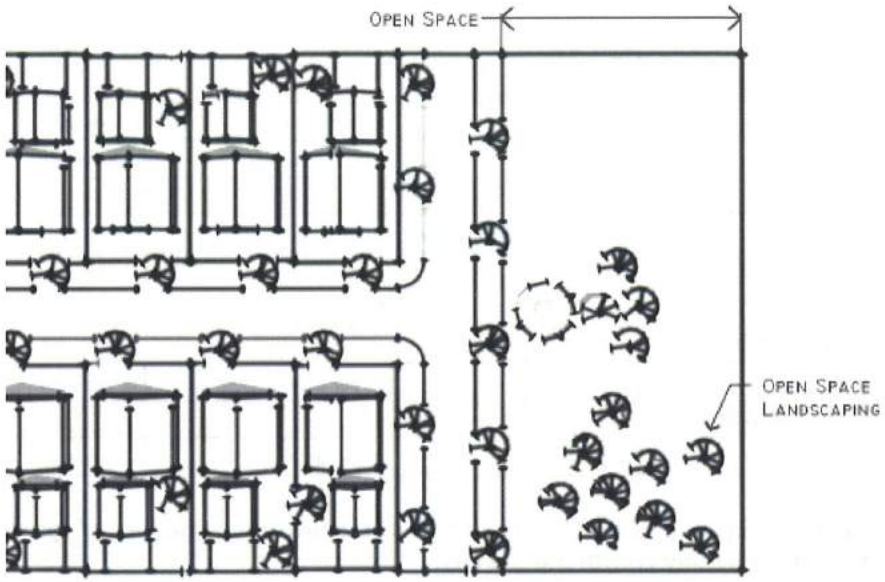
A. **General.** Open space landscaping is that landscaping which is installed on property that is designated as open space (e.g., set aside pursuant to the required open space ratio (OSR), or designated as commonly owned open space even though open space is not required by this UDO). See **Figure 10.303, Open Space Landscaping.** Open space landscaping does not include:

1. On-lot landscaping, which is controlled by **Section 10.301, On-Lot Landscaping.**
2. Landscaping within the areas of required bufferyards, which is controlled by **Division 10.400, Bufferyard Requirements.**

Figure 10.303:

**Open Space Landscaping**

Open Space Landscaping




B. **Required.** Open space landscaping is required as described in **Table 10.303, Open Space Landscaping Standards.**

**Table 10.303: Open Space Landscaping Standards**

| District and Development Type | Large Trees | Small Trees | Shrubs |
|---|---|---|---|
| **Rural (RU)** | | | |
| Agriculture and Farmstead | N/A | N/A | N/A |
| All uses (except agriculture and farmstead) | 2 per acre | 4 per acre | 34 per acre |
| **Estate Residential (ER)** | | | |
| All uses | 10 per acre | 15 per acre | 40 per acre |
| **Suburban Residential (SR)** | | | |
| All uses | 10 per acre | 15 per acre | 40 per acre |
| **General Residential (GR)** | | | |
| Residential | 10 per acre | 15 per acre | 40 per acre |
| Non-residential | 10 per acre | 15 per acre | 68 per acre |
| **Urban Residential (UR)** | | | |
| All uses | 10 per acre | 15 per acre | 68 per acre |
| **Neighborhood Conservation (NC)** | | | |
| Residential | 10 per acre | 15 per acre | 68 per acre |
| Non-residential | 10 per acre | 15 per acre | 102 per acre |
| **Residential Transition (RT)** | | | |
| All uses | 10 per acre | 15 per acre | 102 per acre |
| **Commercial, Neighborhood (CN)** | | | |
| All uses | 10 per acre | 15 per acre | 136 per acre |



Exhibit "E"
Page E-000219

| | | | |
|---|---|---|---|
| **Commercial, General (CG)** | | | |
| All uses | 10 per acre | 15 per acre | 40 per acre |
| **Central Business District (CBD)** | | | |
| All uses | 3 per acre | 6 per acre | 40 per acre |
| **Central Place (CP)** | | | |
| Residential | 10 per acre | 15 per acre | 68 per acre |
| Non-residential | 10 per acre | 15 per acre | 102 per acre |
| **Campus (CA)** | | | |
| per approved campus plan | | | |
| **Business Park (BP)** | | | |
| All uses | 10 per acre | 16 per acre | 102 per acre |
| **Light Industrial (INL)** | | | |
| All uses | 10 per acre | 15 per acre | 17 per acre |
| **Heavy Industrial (INH)** | | | |
| All uses | 10 per acre | 15 per acre | 40 per acre |

C. **Distribution.** In general, open space landscaping may be distributed around the area of open space. Trees must be given adequate room for healthy growth and stability.

D. **Active Recreation Areas.** The area within play fields and ball fields shall be subtracted from the total acreage of open space for the purposes of computing open space 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.**

E. **Wetlands.** The area within delineated wetlands shall be subtracted from the total acreage of open space for the purposes of computing open space landscaping requirements. However, within wetland areas, invasive exotic plants shall be removed and replaced with native wetland species. Landscaping installed near wetlands shall be species that are tolerant of a high water table.

F. **Detention Areas.** Detention areas shall be counted as open space for the purposes of landscaping requirements, and shall be planted with vegetation that is appropriate for periodically saturated soils, but shall be exempt from tree planting requirements.

G. **Open Water.** All areas of open water shall be subtracted from the total acreage of open space for the purposes of computing open space landscaping requirements.

H. **Timing of Installation.** Required landscaping shall be installed prior to the acceptance of subdivision improvements, or if the development is not a subdivision, then prior to the issuance of the first certificate of occupancy. The City may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits.

## 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, Parking Lot Landscaping Standards.**

| Table 10.304<br>Parking Lot Landscaping Standards | | |
|---|---|---|
| District | Large Trees | Shrubs, Perennials, or Ornamental Grass :s |



Exhibit "E"
Page E-000220

| | | |
|---|---|---|
| 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, peninsula, or equivalent therof located in the parking lot area as defined by a 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 sixty (60) feet on center. Shrubs shrubs shall also be placed along the perimeter of parking areas in order to achieve an opacity of fifty percent (50%) at the lower level (shrubs) according to Figure 10.202 to a height of three (3) feet in areas outside of the drip line of required parking lot perimeter trees.

D. **Use of Islands for Stormwater Treatment.** Wherever possible, landscape islands shall be designed to incorporate storm water runoff best management practices (BMPs), by incorporating vegetated swales, bio-infiltration, and other types of water quality measures.

E. **Area of Planting Islands.** One planting island of at least 324 square feet in area shall be provided for each 16 spaces in the parking lot. No planting island shall be less than 18 feet in depth, and no endcap landscape islands for double-loaded parking spaces shall be less than 36 feet in depth and no less than 9 feet in width as measured from the outside of the curb to the outside of the opposite curb.

F. **Small Parking Lots.** Parking lot landscape islands that meet the requirement of subsection D., above, may be designated at the corners or along the perimeter of parking lots that:

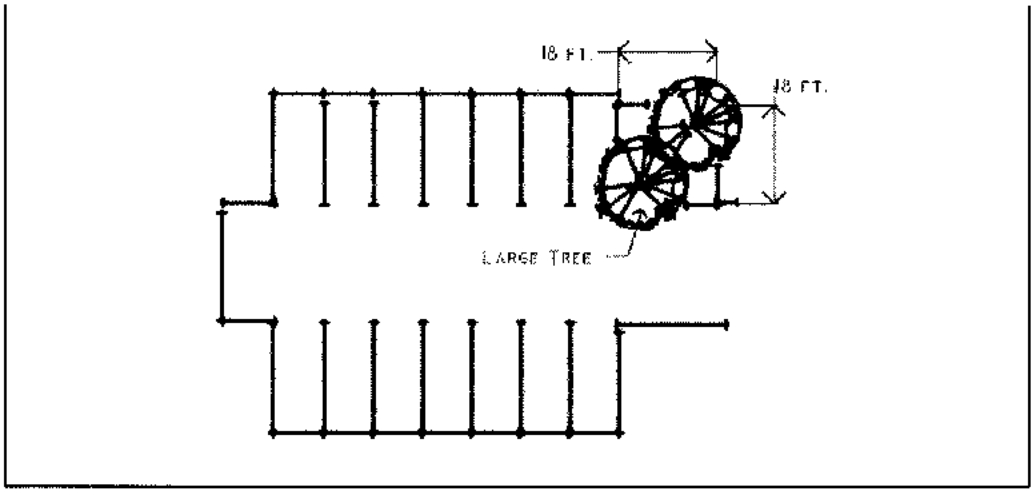
1. Are interior to a site and have fewer than 15 parking spaces; or
2. Require five or fewer canopy trees. See **Figure 10.304, Small Parking Lot Landscaping.**

Figure 10.304
Small Parking Lot Landscaping

**Small Parking Lot Landscaping**



Exhibit "E"
Page E-000221




G. **Groundcovers.** Landscape islands shall not utilize turf as groundcover. Instead, a combination of mulch and drought-tolerant groundcovers or shrubs shall be installed.

H. **Timing of Installation.** Required landscaping shall be installed prior to the acceptance of subdivision improvements, or if the development is not a subdivision, then prior to the issuance of the first certificate of occupancy. The City may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits.

I. **Parking Lot Plantings Clear Zone.** In order to avoid potential hazards associated with tree limbs at common pedestrian heights and impacts with car doors, trees and plantings in parking lots shall be installed to maintain a clear zone free of material such as limbs, overgrowth, etc. between three and eight feet in height.

J. **Minimum required Spacing and Landscaping between Parking Lots.** Unless otherwise connected, a Class A bufferyard shall be provided between parking areas.

## Sec. 10.305 Street Trees

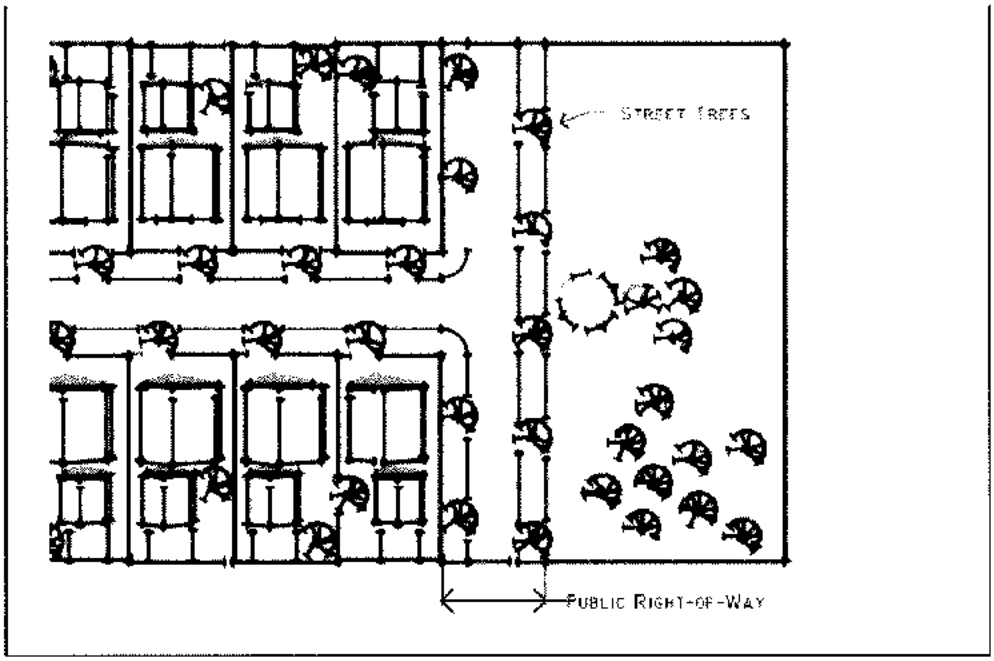
A. **General.** Street trees are those trees which are planted at regular intervals in the street right-of-way. See **Figure 10.305.A., Street Trees.**

Figure 10.305.A.:
Street Trees

**Street Trees**



Exhibit "E"
Page E-000222




B. **Required.**

1. A street tree plan shall be submitted to the City with a primary or secondary plat.
2. Street trees shall be planted within the parkways and medians (of sufficient width) of the public right-of-way or private street easements prior to acceptance of the subdivision improvements or recording of the subdivision plat.
3. The requirement for street trees may be waived for minor streets that provide access to fewer than 16 lots.

C. **Spacing.**

1. Generally. Street trees shall be spaced 60 feet on center.
2. Wide parkways and medians.
   a. If the parkway is greater than 20 feet in width, then large trees shall be installed in two rows, with trees staggered, each row spaced 60 feet on-center; or
   b. If the median is 18 feet or more in width, then it shall be planted with large trees, spaced 60 feet on-center.

D. **Tree Quality and Size.** All trees planted within parkways shall have single-stemmed trunks and be branched no lower than six feet above the ground (for visibility purposes). No tree selected for planting shall be less than two inches in caliper.

E. **Minimum Spacing.** No trees may be planted closer than 25 feet together, except that special plantings may be clustered if the cluster does not negatively affect the continuing health of the clustered trees, and the cluster is approved in the landscape plan of the plat or land development.

F. **Roads of Another Jurisdictions.** When determined by the Planning Director, street trees may be located on lots if the adjacent roads are owned by another jurisdiction and that jurisdiction requires the trees to be located outside the right-of-way. In such cases, street trees shall be credited against the on-lot landscaping requirements of the lots that are adjacent to the street.

G. **Maintenance.** Street Trees required by this Code shall be maintained by a developer, lot owner, tenant, homeowners association or other entity having a legal interest in the ownership of the subdivision or lots in the subdivision.



Exhibit "E"
Page E-000223

H. **Timing of Installation.** Required landscaping shall be installed prior to the acceptance of subdivision improvements, or if the development is not a subdivision, then prior to the issuance of the first certificate of occupancy. The City may issue a temporary certificate of occupancy during winter months, and a final certificate of occupancy when weather permits.

## Division 10.400 Bufferyard Requirements

### Sec. 10.401 Bufferyards

A. **General.** Bufferyards are required between districts, along major roads or railroads, and, in some cases, between individual developments. Bufferyards are described by classifications, from less opaque ("Class A") to more opaque ("Class E"). For the purposes of this Code, each successive classification is one "level" more opaque than the previous classification, that is, a Class C bufferyard is one level more opaque than a Class B bufferyard.

B. **Requirements.** Bufferyards are required for district boundaries (**Section 10.403, District Bufferyard Standards**) and along streets (**Section 10.405, Street Bufferyard Standards**), and for parking lots (**Section 10.406, Parking Lot Bufferyards**).

A Bufferyard calculator and visualization tool ("BufferBuilder") for the Valparaiso UDO is available in the on-line version of this Unified Development Ordinance. Click the button at the top of the screen labeled "BufferBuilder."

### Sec. 10.402 Bufferyard Classifications

Bufferyards are classified from less opaque ("Class A") to more opaque ("Class E"). The width and composition of bufferyards shall be as set out in **Table 10.402, Bufferyard Classifications.**

**Table 10.402: Bufferyard Classifications**

| Classification (% opacity) | Width | Large trees | Small trees | Shrubs | Berm or opaque wall or fence |
|---|---|---|---|---|---|
| Class A (10%) | 10 ft. | 1 / 100 linear ft. | 2 / 100 linear ft. | 17 / 100 linear ft. | na. |
| Class B (25%) | 15 ft. | 2 / 100 linear ft. | 4 / 100 linear ft. | 34 / 100 linear ft. | na. |
| Class C (50%) | 25 ft. | 5 / 200 linear ft. | 5 / 100 linear ft. | 45 / 100 linear ft. | 6 foot wall (masonry, brick, stone, or equivalent material) and/or a 5 foot berm. |
| Class D (65%) | 40 ft. | 3 / 100 linear ft. | 6 / 100 linear ft. | 50 / 100 linear ft. | 5 foot high berm |
| Class E (80%) | 40 ft. | 7 / 200 linear ft. | 7 / 100 linear ft. | 60 / 100 linear ft. | 6 foot high berm |

### Sec. 10.403 District Bufferyard Standards

A. **Generally. Table 10.403, 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:**

| District Boundary Bufferyard Standards | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Zoning of Proposed Development | Adjoining District | | | | | | | | | | | | | | | |
| | RU | ER | SR | GR | UR | NC | RT | CA | CN | CG | CBD | CP | BP | INL | INH | PUD |
| Rural (RU) | - / - | - / B | - / B | - / B | - / C | - / - | - / - | - / - | - / - | - / - | - / - | - / B | - / B | - / B | - / C | - / B[1] |
| Estate Residential (ER)/Public Space (PS) | 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[1] |
| Suburban Residential (SR) | B / - | A / A | - / - | A / B | A / B | A / - | A / B | A / B | A / B | A / C | A / B | A / B | A / C | A / D | A / E | A / B[1] |
| General Residential (GR) | B / - | B / A | B / A | - / - | A / A | B / A | A / B | A / B | A / B | A / C | A / B | A / A | A / C | A / C | A / D | A / B[1] |
| Urban Residential (UR) | C / - | B / A | B / A | A / A | - / - | B / - | A / B | A / B | A / B | A / A | A / C | A / A | A / B | A / C | A / D | A / B[1] |
| Neighborhood Conservation (NC) | - / - | - / A | - / A | B / A | - / B | - / - | - / C | - / C | - / B | - / D | - / C | - / B | - / D | - / D | - / E | A / B[1] |
| Residential Transition (RT) | - / - | B / A | B / A | B / A | B / A | C / - | - / - | B / A | A / A | A / B | A / A | A / B | A / B | A / D | A / D | A / A[1] |
| Campus (CA) | - / - | B / A | B / A | B / A | B / A | C / - | A / B | - / - | A / B | A / C | A / C | A / A | A / A | A / C | A / D | B / A[1] |
| Commercial, Neighborhood (CN) | - / - | B / A | B / A | B / A | B / A | B / - | B / A | B / A | - / - | A / B | A / A | A / B | A / B | A / C | A / C | B / A[1] |
| Commercial, General (CG) | - / - | C / A | C / A | C / A | C / A | B / - | B / A | C / A | B / A | - / - | A / B | A / B | A / B | A / B | A / B | C / A[2] |
| Central Business District (CBD) | - / - | B / A | B / A | B / A | B / A | C / - | A / A | B / A | A / A | A / A | - / - | - / - | A / A | A / D | A / D | A / A[2] |
| Central Place (CP) | - / - | B / A | B / A | A / A | A / A | B / - | B / A | A / A | B / A | A / C | - / - | - / - | A / A | B / A | B / B | A / A[2] |
| Business Park (BP) | B / - | D / A | C / A | C / A | B / A | D / - | B / A | A / A | B / A | B / A | A / A | A / A | - / - | A / B | A / C | B / A[2] |
| Light Industrial (INL) | B / - | D / A | D / A | D / A | C / A | D / - | D / A | C / A | C / A | C / - | D / A | A / B | B / A | - / - | A / B | C / A |
| Heavy Industrial (INH) | C / - | E / A | E / A | E / A | D / - | E / A | D / A | D / A | C / A | D / A | D / A | B / B | C / A | B / B | - / - | D / A |
| Planned Unit Development (PUD) | B[1] / - | B[1] / A | B[1] / A | B[1] / A | B[1] / A | B[1] / A | A[1] / A | A[1] / B | A[2] / B | A[2] / C | A[2] / B | A[2] / A | A[2] / B | A / C | A / D | [3] / - |

[1] Commercial PUDs shall provide a bufferyard that is one level more dense (e.g., C instead of B), and Industrial PUDs shall provide a bufferyard that is two levels more dense (e.g., D instead of B)

[2] Industrial PUDs shall provide a bufferyard that is one level more dense.

[3] Industrial PUDs, or industrial components of mixed-use PUDs, shall provide a class C buffer along property lines that abut residential uses in abutting PUDs. Commercial PUDs, or commercial components of mixed-use PUDs, shall provide a class B buffer along property lines that abut residential uses in abutting PUDs.

B. **Existing Adjacent Development without Bufferyards.** Where the adjoining property is already developed and does not have the required bufferyard, the proposed development shall provide either:

1. A bufferyard equal in width and plant material to the sum of the bufferyards required on the parcel



Exhibit "E"
Page E-000225

proposed for development and the adjoining lot; or

2. A bufferyard of the next most opaque classification than the more opaque of the two bufferyards required (*e.g.*, if the requirement is D / A, and the adjoining property is already developed and does not have a bufferyard, then the developer could choose to install a Class E bufferyard).

C. **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. 10.404 Existing Trees, Fences, and Walls on Developed Property

A. **Use of Existing Trees.** If an applicant is required to provide the bufferyard that is required on adjoining property (see **Section 10.403, District Bufferyard Standards**), the applicant may document the existing plant material that is within fifteen feet of the property line with ground-level and aerial photographs. Such existing material, if in good condition, may be counted towards the landscaping that is required of the adjoining property. In some cases this might mean that all required plant material on the adjacent property is present.

B. **Buffers Shall be Provided on the Site on which They are Required.** In no case shall any plant material from the adjoining property count towards the requirements for the applicant's site.

C. **Existing Fences and Walls.** If a fence or wall is required and there is already a fence or wall on the property line, then the City may temporarily waive the fence or wall requirement, provided:

1. The Planning Director verifies that the existing fence or wall is sturdy and in good condition;
2. The height, opacity, and extent of the fence or wall meets the intent of this Article with regard to buffering;
3. The applicant records an agreement with the City that includes appropriate assurances that if the fence or wall deteriorates, or is damaged, destroyed, or removed, the applicant will cause it to be repaired or replaced with a fence or wall that meets the standards of this Article;
4. The applicant's final plat or, if no plat is required, development approval, includes an annotation regarding the applicant's responsibilities under the agreement required by C3 above.

## 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 of Proposed Development | Adjoining Road or Railroad | | | |
|---|---|---|---|---|
| | Arterial | Collector | Perimeter / Minor | Railroad |
| Rural (RU) Agricultural Uses | - | - | - | - |
| Open Space (OS) All Other Uses | C | B | - | D |
| Estate Residential (ER)/Public Space (PS) | C | B | A | D |
| Suburban Residential (SR) | C | B | A | D |
| General Residential (GR) | C | B | A | D |
| Urban Residential (UR) | B | A | - | D |
| Neighborhood Conservation (NC) | - | - | - | D |
| Residential Transition (RT) | B | B | B | B |

B. **Walls and Berms.** If **Table 10.402, Bufferyard Classifications** requires a class "C" or class "D" bufferyad, 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. 10.406 Parking Lot Bufferyards

A. **General.** Parking lot bufferyards are located along the perimeter of parking lots between the parking lots and rights-of-way and adjoining lots.

B. **Required.** Parking lot bufferyards are required where the parking lot is located within a residential district and a lot that is located within 15 feet of the perimeter of the parking lot is within the same residential district.

C. **Width and Composition.** Parking lot bufferyards shall have the following minimum width and composition:

1. Width: 25 feet
2. Large trees: two per 100 linear feet
3. Small trees: two per 100 linear feet
4. Other: A three-foot high opaque wall or fence; or a three-foot high dense hedge; or a three-foot high berm.

## Sec. 10.407 Constrained Sites and Infill Sites

A. **General.** Reduced bufferyard widths are permitted on sites that are constrained or are infill 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 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:

1. 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.
2. 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 Sites.** With approval of the Planning Director, developments on infill 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 or wall. 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 Landscape Plan Approval



Exhibit "E"
Page E-000227

A. **General.** Landscape plans shall show all plant material and provide tables indicating the planting of each type required by this Article. Plans meeting minimum standards shall be approved. However, in reviewing the plans, adjustments in the location of plants used may be required where the City finds such alterations would better serve the purposes for which they are intended.

B. **Timing of Approval.**

1. Landscape plans containing street trees and open spaces shall be submitted for approval at the primary plat application stage.

2. Landscape plans containing site features, bufferyards and required landscaping shall be submitted for approval at the building permit stage.

## Sec. 10.409 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.

# Division 10.500 Open Space

## Sec. 10.501 Delineation of Open Space

A. **Generally.** All boundaries of open space, whether for resource protection or other purposes, shall be identified as out-lots on a site plan with specific identification. Open spaces that are delineated in order to protect natural resources or to be otherwise left in a natural state shall have their boundaries with lots or rights-of-way identified with signs placed on each lot line, or every 330 feet (four per quarter-mile), whichever is less. The signs and their locations shall be approved with the subdivision plat or land development plan and shall meet the specifications of this Section.

B. **Sign Dimensions.** 30 in. x 18 in.

C. **Sign Height.** The top of the sign shall be three feet above grade.

D. **Identification of Open Space Area.** The sign shall identify the open space area, the entity dedicating or preserving the area, and the date the area was designated for preservation:

1. For publicly dedicated areas:

> CITY OF VALPARAISO, INDIANA
> OPEN SPACE / RESOURCE PROTECTION
> AREA DEDICATED
> TO PROTECT OUR
> ENVIRONMENT
> BY: _____, ON [_DATE_]

2. For privately managed areas:

> OPEN SPACE / RESOURCE PROTECTION
> AREA
> ESTABLISHED BY: _____, ON [_DATE_]
> MANAGED BY: _____

E. **Design Theme.** The City shall develop a design theme, including materials, fonts, and colors, for the signs that are required by this Section.

## Sec. 10.502 Use of Open Space

A. **Generally.** Open space is intended to provide for the protection of natural resources, buffering of uses, recreation, detention, and passive space that is an amenity to the development. The goal is for open space to be pervious. However some uses of the open space require buildings or structure to meet the desired open space purposes. Those uses are subject to the provisions of this Section.

B. **Buildings.** Buildings shall be limited to those that are essential to a public recreational use. Open sided picnic shelters are permitted. Enclosed buildings shall be limited to those that are essential to a recreational use that requires an accessory structure. For example, outdoor swimming pools may have accessory dressing rooms, toilets, and mechanical equipment. This is permitted, but a building for an indoor pool is not. Restrooms for a large recreation area are also permitted.

C. **Structures.**

1. Recreational structures are permitted, such as courts for games, swimming pools, bridges for foot and bicycle crossings of steams. However, general recreation buildings and paved parking lots are not permitted in open space areas.
2. Detention structures are permitted.
3. Utilities may cross open space or use its edges.

D. **Impervious Surfaces.** The combination of permitted buildings and structures, if located on open space areas, shall not exceed 15 percent of the open space area

## Sec. 10.503 Ownership and Maintenance Easements

A. **Ownership.** Open space required by this UDO shall be placed in a conservation easement and may be owned in the following ways:

1. As common land by homeowners', condominium, or landowners' associations, with a conservation easement in favor of the City and all property owners within the association;
2. By the landowner with a conservation easement in favor of the City;
3. By a public agency (by dedication), provided such agency shall have the final decision to accept and the



Exhibit "E"
Page E-000229

right to refuse such offers of dedication; or

4. By a City-approved, private, non-profit organization that is capable of managing the open space with a conservation easement running in favor of the City and the owners of rest of the property in the development.

B. **Maintenance.** Under any arrangement, the conservation easement shall require the maintenance of such areas as indicated on the approved plat or site plan. The City shall have the right under such conservation easements to maintain the area and place a lien on the property to recover its costs.

### Sec. 10.504 Irrigation System Standards

A. **General.** Irrigation systems shall be designed to avoid sprinkling and unnecessary runoff onto paved areas, including parking, loading and street pavement areas. Prevailing winds shall be considered in the design of the irrigation systems.

B. **Constrained Areas.** Irrigation of constrained areas such as street right of way, parkways, and medians shall be by drip irrigation or other systems that comply with subsection A.

C. **Water Conservation.** Irrigation systems shall be designed to conserve the City's water supply in accordance with the City's water conservation policies and regulations.

D. **Permitting.** No automated irrigation system shall be installed unless authorized by a permit based on irrigation plans approved by the Planning Director.

## Division 10.600 Tree Protection

### Sec. 10.601 Applicability; Permits

A. **Generally.** Generally, this Division shall not apply to:

1. Trees with a DBH of less than 10 inches;
2. Exempt trees;
3. Single-family homes;
4. Twin homes;
5. Duplexes; and
6. Unimproved properties of less than one-half acre, unless subject to a landscape plan or conditions of approval related to tree protection.

B. **Exception; Tree Maintenance.** Notwithstanding subsection A., **Section 10.604, Tree Maintenance,** shall apply throughout the City.

C. **Permits.** No person except City officials, their agents, or a contractor hired by the City may perform any acts pertaining to this Division without first obtaining a permit from the Street and Sanitation Department.

### Sec. 10.602 Tree Removal and Planting on Public Property

A. **Private Entities.** No person shall remove a tree from public property nor plant a tree on public property except with the consent of the City of Valparaiso Street Superintendent or designated agent or agents. As a condition of removal for non-exempt trees, the owner must agree to replacement provision in **Section 10.603, Tree Removal, Replacement, and Maintenance.**

B. **City of Valparaiso.** The City of Valparaiso Street Superintendent or designated agent or agents may remove a tree from improved and accepted public way. Tree removal as a result of a City project within public property shall require tree replacement in accordance with **Section 10.603, Tree Removal, Replacement, and Maintenance.**

### Sec. 10.603 Tree Installation, Removal, and Replacement

A. **Tree Species.** The City Tree Commission shall develop and maintain a list of desirable trees for planting along

streets. They are set out in **Appendix B**, Plant Lists.

B. **Installation Locations.**

1. No street trees other than those species identified by the City Tree Commission as small trees may be planted under or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

2. The Tree Advisory Board shall have the authority to develop rules and regulations relating to the planting of trees with regard to spacing for curb and gutter and sidewalk.

C. **Removal.**

1. On an unimproved lot or parcel, up to three non-exempt trees may be removed within a calendar year. However, if the lot or parcel contains more than one acre of tree canopy, up to three non-exempt trees per acre may be removed within the tree canopy within a calendar year.

2. No tree removal in excess of that permitted by subsection C.1., above is permitted unless:

   a. Approved by site plan or landscape plan approval; and

   b. Trees are replaced pursuant to subsection E.1. and E.2., below, or contributions to the tree fund are made pursuant to subsection E.3., below.

3. Notwithstanding the other requirements of this subsection, a person must remove within a reasonable period of time, and need not replace, a tree if:

   a. The person owns the property on which the tree is located;

   b. The tree cannot be saved; and

   c. Any of the following conditions are present:

      i. The tree causes a safety hazard to pedestrians or vehicular traffic;

      ii. The tree causes a safety hazard to a building;

      iii. The tree is diseased or substantially weakened.

D. **Tree Removal Necessitated by Conditions of Approval.** In the event the City requires the construction of developmental improvements that are more extensive than those generally required by the Standards Manual (such as wider street pavements), and said improvements necessitate that additional trees be removed from the premises, the applicant shall be liable for the replacement of only those trees required to be removed if the Standards Manual was strictly applied.

E. **Replacement or Contribution to Tree Fund.** Applicants shall provide a tree survey for areas that are to be cleared for development. The survey shall be conducted by a certified horticulturist. The same horticulturist shall certify compliance with this subsection where trees are removed and replaced.

1. Tree replacement shall be based on the below ratio for every non-exempt tree of 10" DBH or greater that is removed in excess of subsection C.1.

   a. 1 to 1 tree replacement to removal for trees that are at least 10 inches DBH, but less than 16 inches DBH;

   b. 2 to 1 tree replacement to removal for trees that are at least 16 inches DBH, but less than 24 inches DBH;

   c. 3 to 1 tree replacement to removal for trees that are at least 24 inches DBH, but less than 30 inches DBH; and

   d. 4 to 1 tree replacement to removal for trees that are at least 30 inches DBH.

2. Replacement trees shall be:

   a. Planted on the site from which trees were removed; or

   b. Planted on a site that is a subsequent phase of the same development; or



Exhibit "E"
Page E-000231

c. Planted on another site in the City with the consent of the City.

3. In lieu of replacement, the applicant may pay the City $200 per replacement tree, which shall be deposited in the Tree Fund. See **Section 10.605, Tree Fund.** The maximum mandatory contributions to the Tree Fund shall be:
   a. For a developer: $10,000 per project;
   b. For a building contractor: One percent of the estimated cost of construction as indicated on the application for Building Permit; and
   c. For the City: $10,000 per project.

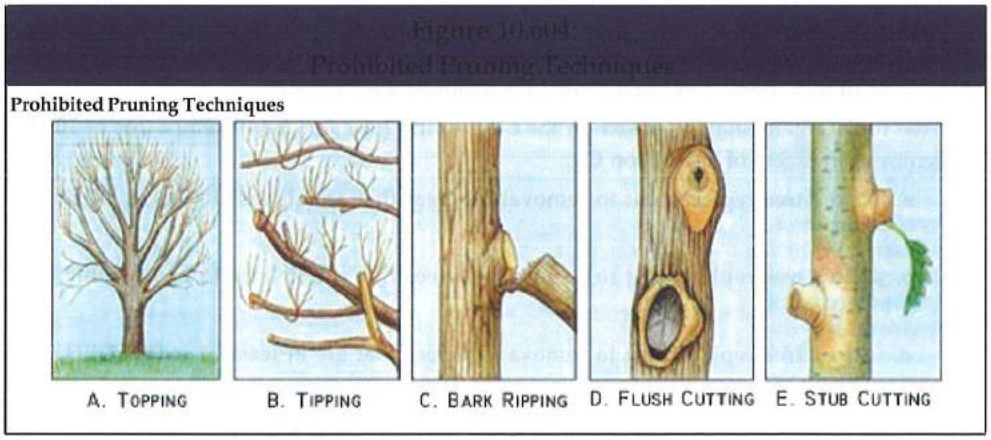
## Sec. 10.604 Tree Maintenance

A. **Restrictions Within Drip-line or Critical Root Zone.**
   1. No cutting or filling, nor storage of building materials or debris, nor disposal of wastes, shall take place within the larger of the drip-line or critical root zone of any protected tree.
   2. No impervious paving shall be placed within the critical root zone of any protected tree that is retained on the parcel proposed for development.
   3. The larger of the drip-line or critical root zone of all protected trees shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment.

B. **Trees on Public Property.** No person shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the City Tree Commission. The person receiving the permit shall abide by standards set forth in this UDO.

C. **Prohibited Pruning Techniques.** The following types of pruning are prohibited because they damage the tree:
   1. Topping (cutting large vertical branches of the tree to reduce its height). See **Figure 10.604.A.**
   2. Tipping (cutting branches between nodes). See **Figure 10.604.B.**
   3. Bark ripping (cutting branches so that the bark rips when the branch falls). See **Figure 10.604.C.**
   4. Flush cuts (cutting the branch too close to the collar, the area where the branch connects to the tree). See **Figure 10.604.D.**
   5. Stub cuts (cutting branches too far away from the collar, the area where the branch connects to the tree). See **Figure 10.604.E.**

Figure 10.604:
Prohibited Pruning Techniques




D. **Exceptions.**
   1. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this ordinance at the



Exhibit "E"
Page E-000232

determination of the City of Valparaiso Street Superintendent or designated agent or agents or the City Tree Commission.

2. Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestations, the Tree Advisory Board shall notify the Board of Works.

### Sec. 10.605 Tree Fund

A. **Generally.** There is hereby established a Tree Fund, dedicated to the replacement and preservation of trees within the City of Valparaiso, to be administered by the Department of Parks and Recreation and used primarily for public spaces.

B. **Funding Source.** This Fund shall be funded by payments made pursuant to **Section 10.603, Tree Protection, Removal, and Replacement,** and such other monies as may be allocated by the City or donated by any other source.

C. **Reimbursement.** The applicant may be eligible for reimbursement for planting trees pursuant to the following rules and procedures.

1. To be eligible for reimbursement the tree shall be:
   a. visible from a public way;
   b. 2" caliper or greater; and
   c. a species approved by the Valparaiso Parks Department.
2. Prior to purchasing a tree, the applicant shall complete a form as supplied by the Department of Parks and Recreation requesting reimbursement;
3. Approval or denial of an application shall be based on compliance with requirements in subsection C.1., above, and on sufficient funds within the Tree Fund to remit reimbursement;
4. After the tree has been planted, the Department of Parks and Recreation shall verify compliance with requirements in subsection C.1., above, and remit to the applicant 50 percent of the cost of such tree(s).
5. No applicant shall be reimbursed more than $100 per year.

## Division 10.700 Landscaping Installation Requirements

### Sec. 10.701 Licensing of Landscape Contractors; Insurance

A. **License Required.** It is unlawful for any contractor to engage in the business of planting, cutting, trimming, pruning, removing, spraying, or otherwise treating trees, shrubs or vines within the City without first producing evidence of certification/license before the City. Any person who requires a license pursuant to this UDO is considered a Contractor, pursuant to the Contractor's Ordinance and shall pay the appropriate fee provided by ordinance.

B. **Insurance.** Before any license shall be issued, each applicant shall first file evidence of possession of workers compensation and liability insurance in the minimum amounts of $1,000,000 for bodily injury or death and $100,000 property damage, indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavor as herein described.

### Sec. 10.702 Landscape Plan Approval

A. **Selection and Installation of Plant Materials.**

1. Planting materials used by any person in conformance with provisions of this section shall be species that are expected to thrive in the climate of Northwest Indiana.
2. All landscaping material used by any person shall be installed in accordance with planting procedures which shall be established and made available by the City of Valparaiso Parks and Recreation Department.



Exhibit "E"
Page E-000233

3. The scale and nature of landscape material should conform at maturity to the site and structures. For example, larger scaled buildings should ordinarily be complemented by larger scaled plants.

4. Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where parking lots are otherwise required by law to be screened.

B. **Size and Quality of Plant Materials.**

1. Plant materials shall be of good quality.

2. Large trees shall be 2.5 inch caliper at the time of planting.

3. Small trees shall be 1.5 inch caliper at the time of planting.

4. Evergreens shall be six feet tall at the time of planting.

5. Perennials, grasses ans small shrubs shall conform to the current issue of the American Standard for Nursery Stock published by the American Nursery & Landscape Association (ANLA), available via website www.anla.org..

6. All trees planted within parkways shall have single-stemmed trunks and be branched no lower than six feet above the ground (for visibility purposes). No tree selected for planting shall be less than 2.5 inches in caliper.

C. **Preservation of Trees.**

1. The landscape plan shall indicate the techniques that will be used during construction to preserve existing trees to be retained or relocated on site.

2. The following tree protection measures shall be required on all sites:

a. Prior to construction activities, a sturdy fence or barrier should be erected around designated trees for protection at a minimum distance of one linear foot for every inch of DBH. No machinery, tools, chemicals, or temporary soil deposits may be permitted within this area.

b. Tunneling shall be used for utility placement in all areas where trees are to be preserved. If trenches must be used, they should be planned for minimal root damage.

c. Soil grading around preserved trees shall be avoided. A depth of no more than six inches of soil may be placed over tree roots within the protected area, nor shall soil be graded away.

D. **Alternative Landscape Plans.** Approval of alternative landscape plans that depart from the requirements of this section may be requested from the Hearing Officer for sites employing innovative landscaping treatments that are designed by a certified landscape architect. Such innovations, which may include eco-restoration, rain gardens, and bioswales, are encouraged. Requests for approval of alternative landscape plans shall demonstrate that they are superior to what could be accomplished by strict compliance with these regulations in terms of environmental benefit and aesthetics, and shall include, at a minimum, the following information:

1. Scaled illustrations that demonstrate how the proposed landscape plan will achieve screening and aesthetic results that are comparable to what would be achieved through strict compliance with these regulations;

2. Narrative regarding the environmental benefits of the alternative landscape plan comparated to what would be achieved through strict compliance with these regulations.

## Sec. 10.703 Performance Bond

The developer shall submit the bid for the landscape plan for review by the Planning Department. A bond, landscape contractor guarantee, or other acceptable surety equal to 120 percent of the cost shall be provided to ensure proper installation and maintenance of the landscaping for a period of two years from the date of installation.

## Sec. 10.704 Replacement

All plant materials that die within two years from the date of installation shall be replaced by the developer. If the

developer fails to replace the plant materials, the City may use the developer's performance bond to replace dead planting materials. For all required residential landscaping, the developer shall convey a two-year warranty to the purchaser at the time of closing for each lot/unit.

## Sec. 10.705 Planting Locations

A. **Generally.** The exact placement of required plants and structures shall be the decision of each user, except as provided in this Section.

B. **Distance from Utilities.**

1. No street or canopy trees shall be planted under or within 10 lateral feet of any overhead utility wire.
2. No trees, except street trees approved by the City, shall be planted over or within five lateral feet of any underground water line, sewer line, transmission line, or other utility.

C. **Distance from Curb and Sidewalk.** The distance from the curb and sidewalk to tree plantings shall be determined by the Director of Parks and Recreation based upon specific planting conditions and species of trees.

D. **Tree Spacing.**

1. Street trees shall be spaced from each other as provided in **Section 10.305, Street Trees.**
2. Evergreens and evergreen shrubs shall be planted with a 15 foot spacing to maximize their chance for survival.

## Sec. 10.706 Landscape Maintenance

A. **Generally.** A landscape maintenance plan shall identify all open space areas and all other landscaped areas on the site. A part of the approved landscape plan shall be a maintenance plan that identifies the short-term maintenance after planting and long-term maintenance for all open space areas and all landscaped areas such as parkways. There is no need for maintenance standards for on-lot landscaping unless the development's homeowners' or condominium association is to maintain the landscaping on individual lots.

1. Short-term maintenance is maintenance that is needed for the first two years after planting to ensure trees get sufficient water and other care and that areas of groundcover are kept free of weeds or other material that prevent it from stabilizing. In natural areas, this may require intensive initial care to keep out invasive species.
2. The long-term maintenance program shall set out the type and frequency of care, such as mowing, watering, applying fertilizer, and periodic work in natural areas.

B. **Maintenance Plan.** The maintenance plan shall provide a detailed explanation of the work to be done, the reason it is needed, the frequency of the work, and the estimated cost of the work in a given year. This is intended to be a guide to the homeowners or property owners' association on the needed maintenance, and an aid to budgeting and contracting. It also informs the developer of work that needs to be accomplished prior to turning the project over to the owners' association, and ensures continuing compliance with the City's landscape and open space standards.

C. **Completion of Landscape Improvements.** Landscape improvements must be completed prior to a subdivision being recorded or a certificate of occupancy is issued by the City. A subdivision plat or certificate of occupancy may be issued without the landscape improvements, provided a non-refundable deposit of 10 percent of the total cost of landscaping, including irrigation, is deposited with the City. Individuals using the deposit option shall install the required landscaping within 30 days after the subdivision is recorded or certificate of occupancy is issued by the City.

D. **Periodic Inspections.** The City may inspect each site periodically after approval of a subdivision plat or issuance of the certificate of occupancy to ensure compliance with the Article.



Exhibit "E"
Page E-000235

## 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 or 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 appearanceof 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.) shall

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 Campus Zoning District.

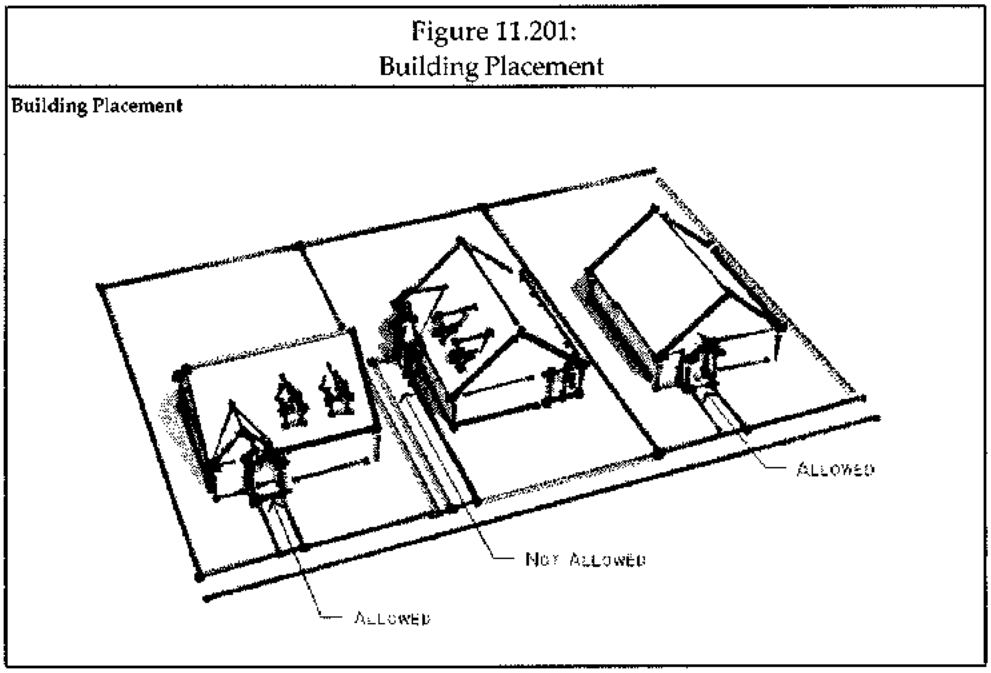
G. **Division 11.800, PUD Design Standards**, applies to new development, redevelopment, or improvement of existing buildings in the PUD Planned Unit Development District.

## Division 11.200 Residential Design Standards

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

A. **Placement of Buildings.** The placement of a principal building in a perpendicular or sideways orientation on an interior or through lot zoning lot is prohibited. See **Figure 11.201, Building Placement.**

Figure 11.201:
Building Placement




B. **Building Entrances.** All single family residences and single building residential developments shall be designed such that a primary entrance and windows face a public street.

C. **Exemptions.** This Section does not apply to:

1. Cottage homes that are developed pursuant to **Section 3.503.H., Cottage Homes**, and
2. Manufactured homes in a manufactured home park or manufactured home subdivision.

D. **Maximum Number of Buildings per Lot.** There shall be a maximum of one principal building per single family residential lot.

### Sec. 11.202 Minimum Width of Dwelling Unit

Unless otherwise specified by this UDO, the minimum width of a dwelling unit as it faces a street shall be 24 feet.

### Sec. 11.203 Maximum Proportion of Front-Loaded Garage

A. **Generally.** Attached, single-family units shall not use front-load access unless the width of the garage is less than 50 percent of the lot width.

B. **Alternative Access and Parking.** Compliance with this section may be by means of:

1. Alley access to a rear-loaded garage; or
2. Off-lot parking lots or detached garages, provided that they are located within 200 feet of the unit to be served.

## Sec. 11.204 Windowless Walls

A. **Generally.** Lot-line and patio units shall not be designed with windows that provide views into the side yards of abutting property.

B. **Exception.** Windows shall be permitted in walls designated as windowless, only if it is demonstrated that:

1. The adjoining land is public right-of-way;
2. Windows are frosted or composed of glass block, do not open, are materially offset from windows of any type on adjoining property, and satisfy all applicable building code requirements; or
3. The adjoining land is commonly owned or public open space:
   a. With a width of 15 to 40 feet, in which case windows are limited to eight square feet per room and are intended to provide light and very limited views; or
   b. With more than 40 feet in width, in which case windows may be up to 12 square feet per room.

## Sec. 11.205 Multifamily Design Standards

A. **Building Walls.**

1. Not less than 40 percent of each building wall, exclusive of windows and door openings, shall be finished with masonry construction, such as brick, stone, or simulated stone.
2. Brick shall be earth-tone colors; bricks shall be standard sizes; and brick shall be laid in traditional masonry patterns.
3. Stone shall be natural or simulated material with a smooth or split face finish.
4. Siding shall be wood or cement fiberboard. Siding shall be traditional profiles such as four-inch to eight-inch horizontal beveled or shake. Siding surfaces may not cover more than 60 percent of any wall surface and may not extend to the ground level.
5. Stucco and EIFS are permitted as an accent material only. If used, stucco and EIFS shall be detailed to look like traditional wall cornices, soffits, window trim, and similar features. EIFS may be installed only above the floor level of the second story.

B. **Building Elements.**

1. Awnings, where installed, shall be constructed with fabric coverings. Metal or plastic coverings are prohibited.
2. Elements such as eaves, rakes, cornice lines, or frieze boards shall be used to contribute to the visual interest of the building.
3. Columns, cornices, and similar elements shall be natural or simulated natural materials such as wood, composite material, architectural metal, or stone.

C. **Roofs.**

1. Sloped roofs shall be covered with quality materials, comparable to slate, concrete tile, dimensional shingles, metal shingles, or architectural metal standing seam roofing.
2. No rooftop mechanical equipment or window/wall mounted air conditioning units shall be visible from the street level.
3. Monolithic roof structures that cover more than 4,000 square feet shall include changes in direction, or treatments which break up the appearance of mass. Such treatments may include elements such as dormers, towers, or chimneys.



Exhibit "E"
Page E-000239

D. **Windows and Doors.**

1. Windows and door frames shall have the appearance of a traditional wood frame when practical.
2. Glass shall be clear or tinted. Reflective glass is prohibited. Frosted glass shall be permitted only in appropriate applications, such as:
   a. Bathroom windows; or
   b. Locations where privacy is needed due to building spacing or nearby high-traffic rights-of-way.
3. Windows shall have traditional proportions.
4. Frames and trims shall be light neutral colors, such as warm white or cream.
5. Entry doors shall be recessed at least three feet from the primary building facade.

E. **Lighting.**

1. Exterior fixtures with exposed bulbs are prohibited.
2. Parking areas shall not be lit with fixtures that are attached to buildings.
3. Exterior light fixtures shall have an appropriate scale and appearance when visible from the public right-of-way.

F. **Landscaping.** The area extending six feet in all directions from each building shall be landscaped, except at points of access, according to the on-lot landscaping requirements of **Article 10, Landscaping**.

G. **Building Integrated Photovoltaics**. Building integrated photovoltaics are encouraged.

H. **Multifamily and Multi-Family in Mixed Use Buildings in Commercial and Related Districts.** Multifamily and Multifamily in Mixed Use Buildings located in CN, CG, CP, and CBD Districts shall adhere to the same design standards as nonresidential buildings as described in Article 11, **Division 11.500, Nonresidential Design Standards.**

## Division 11.300 Signature Corridor Overlay Districts

### Sec. 11.301 Purpose

The purpose of the signature corridor overlay districts is to create a unified sense of character and a functional transportation system. The overlay districts control building setbacks, intersections and drives, pedestrian and bicycle connections, and establish minimum standards for landscaping. The linear landscape treatment will provide continuity throughout the corridor, with major emphasis at the intersections.

### Sec. 11.302 Applicability

A. **Generally.** This ordinance covers development and redevelopment within 600 feet of the right-of-way along both sides of the corridors listed in this Section.

B. **Highest Priority Signature Streets.**

1. Washington Street from Morthland to Lincolnway;
2. Lincolnway and State Road 130 from west city limits to LaPorte Avenue; and
3. LaPorte Avenue from Lincolnway to east City limits, except parcels that are within the Eastgate Overlay District (see **Division 11.400, Eastgate Overlay District Standards**); and
4. Morgan/Calumet from Lincolnway to north City limits.

C. **Local Signature Streets.**

1. 700 N from State 149 to State 49;
2. State Route 2 from 150 W to Morthland;
3. Campbell Street from West Street to 700 N;

4. Vale Park Road from State 130 to East City limits;
5. Burlington Beach Road from Calumet to State 49;
6. Calumet from North City limits to 700 N; and
7. Silhavy Road from US 30/Morthland Drive to Calumet.

D. **Regional Signature Streets.**

1. US 30/Morthland Drive from Joliet to Porter/LaPorte County line;
2. State 49 from Division to 700 N; and
3. State 149 from State 130 to 700 N

## Sec. 11.303 General Design Standards for Signature Corridor Right-of-Way

A. **Generally.** The standards of this Section apply to treatments that are required within the right-of-way of signature corridors.

B. **Right-of-Way Treatment.**

1. A "Signature Corridor" arterial right-of-way that is 120 feet in width shall be maintained for City and State arterial streets that are part of the Bicycle/Pedestrian Plan, to accommodate sufficient landscape treatments and buffers for pedestrian/bike pathways.
2. Pedestrian/bicycle pathways shall be provided in accordance with the Bicycle/Pedestrian Plan.
3. Extensive landscape treatment and sidewalks shall be provided in order to create an attractive green corridor, screen service and parking areas, and replace natural features that would be lost to new construction.
4. If a median exists, or a median is required for traffic control, provide extensive landscaping as a continuation of the right-of-way treatment, with plantings that are drought and salt tolerant and of appropriate height.

C. **Underground Utilities.** Utility distribution lines shall be located or relocated underground.

D. **Intersection Spacing.**

1. New street intersections with signature corridors shall be limited such that they are at least 1,000 feet apart, and as close to 1,320 feet apart as practicable.
2. Access to private property on the same side of the street shall be separated by a minimum of 300 feet or as provided in **Table 9.402, Minimum Arterial Lot Frontage**, whichever is greater.

E. **Intersection Geometry.** Wherever consistent with safe access and traffic circulation, limit curb-cuts to a width of 36 feet.

F. **Intersection Treatment.** Special design emphasis shall be provided at intersections that is comparable to that shown in **Appendix D**, Illustrations; Growth Management Plan, Figures 9.0 and 9.5. The design emphasis shall include:

1. Decorative paving and lighting;
2. Ornamental trees and shrubs; and
3. Perennials and groundcover.

G. **Parkway Plantings.**

1. Plantings are intended to provide a linear, natural visual enhancement that unifies the corridors' character and adds a greenbelt. Generally, parkway plantings shall be hardy, native species, with ornamental and decorative supplements installed at intersections. Recommended plant materials are listed in **Appendix B: Recommended Plant Materials for Signature Corridors.**
2. All landscaping and plantings shall be maintained by the property owner.



Exhibit "E"
Page E-000241

H. **Solid Waste Collection.** Dumpsters shall be screened as provided in **Section 2.406, Loading, Truck Access, and Solid Waste Collection,** except that:

1. Dumpster enclosures shall be architecturally compatible to the principal building in terms of materials and color; and
2. Gates shall be constructed of wood.

## Sec. 11.304 State Route 49 Standards

A. **Generally.** The standards of this Section apply to private property within the State Route 49 signature overlay district.

B. **Prohibited Structures.** The following structures are prohibited in the State Route 49 signature overlay district:

1. Billboards; and
2. Portable flashing lights or inflated temporary signage.

C. **Prohibited Uses.** The following uses are prohibited in the State Route 49 signature overlay district, even if otherwise permitted in the underlying zoning district by **Section 2.201, Permitted, Limited, and Special Uses:**

1. Manufactured home park or subdivision;
2. Multifamily;
3. Single-family attached;
4. Institutional residential;
5. Warehousing and transportation facilities for bottle gas; liquid fertilizer; petroleum, or explosives;
6. Disposal, including but not limited to automotive salvage recycler, automotive salvage rebuilder, or automotive disposal facility;
7. Heavy industry that involves manufacture and/or storage of explosives;
8. Extraction involving mineral extraction, borrow pit, or topsoil removal;
9. Sewage disposal plant;
10. Heavy retail, including but not limited to auction sales yard and/or sales barn for livestock;
11. Vehicle sales, rental, and service;
12. Light automobile service;
13. Commercial retail;
14. Services; and
15. Shopping center.

D. **Prohibited Accessory Uses.** No outdoor storage, enclosed storage or refuse (whether or not in containers) or display of merchandize shall be permitted on any lot. All refuse shall be contained completely within the principal or accessory buildings.

E. **Loading Berths.** Loading berths shall be configured and/or screened so that they are not visible from street level views within the State Road 49 right-of-way.

F. **Landscaping.**

1. All uses shall provide and maintain a 30-foot wide greenbelt of landscaping and/or plantings across the entire front yard setback area, except at points of access. Landscaping arrangement and density shall be comparable to **Figure 9.5** of the Growth Management Plan, set out in **Appendix D,** Illustrations; Growth Management Plan, Figures 9.0 and 9.5.
2. Only the following are permitted in the greenbelt: steps, walks, terraces, driveways, access roads that are

perpendicular to the greenbelt, and lighting standards. Parking in the greenbelt is prohibited.

3. Landscaping shall be maintained by the property owner in healthy condition, and shall be pruned to maintain a manicured appearance.

G. **Parking.** Parking shall be located behind the principal building wherever practicable.

H. **Residential Setbacks.**

1. Residential buildings shall be set back 90 feet from the State Route 49 right-of-way.
2. Parking shall be set back 30 feet from the State Route 49 right-of-way.

I. **Commercial and Industrial Setbacks.** For all commercial and industrial buildings, the following setbacks apply:

1. Front yard:
   a. Buildings that are 36 feet or less in height: 90 feet.
   b. Buildings that are more than 36 feet, but less than 40 feet in height: 100 feet.
   c. Buildings that are 40 feet or more in height: 125 feet.
   d. Parking lots: 30 feet.
2. Side yard: 15 feet.
3. Rear yard: 30 feet.

J. **Commercial and Industrial Lot Dimensions.** The minimum size and dimensions of commercial and industrial lots shall be as follows:

1. Minimum lot size: One acre.
2. Minimum lot width: 160 feet.

K. **Commercial and Industrial Lot Coverage.**

1. Maximum lot coverage: 75 percent.
2. Minimum LSR: 25 percent, with a density and arrangement that is comparable to that shown in **Appendix D, Illustrations; Growth Management Plan, Figures 9.0 and 9.5.**

L. **Building Height.** Buildings shall comply with the standards of **Article 3, District Intensity and Bulk Standards** with regard to height. However, no building shall exceed four stories or 50 feet in height unless the building:

1. Is sprinkled for fire protection;
2. Complies with the Porter County Airport height restrictions; and
3. Is the subject of a determination of no hazard issued by the Federal Aviation Administration ("FAA") pursuant to 14 CFR Part 77, if applicable.

M. **Access.** Access roads shall be required of all commercial and industrial zoned parcels that front on State Road 49. Access roads may be built in the setback (but not the greenbelt) or rear yard, but shall be continuous from parcel to parcel and shall be built to the standards and specifications of the Standards Manual.

N. **Signage.** Only monument signs with a height of not more than six feet are permitted in the State Road 49 signature overlay district. Mounding and other innovative treatments are especially encouraged in this area. No other sign types, including pole-mounted signs are allowed in the State Road 49 signature overlay district.

## Sec. 11.305 US 30 (Morthland Drive) Standards

A. **Generally.** The standards of this Section apply to private property within the US 30 (Morthland Drive) signature overlay district.

B. **Prohibited Structures.** The following structures are prohibited in the US 30 (Morthland Drive) signature overlay district:

1. Billboards; and



Exhibit "E"
Page E-000243

2. Portable flashing lights, inflated signage, and air powered signage.

C. **Prohibited Uses.** The following uses are prohibited in the US 30 (Morthland Drive) signature overlay district, even if otherwise permitted in the underlying zoning district by **Section 2.201, Permitted, Limited, and Special Uses:**

1. Manufactured home park;
2. Multifamily;
3. Single-family attached;
4. Institutional residential;
5. Warehousing, storage and distribution that involves: bottle gas; liquid fertilizer; petroleum;
6. Disposal, including but not limited to dump and/or garbage disposal plant, automotive salvage recycler, automotive salvage rebuilder, or automotive disposal facility;
7. Heavy industry that involves the manufacture and/or storage of explosives;
8. Extraction involving mineral extraction, borrow pit, or topsoil removal;
9. Sewage disposal plant; and
10. Heavy retail, including but not limited to auction sales yard and/or sales barn for livestock.

D. **Prohibited Accessory Uses.** No outdoor storage, enclosed storage or refuse (whether or not in containers) or display of merchandize shall be permitted on any lot. All refuse shall be contained completely within the principle or accessory buildings.

E. **Loading Berths.** Loading berths shall be configured and/or screened so that they are not visible from street level views within the US 30 right-of-way.

F. **Landscaping.**

1. All uses shall provide and maintain a 15-foot wide greenbelt of landscaping and/or plantings across the entire front yard setback area, except for points of access. Only the following are permitted in the greenbelt: steps, walks, terraces, driveways, access roads, and lighting standards. Parking in the greenbelt is prohibited.
2. Landscaping shall be maintained by the property owner in healthy condition, and shall be pruned to maintain a manicured appearance.

G. **Parking.** Parking shall be located behind the principal building wherever practicable, but is permitted within the 65 foot setback with an approved parking lot and landscape plan, as shown in **Appendix D,** Illustrations; Growth Management Plan, Figures 9.0 and 9.5.

H. **Residential Setbacks.** Residential buildings shall be set back 65 feet from the US 30 (Morthland Drive) right-of-way.

I. **Commercial and Industrial Setbacks.** For all commercial and industrial buildings, the following setbacks apply:

1. Front yard:
   a. Buildings that are 36 feet in height or less: 65 feet.
   b. Buildings that 36 feet or more in height: 75 feet.
   c. Parking: 15 feet.
2. Side yard:
   a. Generally: 10 feet.
   b. Abutting a parcel with residential zoning: 30 feet.
3. Rear yard:
   a. Generally: 15 feet.



Exhibit "E"
Page E-000244

b. Abutting a parcel with residential zoning: 30 feet.

J. **Commercial and Industrial Lot Dimensions.** The minimum size and dimensions of commercial and industrial lots shall be as follows:

1. Minimum lot size: One-half acre, excluding any right-of-way dedication.
2. Minimum lot width: 100 feet.

K. **Commercial and Industrial Lot Coverage.**

1. Maximum lot coverage: 75 percent.
2. Minimum LSR: 25 percent, landscaped in a manner comparable to **Figure 11.303, Prototype Landscaping for Signature Streets.**

L. **Building Height.** Buildings shall comply with the standards of **Article 3, District Intensity and Bulk Standards** with regard to height. However, no building shall exceed three stories or 35 feet in height unless the building is sprinkled for fire protection, and complies with the Porter County Airport height restrictions.

M. **Access.**

1. Left turn access from U.S. 30 should be eliminated, except at signalized intersections, whenever alternative access becomes available.
2. Access roads shall be required of all commercial and industrial zoned parcels that front on State Road 49. Access roads may be built in the setback (but not the greenbelt) or rear yard, but shall be continuous from parcel to parcel and shall be built to the standards and specifications of the Standards Manual.

N. **Signage.** Only monument signs with a height of not more than six feet are permitted in the US 30 (Morthland Drive) overlay area. Mounding and other innovative treatments are especially encouraged in this area. No other sign types, including pole-mounted signs are allowed in the US 30 (Morthland Drive) overlay area.

## Sec. 11.306 Development Standards for Other Signature Corridors

A. **Landscaping and Screening Requirements.**

1. **Table 11.306.A., General Landscaping and Screening Requirements,** sets out the landscaping and screening requirements for signature corridors that:
   a. Are not one of the following street segments:
      i. Lincolnway and Laporte between Joliet/Center Street and Mayfield Drive;
      ii. Morgan and Calumet between Lincolnway and the Canadian National Railroad Tracks; or
      iii. Washington Street Between Lincolnway and the Chicago, Fort Wayne, and Eastern Railroad Tracks; and
   b. Are not subject to **Section 11.304, State Route 49 Standards**; or
   c. Are not subject to **Section 11.305, US 30 (Morthland Drive) Standards.**

**Table 11.306.A.: General Landscaping and Screening Requirements**

| Land Use | Minimum Building Setback (Green) | Minimum Landscaped Yard Along R.O.W. | Landscape requirements, per 100 linear feet frontage[1] | Other requirements |
|---|---|---|---|---|



Exhibit "E"
Page E-000245

| | | | | |
|---|---|---|---|---|
| Commercial | 30 ft. | 30 ft. | 2 Shade trees, 1 Evergreen tree, 2 ornamental trees, 3 large shrubs, 6 small shrubs. All other area must be covered with sod, perennials, or groundcover. | Screen all service areas with dense planting of shrubs and evergreen trees. Screen all parking areas with 5 ft. buffer of shrubs, 3 ft. height maximum. |
| Large Commercial | 30 ft. | 30 ft. | 2 shade trees, 1 evergreen tree, 2 ornamental trees, 3 large shrubs, 6 small shrubs per linear foot of building frontage. | Screen all parking areas with 5 ft. buffer of shrubs, 3 ft. height maximum. |
| Industrial | 60 ft. | 30 ft. | 4 Shade trees, 3 Evergreen tree, 4 ornamental trees, 6 large shrubs, 10 small shrubs. All other area must be covered with sod, perennials, native prairie plantings, or groundcover. | Screen all service areas with dense planting of shrubs and evergreen trees. Screen all parking areas with 5 ft. buffer of shrubs, 3 ft. height maximum. |
| Office | 30 ft. min. 50 ft. max. | Equal to building setback. | 2 Shade trees, 1 Evergreen tree, 2 ornamental trees, 3 large shrubs, 6 small shrubs. All other area must be covered with sod, perennials, native prairie plantings, or groundcover. | Screen all service areas with dense planting of shrubs and evergreen trees. Place all parking areas behind buildings. No parking within landscape yard. |
| Multifamily | 40 ft. min. 106 ft. max. | 30 ft. | 2 Shade trees, 3 Evergreen tree, 3 ornamental trees, 3 large shrubs, 6 small shrubs. | Provide 10' foundation plantings along buildings consisting of shrubs, perennials, and ground-cover. |
| Single Family | 40 ft. | 30 ft. | 2 Shade trees, 3 Evergreen tree, 2 ornamental trees, 3 large shrubs, 6 small shrubs. | |
| Open Space/ Public | 40 ft. | 40 ft. | 3 Shade trees, 2 Evergreen tree, 3 ornamental trees, 3 large shrubs, 6 small shrubs. | All other area must be covered with sod, perennials, native prairie plantings, or groundcover. |

[1] Where overhead wires exist directly over tree planting area, flowering ornamental trees shall be substituted for required shade trees at an equal number. Trees along corridors shall be planted at a spacing conducive to creating a continuous canopy over the street upon tree maturity. Additional shrub massing and earth berming is required to buffer views of parking lots from corridors.

2. **Table 11.306.B., Redevelopment Landscaping and Screening Requirements,** sets out the landscaping and screening requirements for the following signature corridors:
   a. Lincolnway and Laporte between Joliet/Center Street and Mayfield Drive;
   b. Morgan and Calumet between Lincolnway and the Canadian National Railroad Tracks; and
   c. Washington Street Between Lincolnway and the Chicago, Fort Wayne, and Eastern Railroad Tracks.

| Table 11.306.B.: Redevelopment Landscaping and Screening Requirements | | | | |
|---|---|---|---|---|
| | Minimum | Minimum | | |



Exhibit "E"
Page E-000246

| Land Use | Building Setback (Green) | Landscaped Yard Along R.O.W. | Landscape requirements, per 100 linear feet frontage[1] | Other requirements |
|---|---|---|---|---|
| Commercial | 5 ft. | 5 ft. | 2 Shade trees, 1 Evergreen tree, 2 ornamental trees, 3 large shrubs, 6 small shrubs. All other area must be covered with sod, perennials, or groundcover. | Screen all service areas with dense planting of shrubs and evergreen trees. Screen all parking areas with 5 ft. buffer of shrubs, 3 ft. height maximum. |
| Large Commercial | 5 ft. | 5 ft. | 1 shade trees, 3 ornamental trees, 9 small shrubs per linear foot of building frontage. | Screen all parking areas with 5 ft. buffer of shrubs, 3 ft. height maximum. |
| Industrial | 30 ft. | 20 ft. | 3 Shade trees, 3 Evergreen tree, 3 ornamental trees, 6 large shrubs, 10 small shrubs. All other area must be covered with sod, perennials, native prairie plantings, or groundcover. | Screen all service areas with dense planting of shrubs and evergreen trees. Screen all parking areas with 5 ft. buffer of shrubs, 3 ft. height maximum. |
| Office | 5 ft. | 5 ft. | 2 Shade trees, 2 ornamental trees, 9 small shrubs. All other area must be covered with sod, perennials, native prairie plantings, or groundcover. | Screen all service areas with dense planting of shrubs and evergreen trees. Place all parking areas behind buildings. No parking within landscape yard. |
| Multifamily | 20 ft. | 10 ft. | 2 Shade trees or evergreen trees, 3 ornamental trees, 3 large shrubs, 6 small shrubs. | Provide 10' foundation plantings along buildings consisting of shrubs, perennials, and ground-cover. |
| Single Family | 40 ft. | 40 ft. | 2 Shade trees, 3 Evergreen tree, 2 ornamental trees, 3 large shrubs, 6 small shrubs. | |
| Open Space/ Public | 20 ft. | 20 ft. | 3 Shade trees, 2 Evergreen tree, 3 ornamental trees, 3 large shrubs, 6 small shrubs. | All other area must be covered with sod, perennials, native prairie plantings, or groundcover. |

[1] Where overhead wires exist directly over tree planting area, flowering ornamental trees shall be substituted for required shade trees at an equal number. Trees along corridors shall be planted at a spacing conducive to creating a continuous canopy over the street upon tree maturity. Additional shrub massing and earth berming is required to buffer views of parking lots from corridors.

3. The landscaping requirements of **Table 11.306.A., General Landscaping and Screening Requirements** and **Table 11.306.B., Redevelopment Landscaping and Screening Requirements,** supersede the requirements of **Section 10.405, Street Bufferyard Standards,** and any area in excess of the bufferyard required by **Section 10.405, Street Bufferyard Standards** that **Table 11.306.A., General Landscaping and Screening Requirements** or **Table 11.306.B., Redevelopment Landscaping and Screening Requirements,** require to be landscaped shall be subtracted from either:
   a. The area that is subject to the open space landscaping requirements; or
   b. The area that is subject to the on-lot landscaping requirements contained in **Division 10.300,**



Exhibit "E"
Page E-000247

**Development Landscaping.**

B. **Lighting.** Exterior lighting shall comply with **Division 9.500, Exterior Lighting Standards.** Pole-mounted fixtures in the downtown shall match existing downtown fixtures.

C. **Signage.** Only monument signs with a height of not more than six feet are permitted in signature corridors. No other sign types, including pole-mounted signs, are allowed.

## Division 11.400 Eastgate Overlay District Standards

### Sec. 11.401 Purpose and Applicability

A. **Purpose.** Successful corridors are typically characterized by pedestrian-oriented architecture, building setbacks, rear and side loaded parking lots, commercial land uses, street systems that incorporate alleys, and shared parking. The provisions of the Eastgate Overlay District are intended to encourage pedestrian-scaled development featuring retail display windows, reduced building setbacks, and other pedestrian-oriented site design elements. The purpose of the Eastgate Overlay District is to regulate development in the defined overlay district area (see subsection B.) in order to establish harmonious definition between buildings, open space, parking, vehicular traffic, and pedestrian movement throughout the corridor. This will be accomplished by providing clear linkages, safe routes, spatial transparency, even traffic/pedestrian flow, architectural integrity, and a "human scale" feeling to the district.

B. **Eastgate Overlay District Established.** The standards of this Division apply to the Eastgate Overlay District, which is legally described as follows: A parcel of land in both the Southeast Quarter (SE ¼) and the Southwest Quarter (SW ¼) of Section 19, Township 35 North, Range 5 West of the Second Principal Meridian, and in the Southeast Quarter (SE ¼) of Section 24, Township 35 North, Range 6 west of the Second Principle Meridian, the parcel located in the City of Valparaiso, County of Porter, Indiana, and described as: Beginning at the centerline intersection of Lincolnway (State Road 130) with LaPorte Avenue; thence westerly along the centerline of said LaPorte Avenue and the westerly prolongation of said centerline to the west line of Garfield Avenue; thence north or south, as required, along said west line to the SE corner of lot 5 in DeWolf's Subdivision of Block 32 in Woodhull's Addition to the Town (now City) of Valparaiso; thence west along the south lines of said lot 5 and lot 6 in said subdivision to the SW corner of said lot 6; thence north along the west line of said lot 6 and the northerly prolongation of said west line to the north line of said Lincolnway and the south line of lot 2 in Block 31 of said Woodhull's Addition; thence west along said south line of lot 2 to the SW corner of said lot 2; thence north along the west line of said lot 2 to the south line of the east-west alley in said Block 31; thence east along said south line, and the easterly prolongation of said south line to the east line of said Garfield Avenue and the west line of lot 1 in Brown's Subdivision; thence north along said west line to the midpoint of said west line; thence easterly to the midpoint of the west line of lot 10 in said Brown's Subdivision; thence north along said west line and the northerly prolongation of said west line to the centerline of Jefferson Street; thence east along said centerline to the centerline of Roosevelt Road; thence north along said centerline to a point directly west of the NW corner of lot 5 in Mitzner's Addition to the City of Valparaiso, Indiana; thence east to said NW corner of lot 5; thence east along the north line of said lot 5 to the NE corner of said lot 5 and the east line of said Mitzner's Addition; thence north along said east line to an intersection with the westerly prolongation of the south line of Meyer's Addition to the City of Valparaiso; thence easterly along said prolongated line to the SW corner of said Meyer's Addition; thence east 482.63 feet along said south line of Meyer's Addition to the SE corner of lot 6 in said Meyer's Addition; thence south 25.0 feet along the southerly prolongation of the east line of said lot 6; thence east 100.0 feet to a point on the west line of Caryer's Addition to the City of Valparaiso, said point 200.0 feet south of the north line of said SW ¼, Section 19; thence south along said west line to the SW corner of said Caryer's Addition; thence east along the south line of said Caryer's Addition, and the easterly prolongation of said south line to the centerline of Marks Road; thence north along said centerline to a point 170 feet south of the intersection of said centerline with the centerline of Chicago Street from the West; thence easterly 295 feet, more-or-less, to a point on the west line of a lot described in a document recorded in Deed Record 406, Page 566, in the Porter County Recorder's Office, said point being 348.3 feet west of the east line of said SW ¼ Section 19; thence south parallel with said east line to the SW corner of a lot described in a document recorded as instrument number 01-203700 in said Recorder's Office; thence east along the south line of said lot, 348.3 feet to said east line, SW ¼ and the west line of Kaplan's Subdivision;



Exhibit "E"
Page E-000248

thence north or south as required to a point on said west line that is on the westerly prolongation of the north line of lot 8 in said Kaplan's Subdivision; thence east along said prolongation and along said north line to the east line of said Kaplan's Subdivision; thence south along said east line, and the southerly prolongation of said east line to the south line of said LaPorte Avenue; thence northeasterly along said south line to an intersection with the right-of-way of the former State Road 49, said point of intersection also being the north corner of a tract containing a Dairy Queen Store; thence south 417.16 feet along the east line of said Dairy Queen tract to the SE corner of said tract; thence continuing on the southerly prolongation of the preceding course to the centerline of Knode Creek; thence easterly and northeasterly along said centerline to the west line of Streamwood – Unit 1; thence south along said west line to the south line of said SE ¼, Section 19; thence west along said south line to the centerline of Sturdy Road; thence north along said centerline to its intersection with said centerline of Lincolnway; thence northerly and northwesterly along said Lincolnway centerline to its intersection with said centerline of LaPorte Avenue and the point of beginning.

C. **Applicability to Development, Redevelopment, and Improvements.** Where applied, EOD standards generally require full compliance for new construction, partial compliance for exterior building additions/alterations and minimal or no compliance for routine maintenance and the replacement in-kind of materials. Specific requirements are as follows:

1. On a commercially-zoned, commercially-used, or mixed-use property within the designated Eastgate Overlay District area:

   a. The following activities require that the building and the parcel proposed for development (e.g., parking, utilities, and landscaping) comply with all standards of this Division:

      i. New placement, new construction, or new reconstruction of a principal building.

      ii. The expansion of a principal building's gross floor area by 50 percent or more.

   b. The following activities shall comply with all standards of this Division that apply to the activity, but do not require unaffected buildings, structures, or areas of the parcel proposed for development to be brought into compliance with this Division:

      i. Construction or installation of parking lots, fences and other accessory structures.

      ii. Installation of new on-site lighting.

      iii. Any modification to the site by 50 percent or greater.

   c. The following activities shall comply with **Section 11.405, Architectural Design Standards for Exterior Improvements of Existing Buildings** to the extent specified below:

      i. Any exterior alteration of a primary building frontage of a nonresidential or mixed-use building shall comply with **Section 11.405.**

      ii. Any modification that includes more than 25 percent of the facade of a nonresidential or mixed-use building shall comply with **Section 11.405.**

      iii. Any expansion of an existing of a nonresidential or mixed-use principal building's gross floor area of less than 50 percent shall comply with this Division as follows:

         a. The front façade shall be renovated pursuant to **Section 11.405.**

         b. Upon the initial expansion of the building, the floor area will be totaled for the parcel.

         c. Expansion of the building by 50 percent of that floor area or more (whether over a series of expansions or from an initial expansion) the building will require compliance with all applicable standards of this Division pursuant to clause C.1.a.ii., above.

   d. Any new extension or expansion of a of a principal nonresidential or mixed-use building façade shall be undertaken pursuant to **Section 11.404, Architectural Design Standards for New Construction.**

   e. Existing building and site improvements may remain in their current condition as long as no additions are added to the existing building.



Exhibit "E"
Page E-000249

2. For residential buildings within the Eastgate Overlay District area:
    a. The following activities require that the building and the parcel proposed for development (e.g., parking, utilities, and landscaping) comply with all standards of this Division:
        i. New placement, new construction, or new reconstruction of a principal building.
        ii. The expansion of a principal building's gross floor area by 50 percent or more.
    b. The following activities shall comply with all standards of this Division that apply to the activity, but do not require unaffected buildings, structures, or areas of the parcel proposed for development to be brought into compliance with this Division:
        i. Construction or installation of parking lots, fences and other accessory structures.
        ii. Installation of new on-site lighting.
        iii. Any modification to the site by 50 percent or greater.
    c. The following activities shall comply with **Section 11.406, Residential Architectural Standards** to the extent specified below:
        i. Any exterior alteration of a primary building frontage of a nonresidential or mixed-use building shall comply with **Section 11.406.**
        ii. Any modification that includes more than 25 percent of the facade of a nonresidential or mixed-use building shall comply with **Section 11.406.**
        iii. Any expansion of an existing of a residential building's gross floor area of less than 50 percent shall comply with this Division as follows:
            a. The front façade shall be renovated pursuant to **Section 11.406.**
            b. Upon the initial expansion of the building, the floor area will be totaled for the parcel.
            c. Expansion of the building by 50 percent of that floor area or more (whether over a series of expansions or from an initial expansion) the building will require compliance with all applicable standards of this Division pursuant to clause C.2.a.ii., above.
    d. Any new extension or expansion of a of a principal residential building façade shall be undertaken pursuant to **Section 11.406, Residential Architectural Standards.**
    e. Existing building and site improvements may remain in their current condition as long as no additions are added to the existing building.

D. **Incentives.** The granting of economic incentives by the City is conditional upon conformance with **Section 11.405, Architectural Design Standards for Exterior Improvements of Existing Buildings** and/or **Section 11.404, Architectural Design Standards for New Construction.**

E. **Exemptions and Waivers.**

1. Routine maintenance and in-kind replacement of materials are exempt from the standards and requirements of this Division.
2. Any standards of this Division may be waived for buildings that are officially designated as historic, if application of the standards would result in a modification of the original, historic appearance of the building that would compromise its historic integrity, as determined by the Plan Commission.
3. Any expansion of an commercial use housed within an existing residential or historical structure shall conform to the intent of this Division. The Plan Commission can waive any standards to allow for architectural consistency with the existing structure.

F. **Relationship to Other UDO Standards.**

1. Generally, the standards contained in this Division are in addition to the regulations of the underlying zoning districts.



Exhibit "E"
Page E-000250

2. Where the provisions of this Division are different from those of the underlying zoning district or other provisions of this UDO on the same point, this Division applies.
3. When this Division is silent with regard to a subject matter, the UDO code applies.

## Sec. 11.402 Setbacks and Building Spacing

A. **Generally.** Within the Eastgate Overlay District, the setbacks set out in this Section shall be used instead of the setbacks required by **Article 3, District Intensity and Bulk Standards.**

B. **Setbacks. Figure 11.402.A., Street Setbacks,** illustrates the setback requirements of paragraphs 1, 2, and 3 of this subsection. **Figure 11.402.B., Other Setbacks,** illustrates the setback requirements of paragraphs 4 and 5 of this subsection.

Figure 11.402.A.:
Street Setbacks

**Street Setbacks in the Eastgate Overlay District**

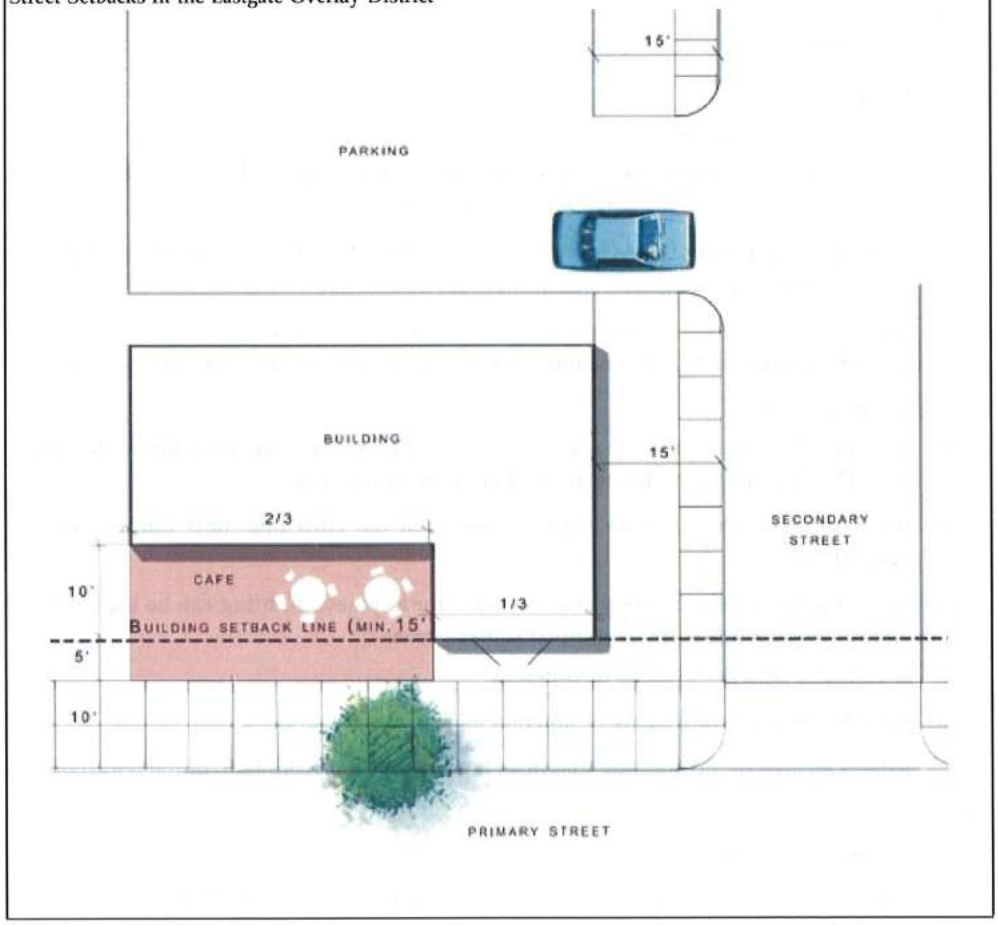
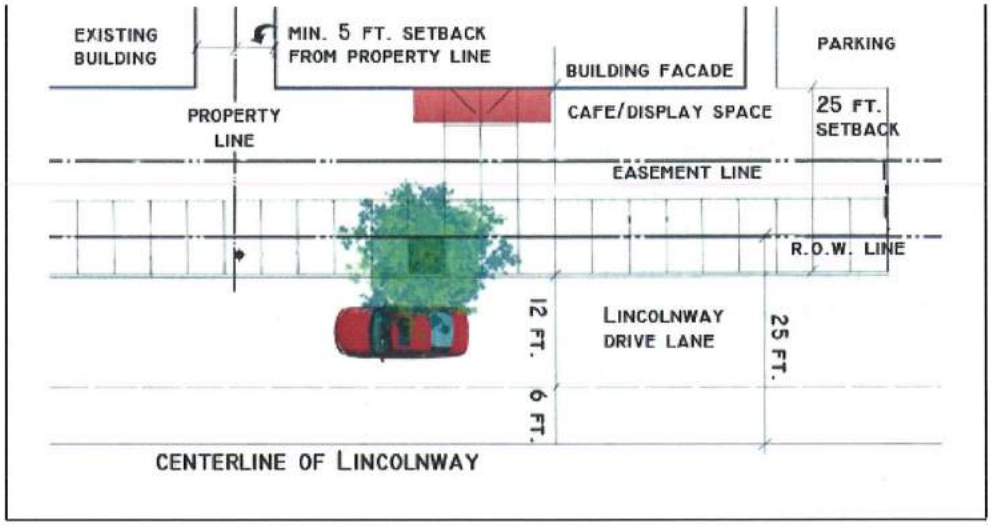



Figure 11.402.B.:
Other Setbacks

**Other Setbacks in the Eastgate Overlay District**



Exhibit "E"
Page E-000251




1. Along primary streets:
    a. New buildings shall be:
        i. Set back not less than 15 feet from the curb line at the drive lane, nor more than 27 feet from the curb line at the drive lane; except that
        ii. If the property line is more than 27 feet from the curb line, new buildings shall be built to the property line.
    b. An additional 15 feet of right-of-way shall be dedicated to the City by the property owner with primary street frontage in locations where primary streets are to be widened for parallel parking.
2. Along secondary streets:
    a. New buildings shall be set back not less than 10 feet from the curb line at the drive lane, nor more than 15 feet from the curb line at the drive lane; except that
    b. If the property line is more than 15 feet from the curb line, new buildings shall be built to the property line.
3. A portion of a primary or secondary street setback for any new building can be increased up to 10 feet from the maximum setback line if the additional setback area:
    a. Is surfaced with brick, stone or concrete;
    b. Provides an outdoor display or amenity such as dining; and
    c. Affects an area of the building that does not exceed 66 percent (2/3) of the width of the facade.
4. Side setbacks:
    a. Generally: Five feet.
    b. Connected buildings that comply with the City of Valparaiso Fire Code: 0 feet.
5. Outdoor merchandise displays shall be set back the greater of:
    a. 10 feet from the curb line at the drive lane; or
    b. The distance from the curb line at the drive lane to the property line.

C. **Building Spacing.** No building shall be constructed closer than 10 feet to another building, unless the buildings are connected and in compliance with the City of Valparaiso Fire Code. See **Figure 11.402.B., Other Setbacks.**

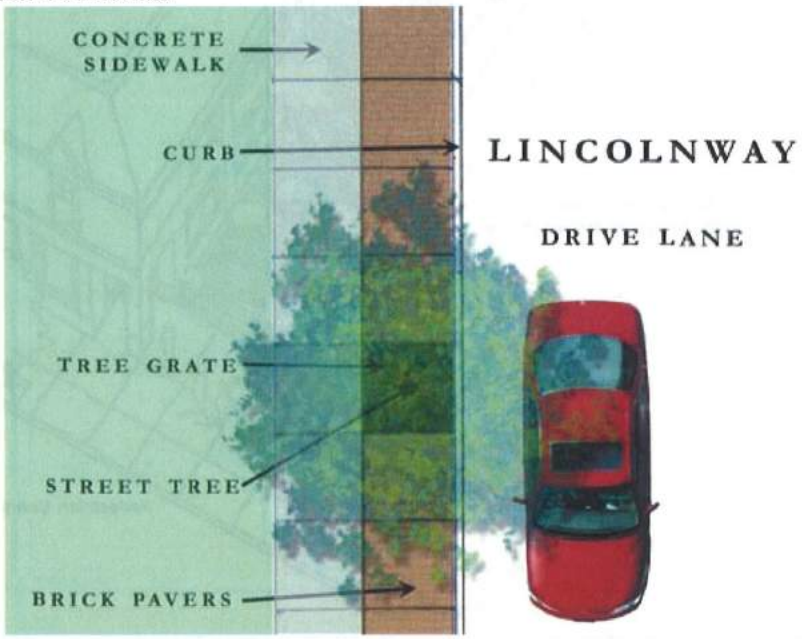
## Sec. 11.403 Access and Accessibility

A. **Pedestrian Amenities.**

1. The full length of the frontage along primary streets (except for access points) shall be improved with:
   a. A 5-foot wide public sidewalk that connects to sidewalks on adjacent properties; and
   b. A 5-foot wide planting strip. See **Figure 11.403.A., Pedestrian Amenities.**

Figure 11.403.A.:
Pedestrian Amenities

**Pedestrian Amenities**



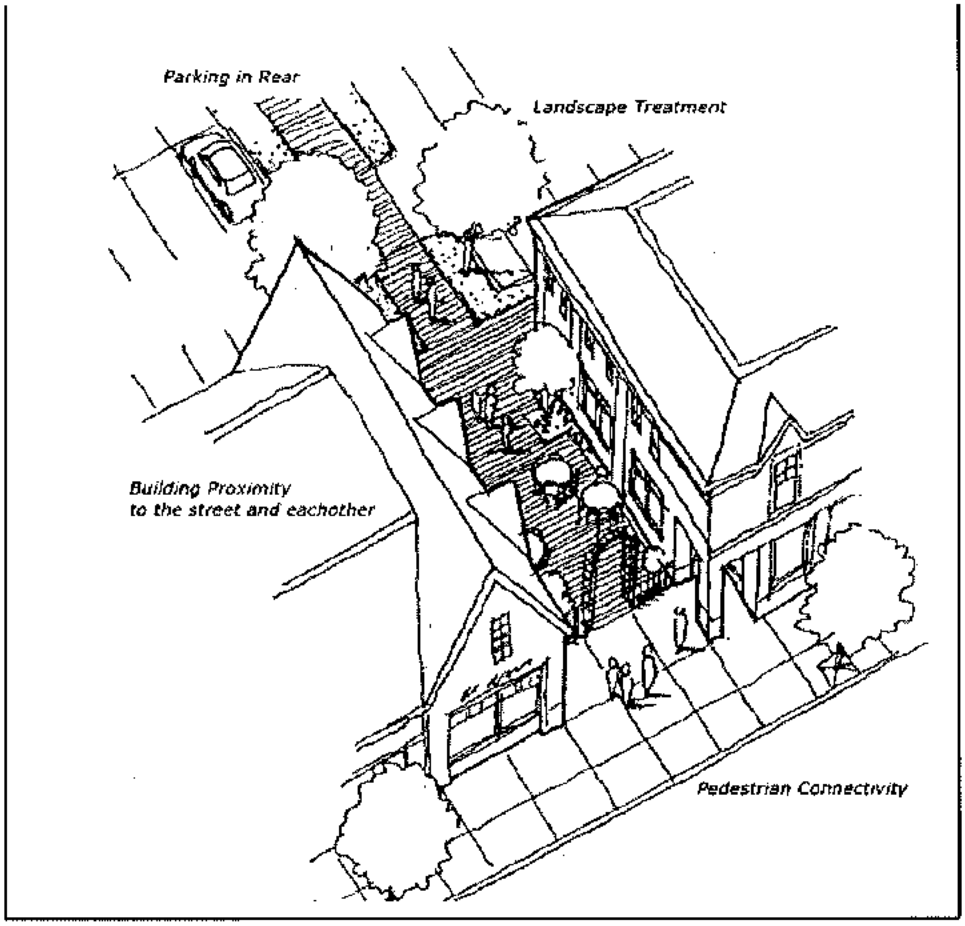

2. A paved, accessible pedestrian walkway shall connect the public sidewalk to each building entrance.
3. A paved, accessible pedestrian walkway shall connect parking lots to the entrances of buildings that they are intended to serve. See **Figure 11.403.B., Pedestrian Connections.**

Figure 11.403.B.:
Pedestrian Connections

**Pedestrian Connections**



Exhibit "E"
Page E-000253




B. **Building Entrances.** All buildings along a primary street shall have a main entry along the primary frontage.

C. **Curb Cuts.**

1. No parcel proposed for development shall have more than one curb cut along a primary street unless it is demonstrated that:
    a. An additional curb cut is the only means available to provide reasonable vehicular access to the parcel proposed for development and the proposed curb cut location meets all applicable standards of **Division 9.400, Access Management and Circulation;** or
    b. The additional curb cut is spaced not less than 185 feet from the nearest full service curb cut on the same side of the street (measured between the nearest pavement edges), and does not preclude other properties from having curb cuts that comply with this requirement.
2. Corner lots are permitted two curb cuts, one on each frontage street, provided that each curb cut meets applicable minimum spacing requirements.
3. Existing curb cuts that do not conform to the minimum spacing of paragraph C.1.b., above, may remain on isolated lots.
    a. A lot is considered isolated if, due to its size or width:
        i. Minimum spacing standards cannot be achieved; and
        ii. Joint access that meets minimum spacing standards cannot be obtained or is undesirable in terms of conflicting land uses or traffic volumes.
    b. As new development or redevelopment occurs, shared curb cuts with adjoining lots is encouraged.



Exhibit "E"
Page E-000254

When joint access/shared parking to an approved full-service curb cut becomes available that provides alternative access to an otherwise isolated lot, the property owner of that lot shall close curb-cuts that do not conforming to minimum spacing of paragraph C.1.b., above.

4. A lot that contains a building with drive-through service may have two one-way curb cuts if it is demonstrated that the site layout and location of adjacent access provide for safe and efficient circulation, and the use of alternative shared access is less desirable in terms of overall multimodal circulation in the Eastgate Overlay District.

D. **Service Alleys.** If needed for building use, a service alley or designated loading space shall be reserved at the rear of the building.

E. **Drive-Through Facilities.** Where permitted by the underlying zoning district regulations, drive-in and drive through facilities shall be subject the standards of the underlying district regulations, and shall not be located on primary building frontages, but may be attached to the rear or side of a principal building.

## Sec. 11.404 Architectural Design Standards for New Construction

A. **Generally.** This section applies as provided in **Section 11.401, Purpose and Applicability.**

B. **Architecture.**

1. Traditional architecture is required in the Eastgate Overlay District, in order to create the appearance of a cohesive district. Radical design themes and elaborate structures or forms are not permitted due to their potential to visually conflict with the adjacent buildings.

2. Side and rear building walls shall incorporate architectural elements and materials that are consistent with the primary building frontage.

3. All building frontages shall incorporate architectural elements and materials that are consistent with the primary building frontage.

C. **Building Articulation.** All building walls shall be architecturally articulated every 20 feet (horizontally and vertically) to avoid the appearance of a blank wall. Articulation includes but not limited to: pilasters, windows, and material changes.

D. **Color.**

1. Building colors shall consist primarily of natural material colors, such as buff, warm white, light gray, brick tones, and comparable colors.

2. Bright (High Chroma) colors are acceptable for elements such as awnings, doors and building accents, but shall not exceed 10 percent of the overall facade elevation, including the roof.

E. **Building Entrances.**

1. Main exterior entrance shall be located within the primary building frontage.

2. At a building corner where building frontages meet, one main entrance door may be located so as to meet the requirement for both building frontages.

3. No exterior entrance is permitted from an exterior balcony.

F. **Fenestration.**

1. Glass openings shall comprise:

   a. A minimum of 50 percent and a maximum of 75 percent of the wall area of the first floor;

   b. A minimum of 25 percent and a maximum of 60 percent of the wall area of upper floors; and

   c. A minimum of 15 percent and a maximum of 60 percent of rear building walls (all floors), except that building walls that are not visible from public streets shall not exceed 30 percent glass openings.

2. Storefront windows shall be large enough to encourage visual connection between the outside and the



Exhibit "E"
Page E-000255

inside. All glass on the first floor shall be clear glass, permitting a view into the building's interior to a minimum depth of four feet.

3. Upper story windows shall generally be smaller than the windows on the ground floor, and shall be spaced at regular intervals in a traditional manner. Upper story windows shall be of traditional proportions, with a maximum width equal to one-half of the window height.

4. Reflective glass is prohibited. Tinted glass shall be permitted for upper-floor office uses only.

5. Storefront windows may use non-visual glass (i.e., frosted) up to 30 inches above the sidewalk or above 10 feet above the sidewalk, provided that the area of the glass is in addition to the minimum requirement of 50 percent clear glass.

**G. Facade Detailing.**

1. Building facades shall be articulated through the use of fenestration (windows), structural expression (piers/columns), and similar details.

2. At least 40 percent of the building facade (excluding windows and doors) shall be finished with brick, stone, or simulated stone. Other facade materials shall be traditional, such as architectural precast concrete, tinted (other than gray) split-face concrete masonry units, or other high-quality finishes, such as architectural composite metal panels.

3. EIFS shall be permitted as an accent material only (and not as a primary facade material). EIFS shall be limited to 30 percent of the total area, excluding windows and doors, of all building facades (front, sides and rear), and shall, if used, be installed only above the floor level of the second floor or ten feet above adjacent grade, whichever is higher. EIFS shall not be installed in any pedestrian contact areas.

   a. This section shall not apply to multiple building development parcels where the buildings frame the development parcel on at least three sides, and at least 40% brick, stone, simulated stone, and at least 30% other facade materials as outlined in G.2 above (this 30% requirement may be reduced by supplementing additional brick, stone or simulated stone for other facade materials) are incorporated into the building design. However, the standards outlined in Section 11.507 C shall still apply to all facades of all buildings in such developments.

4. Cornices, accents, or canvas awnings, overhangs, recesses/projections, peaked roof forms, arches, and architectural details such as tile work and moldings, integral planters or wing walls, and comparable features shall be incorporated into the theme of the facade.

**H. Building Roofs.**

1. The frontages of all buildings with flat or barreled roofs shall have a parapet up to a minimum of 15 feet above the adjacent ground plane. Appropriate cornice detail shall finish the parapet.

2. Alternatively, frontages may have a sloped roof. Sloped roofs and roof facades shall be composed of traditional materials, natural or simulated, such as slate, wood shakes, dimensional shingles, metal standing seam or copper.

3. Sloped roofs shall be a minimum 6:12 pitch and a maximum of 12:12 pitch, with the eave line at a minimum of 12 feet above the sidewalk or adjacent ground. Total roof height shall be limited to 150 percent of the height of the facade below. Eaves shall extend a minimum of eight inches and a maximum of three feet beyond all building facade walls.

**I. Awnings.**

1. Awnings shall be incorporated on all ground floor windows that face the public right-of-way.

2. All main exterior entrances shall have an awning or architectural treatment directly over the door(s) to aid in identifying the entrance.

3. Awnings shall be made of canvas or similar waterproof material. Use of aluminum, fiberglass, plastic or similar materials is not permitted, except as structural components. Permanent steel awnings with standing seam roofs are acceptable, provided they are consistent with the overall theme of the facade.

4. Awnings shall be attached to the building wall, rather than only supported by poles or columns.
5. Awnings shall not be backlit.
6. Awnings shall be solid colored or striped.
7. Awnings shall have sloped construction. Rounded or bubble-type awnings are not permitted.

J. **Mechanical Equipment.**

1. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices, or landscaping.
2. There shall be no exterior fire escapes.
3. All roof-mounted mechanical equipment shall be screened from public view. The roof screen shall be similar in material and color to the sloped roof or building wall. The roof screen shall be equal to or greater in height than the mechanical equipment.

K. **Fences and Screens.**

1. Dumpsters and all ground-mounted mechanical equipment shall be located in an inconspicuous location at the side or rear of the building and screened from public view to the height of one foot above the dumpster/equipment. Screening material shall be consistent with the materials used on the building.
2. Fences, with or without masonry piers, shall be decorative and constructed of ornamental metal tubes, or solid metal bars. Fences may not exceed a height of four feet. Chain-link fences are not permitted.
3. Masonry or stone walls may be used for screening, sitting wall, or used as independent architectural elements. Walls may not exceed a height of four feet, unless used as a screening element for security, dumpsters or mechanical equipment.
4. Security fencing of up to six feet tall shall be permitted at the rear one-third of the property only. The fencing material shall be constructed of wood, metal tubes, masonry or solid metal bars. Chain-link, barbed wire, razor wire or any other 'high security' fencing is not permitted.

L. **Side and Rear Building Walls.** Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall be designed to create a pleasing appearance, compatible with the primary facades and in accordance with the following design criteria:

1. Materials and architectural features used on the primary facade shall be incorporated on the side and rear facade for architectural consistency.
2. The sides of buildings shall continue the use and architectural articulation of the front facade for a minimum distance of one-third of the horizontal dimension of the side elevation.

## Sec. 11.405 Architectural Design Standards for Exterior Improvements of Existing Buildings

A. **Generally.** This section applies as provided in **Section 11.401, Purpose and Applicability.**

B. **Architecture.**

1. Traditional architecture is preferred in the Eastgate Overlay District, in order to create the appearance of a cohesive district. Radical design themes and elaborate structures or forms are discouraged due to their potential to visually conflict with the adjacent buildings.
2. Side and rear building walls shall incorporate architectural elements and materials consistent with the primary building frontage.

C. **Building Articulation.** Building frontages shall be articulated to avoid the appearance of a blank wall exceeding 20 feet in horizontal width.

D. **Color.**



Exhibit "E"
Page E-000257

1. Building colors shall consist primarily of natural material colors, such as buff, warm white, light gray, brick tones, and comparable colors.
2. Bright (High Chroma) colors are acceptable for elements such as awnings, doors and building accents, but should not exceed 20 percent of the overall façade elevation, including the roof.

E. **Building Entrances.**

1. Main exterior entrances shall be located, wherever possible, within the primary building frontage.
2. At a building corner where building frontages meet, one main entrance door may be located so as to meet the regulations for both building frontages.
3. No exterior entrance is permitted from an exterior balcony.
4. Secondary side-loaded pedestrian entryways are permitted, provided that the primary entrance is located within the primary building frontage facing the right of way.

F. **Fenestration.**

1. Storefront windows shall be large enough to encourage visual connection between the outside and the inside.
2. Upper story windows shall generally be smaller, spaced at regular intervals in a traditional manner.

G. **Facade Detailing.**

1. Primary Building facades (those facing a public street) shall be articulated through the use of fenestration, (windows), structural expression (piers/columns), and similar details.
2. At least 40 percent of the primary building facade shall be finished with brick, stone, or simulated stone. Other facade materials shall be traditional, such as architectural precast concrete, tinted (other than gray) split-face concrete, or other high-quality finishes such as architectural metal panels.
3. EIFS shall be permitted as an accent material only (and not as a primary facade material). EIFS shall be limited to 30 percent of the total area of the primary building facade excluding windows and doors, and shall, if used, be installed only above the floor level of the second floor or above the top predominant window/door line for one story buildings.
4. Cornices, accents, or canvas awnings, overhangs, recesses/projections, peaked roof forms, arches, raised parapets, and architectural details such as tile work and moldings, integral planters or wing walls, and comparable features shall be incorporated into the theme of the primary building facade.

H. **Other Required Improvements.** When activities are undertaken that are subject to the standards of this Section (except painting), the building that is the subject of the improvements shall also be brought into conformance with the following standards:

1. Signage shall be brought into compliance with the standards of **Section 11.410, Signs.**
2. Awnings on the primary façade shall be added or replaced pursuant to **Section 11.404, Architectural Design Standards for New Construction,** subsection I.
3. The existing parapet detail shall be revised to conceal flat roofs and rooftop equipment from public view, as follows:
    a. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall.
    b. Such parapets shall feature three dimensional cornice treatments of not less than twelve inches in height, and shall incorporate no less than three reliefs.
    c. Parapets shall be provided on all sides of the building in order to avoid the appearance of false facades from the back or sides of the primary building.
4. All mechanical equipment (both ground mounted and roof mounted) and dumpsters shall be screened pursuant to **Section 11.404, Architectural Design Standards for New Construction.**.



Exhibit "E"
Page E-000258

I. **Encouraged Improvements.** The City encourages applicants to:

1. Update the primary facade storefront glass system to comply with **Section 11.404, Architectural Design Standards for New Construction.** Where possible, glass openings should be 50 to 75 percent of the total wall area of the first floor of the primary facade.

2. Update, where possible, all secondary building facades to match renovations/improvements made to the primary building façade.

3. Add or revise sloped roofs pursuant to **Section 11.404, Architectural Design Standards for New Construction.**

## Sec. 11.406 Residential Architectural Standards

A. **Generally.** Attached Single-Family and Multi-Family Residential Uses are permitted in the Eastgate Overlay District, regardless of the underlying zoning, subject to the standards of this Section.

B. **Single-Family Attached.** Single-Family Attached shall be subject to the standards of the Urban Residential (UR) district.

C. **Multi-Family.** Multi-Family shall be located in the upper floors of mixed-use buildings. Multi-Family located on the ground floor may be permitted by the Plan Commission in cases where the multi-family is part of a larger mixed-use development with commercial uses located on the ground floor along the entire primary (facing a primary street) facade.

## Sec. 11.407 Parking and Circulation

A. **Location of Parking Lots.**

1. New or expanded parking lots on the interior of the premises shall be located to the rear or side of the buildings, accessed by means of common driveways, which shall be accessed from side streets or lanes unless:

   a. The frontage of the parcel proposed for development is wider than 300 feet and the access management standards of **Division 11.400, Access Management and Circulation** are met; or

   b. Side street or lane access is not possible.

2. Parking lots shall be connected with parking lots on adjacent properties where possible.

3. No new parking lot shall be created, nor any existing parking lot expanded, in front of a building unless it is demonstrated that the location would be acceptable for either of the following reasons:

   a. Front yard parking is required to maintain the continuity of building setbacks in the block, while making efficient use of the site, or

   b. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.

4. Cross-access easements for adjacent lots with connected parking lots are required. Common, shared parking facilities are encouraged. Required parking may be accommodated off-site in common, shared parking facilities.

B. **Design of Parking Lots.**

1. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements.

2. The parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided; where necessary and appropriate; shall be distinguished by textured paving; and shall be integrated into the pedestrian network system. Pavement textures shall be required on pedestrian access ways, and are strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.



Exhibit "E"
Page E-000259

3. Surface parking lots shall be screened from the street as provided in **Article 10, Landscaping.**

C. **Reduced Parking and Loading Requirements.**

1. The required number of loading spaces may be reduced or eliminated if warranted by the frequency and time of deliveries in relation to periods of heavy demand on the abutting street; the size and nature of vehicles accommodated by the required loading spaces; the character of the area within 300 feet; and the likely functional impact upon adjoining streets or alleys.

D. **Parking Setbacks.** The following setbacks apply to parking lots and vehicular use areas. Setbacks are measured from the face of the curb of the parking or vehicular use area to the property line or the curb line of the adjacent street, as indicated:

1. Parking areas:
   a. Primary street setback: 25 feet from the curb line of the primary street.
   b. Other street setback: 15 feet from the curb line of the street.
   c. Rear and side setback: 10 feet from the property line.
2. Vehicular use areas: 15 feet from the curb line of adjacent streets.
3. No setback is required for shared parking facilities and vehicular use areas at points of cross-access.

E. **Driveways.**

1. Each driveway shall be located and designed in a manner that provides for the safety of motorists and pedestrians.
2. A driveway serving a parking lot shall be designed so that vehicles entering or leaving parking lot will be traveling in a forward motion.
3. A driveway serving a residential parking area containing one to eight parking spaces shall have a minimum width of 12 feet.
4. All other driveways shall have a minimum width of twenty-two 22 feet.

F. **Parking Space Striping and Marking.**

1. White parking space striping is required, and shall be maintained in good condition. Each parking space and aisle shall be clearly designated and marked to assure approved utilization of the space, direction of traffic flow and general safety.
2. When a parking space is designated for handicapped or small car use, it shall be clearly marked. Markings shall be installed prior to occupancy of a building or property.

G. **Surface.**

1. The surface of any parking or loading space, parking lot, aisle or driveway shall be designed to control storm water runoff and be improved with Portland cement, asphaltic concrete or hard surface other than gravel or loose fill.
2. Drainage shall conform to the standards promulgated by the City Engineer.
3. This subsection is intended to apply to any parking, loading, or maneuvering area, regardless of whether or not such area is required.

H. **Landscaping.** Parking lots shall be landscaped with:

1. One large tree per five spaces or fraction thereof; and
2. Two shrubs per five parking spaces or fraction thereof.

I. **Parking Garages.**

1. Parking garages shall not exceed 50 feet in height.
2. Garage door openings shall be no more than 30 feet wide.



Exhibit "E"
Page E-000260

3. Ventilation grills that are more than four square feet in area shall not be visible from any public street.
4. Retail or office uses are encouraged at the street level of parking garages. All architectural design elements of this Division apply to the first floor of the parking garage if retail or office uses are included.
5. Garages shall have architectural finishes that include brick, stone, and /or architectural precast. The finish shall be a minimum of 25 percent brick.
6. Architectural screening (metal, aluminum, trellis/mesh like structure) is required on all openings that face public right of ways. However, planters shall not be installed in openings.
7. Garage exterior walls shall be a minimum of 42 inches in height above each parking deck to screen views of parked cars.

J. **Drive-Through Facilities.** Stacking spaces shall be provided for drive through facilities as set out in **Section 9.303, Vehicle Stacking Requirements.**

## Sec. 11.408 Stormwater Management

A. **Purpose.** The purpose of this section is to provide standards for the management of runoff from the redevelopment sites within the Eastgate Overlay District. The standards are supplemental to, and supplemented by, the City's existing drainage requirements, and do not stand alone. In the event of conflicting standards, the City Engineer shall determine the standard to be met.

B. **Applicability.** The standards of this Section apply within the Eastgate Overlay District, except that sites located north of Lincolnway and west of Roosevelt Road shall meet the requirements of the drainage standards of the UDO, and shall not be eligible to apply the standards set out in this Section.

C. **Exemptions.** Exemptions or waivers from this Section and its standards rest fully with the City of Valparaiso and may be granted by the City Engineer when, in his professional judgment, the Section or the standards do not, or should not apply, or are not warranted or practical because the proposed development will not exacerbate downstream drainage or flooding conditions.

D. **Management of Off-Site Runoff.** Existing runoff from upstream tributary areas may be bypassed around the redevelopment site under the following conditions:
   1. If the existing off-site runoff flows through the redevelopment site with no attenuation, it may be allowed to continue.
   2. If the existing off-site runoff is attenuated in any manner on the redevelopment site, that attenuation shall continue on the redevelopment site to the same degree as the pre-redevelopment condition.

E. **Redevelopment Site Drainage Requirements.**
   1. Except as provided herein, sites shall detain the runoff from the redeveloped site. The storage volume shall be that required for the runoff from a one-percent storm event, less that volume discharged by the allowable discharge rate.
      a. For calculating the allowable discharge rate, a runoff coefficient value C of 0.57 shall be used with the Rational formula, and a curve number CN of 78 when using TR 55.
      b. For calculating the allowable discharge rate the time of concentration shall be determined using the existing site slopes, and as if the upstream half of the travel path were through a good condition grass surface with C = 20 or CN = 61, and the lower half of the travel path paved with C = 0.95 or CN = 98.
   2. Detention storage may be provided, in whole or in part, by using conventional basins, surface parking lot depressions, underground vaults, pervious pavements or other approved means. Appropriate credits will be given for the use of "green roof technology" to detain runoff and/or reduce impervious area.
   3. Sites less than two acres that are immediately adjacent to Knode Creek may discharge runoff directly to the Creek without detention, except that for those sites, the requirements of paragraph E.5., below are required and are not discretionary. The discharge shall be accomplished in a manner that will not cause erosion.



Exhibit "E"
Page E-000261

4. Under no circumstances shall impervious surfaces greater than 5000 square feet in area drain directly to a City or State maintained right-of-way.
5. In addition to, or as a part of, the requirements above, developers are encouraged components in their storm water management system:
    a. For purposes of this District, runoff from roofs is considered "clean," and is not subject to water quality requirements.
    b. Runoff from parking lots and drives should be treated before being discharged by using, as a minimum, catch basin/inlets with traps on the outlet pipes and sumps in the bottom, flat sloped vegetated swales, or other approved methods.
    c. Credit will be given towards both detention and water quality requirements when bio-retention systems are used on a site. Site developers are encouraged to incorporate bio-retention systems with the site landscaping.

## Sec. 11.409 Lighting

A. **Generally.** Parking lot lighting shall be in accordance with the standards of this Section.

B. **Height.** Light fixtures shall not exceed the following heights above grade:
    1. Lots that are two acres or less: 20 feet.
    2. Lots that are more than two acres: 28 feet.
    3. Light fixtures that are located within 25 feet of a residential district, regardless of lot size: 14 feet.

C. **Design.** Light standards in parking lots shall be black or dark bronze.

D. **Location.** In parking lots, lights shall be placed in landscaped parking lot islands or on a raised concrete base to protect both lights and vehicles from possible damage.

E. **Canopy Lighting.** Gasoline service station canopy lighting shall be recessed within a canopy and use an opaque shield around the sides of the lights.

F. **Illumination.**
    1. The maximum illumination of any vertical surface or angular roof surface shall not exceed four foot-candles.
    2. The minimum (average) illumination at ground level shall be one foot candle.
    3. The average horizontal illumination level on the ground shall not exceed two foot-candles.
    4. The light level along a property line adjacent to a residentially-zoned or used property shall not exceed an average intensity of one-half foot-candle.
    5. Strobe, colored or flashing lights are prohibited.
    6. Lamps and lenses shall be recessed into or flush with the light head enclosure

G. **Lighting Arrangement.**
    1. Exterior building illumination shall be from concealed sources.
    2. Lighting fixtures shall not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring property, streets, or the night sky.
    3. Security lighting shall be from full cut-off fixtures, shielded and aimed so that illumination is directed to the designated areas with the lowest possible illumination level to effectively allow surveillance.
    4. Exterior lighting shall be designed, located, constructed, and maintained to minimize light trespass and spill over off the subject property. To achieve this objective, the following are mandatory site lighting requirements:

a. Area lighting fixtures shall direct light downward (i.e., full cut-off fixtures).

b. Exterior building light fixtures shall not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring property, streets, or the night sky.

5. Landscape up-lighting and build up lighting are permitted, provided that they do not generate excessive light levels.

6. High pressure sodium fixtures are prohibited in parking lots. High pressure sodium accent lighting on building facades is also prohibited.

H. **Exemption.** Holiday light displays are not subject to the standards of this Section.

## Sec. 11.410 Signs

A. **Prohibited Signs.** The following signs or similar devices are prohibited:

1. Off-premise signs;
2. Trailblazer signs;
3. Externally visible neon and neon look-alike signs;
4. Trailer signs;
5. Search lights;
6. Laser lights;
7. Pennants, streamers, and spinners;
8. Bench signs;
9. Roof signs;
10. Billboards;
11. Flashing signs;
12. Projected images and animated signs;
13. Signs with moving or moveable parts; and
14. Any look-alike version of any of these prohibited sign types.

B. **Signs that Must be Screened.** Signs on vending machines, trash bins, or other devices serving any premises shall be screened from view of any public right-of-way and adjoining private property.

C. **Use of Neon.** Neon may be used for internal illumination if totally enclosed and not externally visible.

D. **Permitted Attached Signs.** The following attached sign types are permitted:

1. Wall or Projecting Identification Signs: Each business on the premises is permitted one sign per frontage:
   a. One identification sign; or
   b. One blade sign.
2. Canopy Signs: Each business on the premises is permitted two non-illuminated canopy signs.

E. **Attached Sign Design Standards.**

1. Maximum Sign Area:
   a. The maximum aggregate permissible sign area shall be computed as:
      i. One square foot per lineal foot of building width or tenant space width (for buildings with multiple tenants) along the wall which faces the public right-of-way on which the business has its main address; plus
      ii. One-half square foot of sign area for each foot in excess of 200 feet that the building is set back



Exhibit "E"
Page E-000263

from the public right-of-way; but

iii. Not to exceed a total of two feet per lineal foot of building width or tenant space width.

b. The maximum area of a single blade sign is 16 square feet.

c. The maximum area of a canopy sign is three square feet.

d. The maximum permitted sign area shall be limited to an aggregate of 70 square feet.

2. Maximum Sign Height: One foot below the eaves of the building.

3. Illumination:

a. Signs may be illuminated but shall not flash, blink, fluctuate, be animated or change physical position by movement or rotation.

b. Back-lighting of awnings is prohibited.

F. **Detached Sign Design Standards.**

1. Maximum Number of Signs:

a. Generally, one ground mounted sign is permitted per property per frontage.

b. A maximum of two ground mounted signs are permitted when the fronting streets do not intersect.

c. If two frontages face intersecting streets, the placement of the second sign shall be a minimum distance of 350 feet from the first sign, measured along the street edges.

2. Maximum Sign Area:

a. No detached sign shall have a sign face with an area greater than one square foot per lineal foot of building frontage, up to a maximum of 24 square feet per sign face for single tenant buildings, and a maximum of 32 square feet per sign face for multiple tenant buildings.

b. A changeable copy message area or menu board designed as an integral part of the sign may be utilized, but shall be limited to 50 percent of the total permitted sign face area.

c. Signs shall not have more than two sign faces.

3. Maximum Sign Height: Six feet.

4. Setbacks: 15 feet from the back of curb, and one foot from all pedestrian walkways and sidewalks.

5. Illumination: Signs may be illuminated, but shall not flash, blink, fluctuate, be animated or change physical position by movement or rotation. Exterior illuminated signs shall be lit from a concealed source.

6. Landscaping: The area within three feet of the foundation of the sign shall be landscaped with ornamental groundcovers or shrubs.

## Sec. 11.411 Landscaping and Screening

A. **Purpose.** The intent of the requirements set out in this Section is to provide adequate screening of parking lots, to create a defined "edge" along streets within the Eastgate Overlay District boundaries, and to provide interior parking lot landscaping.

B. **Landscaping Requirements.** Tree plantings, landscaping, and screening are required along street frontages and in the interior of parking lots; the following standards are required:

C. **Tree Size and Quality.** Species shall be installed and maintained as follows:

1. Deciduous trees shall be a minimum of 2.5 inches in caliper at installation, measured four feet from the top of the soil level.

2. Ornamental trees shall be a minimum of 1.5 inches in caliper at installation, measured four feet from the top of the soil level.

3. Hedges and shrubs may be deciduous or evergreen but shall be a minimum of 24 inches in height and

width at installation, with an expected height of 36 inches within three years when used as screening.

D. **Location and Extent of Landscaping.** Tree canopies within walkways or sight lines shall be installed such that they provide at least six feet of clearance over pedestrian walkways or parking facilities.

E. **Parking Lot Landscaping.** The requirements of this subdivision supersede the requirements set out in **Section 10.304, Parking Lot Landscaping:**

1. Five percent of all parking lot interiors shall be landscaped. Parking lot interior is defined from the face of curb or perimeter of pavement inward.

2. Landscaped islands shall be installed within the interior of a parking lot in accordance with the following standards:

   a. One tree shall be provided for each 10 parking spaces.

   b. One landscape island is required for every 20 parking spaces. Each island shall include one shade tree.

   c. If a lot, due to its size and configuration, cannot meet this standard, two landscape peninsulas may be substituted for one landscape island.

   d. All landscaped islands shall have a minimum width of eight feet.

   e. Landscaped islands do not have to be uniformly spaced, but shall be contained within and dispersed throughout the interior of a parking lot.

   f. Landscaped islands that define a main entranceway and separate parking areas can count towards the required five percent interior landscaping.

3. All off-street parking shall be screened by a continuous row of shrubs, or masonry wall, between three and four feet high. Shrubs shall achieve an overall opacity of 75 percent when in leaf within three years of being planted. Such row of shrubs shall not exceed 200 linear feet without incorporating one or more of the following changes in treatment:

   a. A different species of shrub;

   b. A masonry pier with a minimum height of four feet.

   c. An access drive, which is compliant with all applicable standards of this UDO.

   d. A four-foot high solid masonry or stone wall; or

   e. A 4-foot high (black in color) decorative metal tube or solid metal bar fence, located at the street right-of way line (property line), with or without masonry pier supports.

4. Shade trees shall not be planted within 15 feet of parking lot light fixtures. All parking areas facing a primary street shall consist of:

   a. A minimum three foot wide landscape area;

   b. A metal (black in color), four-foot tall picket fence and continuous evergreen shrub row consistent with the standards set out in paragraph E.3., above.

   c. One deciduous shade tree per 30 feet of frontage.

F. **Maintenance.** All plants and landscaped areas shall be maintained in a neat and healthy condition. All dead plant material shall be replaced shall be planted no later than the next planting season; and shall meet the size requirements herein.

G. **Motor Vehicle Sales, Rental, and Service Uses.**

1. Motor vehicle sales, rental, and service uses are not required to plant trees, or otherwise screen view of areas used solely for new and used automobile display and inventory areas. However, they shall maintain perennial plantings or a minimum 24 inch high continuous hedge or shrub on every perimeter that faces or abuts a public street.



Exhibit "E"
Page E-000265

2. Employee and customer parking shall be landscaped, planted and screened to the standards of the subsection E., above. Areas used for the storage of cars awaiting repair shall be screened to the standards of subsection E., above, if they abut a public street.
3. Building foundation plantings shall be incorporated along the portions of the building fronting public right of ways.
4. All display, inventory, parking, and storage areas shall be clearly delineated on a site plan.

## Division 11.500 Nonresidential Design Standards

### Sec. 11.501 Purpose and Applicability

A. **Purpose.** The purpose of this Division is to provide regulations for the development of large retail stores and centers and nonresidential buildings that are consistent with community expectations with respect to the character of development. The City has experienced an increase in the development of large retail stores and centers, especially on its east side. It is anticipated that this trend will continue. As such, this Division provides standards for future development, redevelopment, and substantial improvements, so that large retail and nonresidential development has a visually appealing quality and character. This Division provides reasonable design standards that address the health, safety and welfare of the City's citizens, while balancing the legitimate development and commercial needs of property owners. The standards set forth in this Division entail some basic design standards, architectural variety requirements, scale regulations, pedestrian and bike access provisions, and standards for the mitigation of negative impacts.

B. **Applicability.** This Division applies to:

1. All retail establishments, restaurants, or shopping centers.
2. All other nonresidential buildings within signature overlay corridors.

### Sec. 11.502 Building Dimensions

A. **Maximum Horizontal Dimension.** No building wall shall have an uninterrupted horizontal dimension of more than 80 feet for buildings with footprints 15,000 square feet, and larger and no more than 40 percent of facade length for buildings with footprints smaller than 15,000 square feet in area.

B. **Required Offsets.**

1. Building walls with a horizontal dimension of more than 80 feet shall have projections or recesses of at least six feet, and at least two feet for buildings with horizontal dimension of less than 80 feet, measured perpendicular to the vertical plane of the wall. These projections or recesses shall be spaced not more than 80 feet apart. Projections or recesses shall have a horizontal dimension parallel to the building wall from which the offset is measured of at least the lesser of:

    a. 20 feet; or

    b. 20 percent of the building facade. *See* **Figure 11.502, Required Offsets.**

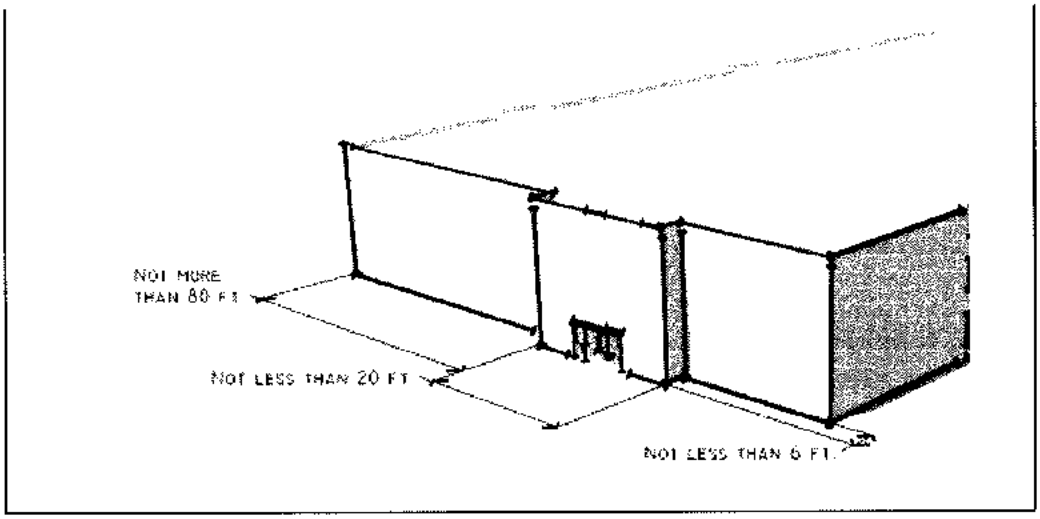
2. Entryways to bays that are larger than 30,000 square feet shall project not less than six feet from the facade. This shall be represented by a change in the wall of the building and not only in a covered entry.



**Required Offsets**



Exhibit "E"
Page E-000266



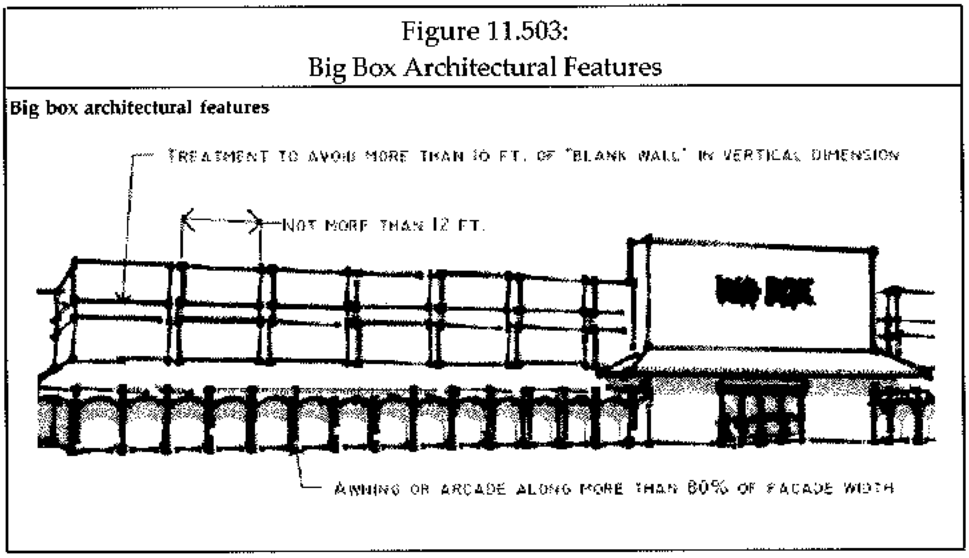

## Sec. 11.503 Architectural Features

A. **Primary Facades.** Along primary facades of nonresidential buildings, except industrial buildings:

1. Architectural features that animate the facade shall be provided along its entire length, spaced at intervals of not more than 12 feet in horizontal distance. These features shall include sconce lighting, display windows, entry areas, towers, pilasters, columns, horizontal and vertical offsets, and other elements that create a pattern of light and shadow on the building wall.

2. Awnings, arcades, or overhangs that project at least six feet shall be provided along not less than 80 percent of the facade for buildings with footprints of 15,000 square feet and larger, and shall connect to all building entrances along the facade. See **Figure 11.503, Big Box Architectural Features.**

Figure 11.503:
Big Box Architectural Features




B. **Other Facades Facing Streets and Public Parking Areas.** Along secondary facades of nonresidential buildings (facades that face streets or public parking areas, but are not primary facades), except industrial buildings:

1. Architectural features that animate the facade shall be provided along the 40 percent of the facade that is closest to the corner with a primary facade. These features shall be spaced at intervals of not more than 12 feet in horizontal distance. They shall include sconce lighting, display windows, entry areas, towers, pilasters, columns, horizontal and vertical offsets, and other elements that create a pattern of light and



Exhibit "E"
Page E-000267

shadow on the building wall.

2. Awnings, arcades, or overhangs that project at least six feet shall be provided along not less than 40 percent of the facade, and shall connect to awnings, arcades or overhangs on the primary facade.

C. **Blank Walls.** All exterior building elevations that face public streets, customer parking areas, or areas of residential use shall be designed so that there are no areas of blank wall that are more than 16 feet in horizontal or vertical direction. This requirement can be met by employing the use of any architectural feature required by subsection A or B, above, or by material and color variations, decorative cornices, murals, score lines, and graphics.

## Sec. 11.504 Building Entries

A. **Demarcation.** Public entrances shall be clearly identified by the building architecture.

B. **Frontage.** Principal public entrances shall be located within the primary building frontage. If there are two primary building frontages, one entrance may located not more than 15 feet from the corner of the two frontages.

C. **Upper-Level Access.** No principal entrance shall be located on an upper-level balcony.

## Sec. 11.505 Building Architecture

In all areas of the City, logo buildings and logo building elements are prohibited.

## Sec. 11.506 Transparency

A. **Required Transparency Along Street Frontages.** Along street frontages, buildings shall provide transparency between a height of three feet and eight feet above finished grade in the proportions set out in **Table 11.506, Required Transparency.**

**Table 11.506: Required Transparency**

| Use of Building | Required Transparency Along Primary Facade | Required Transparency Along Other Street Frontages | Tint |
|---|---|---|---|
| Retail Bays/Buildings Less than 25,000 Square Feet | 60% | 30% | Not Allowed |
| Mixed Use Buildings | 60% | 40% | Not Allowed |
| Office Buildings | 40% | 30% | Not Reflective |

B. **Window Design.** On nonresidential buildings that are not industrial buildings:

1. Windows shall be recessed at least two inches, and shall include obvious sills, heads, and other forms of framing.
2. Windows shall be transparent, and shall allow views into the building at a depth of not less than four feet.
3. The ratio of width to height of upper-story windows shall be not more than 1:2.

## Sec. 11.507 Building Materials

A. **Generally.** Building materials shall convey an appearance of quality and durability.

B. **Permitted Materials.** Building exteriors shall be constructed from proven, high quality, durable materials, including:

1. Brick
2. Limestone
3. Other native stone



Exhibit "E"
Page E-000268

4. Textured colored aggregate concrete masonry units
5. Building integrated photovoltaics

C. **Limited Materials.** The following materials are permitted only as provided herein:

1. Stucco and EIFS are permitted as follows:
   a. On walls of industrial buildings that are set back at least 30 feet from the public right-of-way, provided that EIFS occupies not more than 60 percent of the primary facade and the other 40 percent of the primary facade is a combination of windows and a material permitted by subsection B., above.
   b. On facades of nonresidential buildings, except industrial buildings, that are visible from, and set back less than 30 feet from, a public right-of-way (except alleys), as an accent material only. If used, stucco and EIFS shall be detailed to look like traditional wall cornices, soffits, window trim, and similar features. EIFS may be installed only above the floor level of the second story, or no less than 12 feet above the grade for one story buildings, and shall not exceed 30 percent of the facade. EIFS shall not be installed in any pedestrian contact areas.
   c. On facades that are not visible from public rights-of-way (except alleys), EIFS may be used as a primary material as follows:
      i. In all cases where EIFS is installed in pedestrian or vehicular contact areas, a 20-lb. or greater strength reinforcing mesh shall be installed to a height of no less than 12 feet above the predominant grade.
      ii. If the abutting property that shares the rear lot line of the parcel or lot proposed for development is residential, or if the lot is a through lot, then a class C bufferyard shall be installed along the lot line.
      iii. If the abutting property that shares the rear lot line of the parcel or lot proposed for development is nonresidential, then either:
         a. A class B bufferyard shall be installed along the lot line; or
         b. The wall of the building that is finished with EIFS shall be set back from the lot line not less than 35 feet.
2. Building materials that are not listed in subsection B., above, may be used as predominant materials if it is demonstrated that:
   a. They have comparable durability, impact resistance, and quality as the materials listed in subsection B., above; and
   b. They are part of a building that is designed to achieve a Leadership in Energy and Environmental Design ("LEED") certification, and the materials qualify for LEED points under both the Energy and Atmosphere criteria and the Materials and Resources criteria.

D. **Prohibited Materials.** The use of the following as predominant exterior building materials shall be prohibited:

1. Pre-fabricated metal siding, except on industrial buildings on walls that do not face rights-of-way.
2. Smooth-faced concrete block, except on industrial buildings on walls that do not face rights-of-way.
3. Vinyl, composite or metal siding
4. Wood or composite wood
5. Glass curtain walls

## Sec. 11.508 Roof Structure and Materials

A. **Roof Lines.** Roof lines of nonresidential buildings, except industrial buildings, shall be designed as follows:



Exhibit "E"
Page E-000269

1. Roof lines shall be designed to:
    a. Break up the apparent mass of the building;
    b. Highlight individual components of the building;
    c. Add visual interest to the building; and
    d. Form a cascade, wherein the highest points of the roof cover the area of the primary use or most significant floor area of the building.
2. All roofs shall include at least two of the following elements:
    a. Eaves that extend not less than three feet, nor greater than eight feet, from the supporting walls.
    b. Sloped roof planes that are dimensioned such that:
        i. The distance from eave to peak does not exceed the average height of the supporting walls; and
        ii. The average pitch is between 6:12 and 12:12.
    c. Multiple roof slope planes.
    d. Raised cornice parapets or towers above all primary building entrances or at highly visible building corners.
    e. A clock or bell tower, cupola, a colonade, or dormers.
3. Flat roof systems, except green roof systems, shall be concealed from all ground level views by a parapet wall, sloped roof system or other architectural element (e.g., a tower or variation in building height). All parapet walls shall include three-dimensional cornice treatments of not less than 12 inches in height, with no less than three reliefs.
4. Along any building facade that is greater than 80 feet in horizontal dimension, flat roof systems, if used, shall be designed to include substantial elements (*e.g.*, towers, peaked roof structures, or parapet wall treatments) that:
    a. Vary the apparent building height by at least three feet per 150 feet or portion thereof of horizontal building dimension.
    b. Are separated by no more than the lesser of:
        i. 80 feet; or
        ii. 40 percent of the width of the building facade.
    c. Are not of equal height, and have a difference in height that is perceptible from street-level views.

B. **Mechanical Equipment.** Rooftop mechanical equipment (e.g., HVAC systems) mounted on a flat roof shall be screened with materials and colors that surround the equipment, and that are consistent with the design of the building. In addition, mechanical equipment shall be screened from all ground level views from adjacent property and rights-of-way by:
    1. Parapet walls, designed so that:
        a. Their average height does not exceed 15 percent of the height of the supporting wall; and
        b. Their maximum height does not exceed 33 percent of the height of the supporting wall;
    2. Hedges installed on a green roof system, provided that the mechanical equipment is set back at least 25 feet from all exterior building walls; or
    3. Sloped roof systems or other architectural elements that conceal the flat roof area where the equipment is mounted.

C. **Materials for Sloped Roof Systems.** Sloped roofs shall be composed of traditional materials, natural or simulated, such as slate, wood shakes, concrete tile, dimensional shingles, metal (including copper) standing seam, or metal



Exhibit "E"
Page E-000270

(including copper) shingles.

D. **Green Roof Systems.** "Green roof" systems may be used as part of a site's stormwater management system.

## Sec. 11.509 Colors

A. **Predominant Colors.** Predominant colors are those colors that are used principally on building walls.

1. Building colors shall be low reflectance, subtle, neutral, or earth tone colors.
2. High intensity colors, metallic colors, black, and fluorescent colors are prohibited.

B. **Accent Colors.** Accent colors are those colors that are used on architectural features and fascia.

1. Accent colors shall not be applied to more than 20 percent of the building facade, including the visible area of the roof.
2. Building trim and accent areas may feature brighter colors, including primary colors. However, brilliant complimentary colors shall not be placed next to each other. *See* **Figure 11.509, Mixed Brilliant Complimentary Colors.**
3. Neon tubing, on a facade or behind exterior glass, shall not be used as an accent for building trim or other accent areas.

**Figure 11.509:**
**Mixed Brilliant Complimentary Colors**

Mixed brilliant complimentary colors



## Sec. 11.510 Big Box Abandonment Prevention

A. **Generally.** As seen across the nation as well as in the Valparaiso community, large retail establishments can become vacant, which often results in the building(s) deteriorating, becoming unattractive, and ultimately discouraging future investment, reinvestment, and growth in the surrounding area. This phenomenon is not only accompanied by aesthetic concerns due their always prominent locations, but may have additional negative secondary effects and perceptions as well. Part of the reason for these occurrences is the disposable nature of the construction of large retail buildings. Nationally, the life expectancy of these stand-alone buildings and larger centers is decreasing with time. As a result of this national trend, it is in the best interest of the City to safeguard against the opportunity for these sites to become a concern when they are vacated.

B. **Standards for Prevention of Abandonment.** A vacant, yet buildable site, or one in which the owner is required to actively and aggressively market such for reuse or redevelopment, is better for Valparaiso for many reasons, and the standards below seek to preserve and protect the interests of Valparaiso. The following standards serve to limit the situations described in subsection A:

1. In the event that a large retail establishment becomes vacant, the owner of such property shall meet with the City and file a plan of action for re-use of such facility. This plan of action shall address:
   a. The maintenance of the existing facility; and
   b. Re-use of the property by the existing owner or the active remarketing of such facility.



Exhibit "E"
Page E-000271

2. The plan may include proposals for the adaptive reuse or redevelopment of the site.
3. Any reuse plan shall include a requirement that the owner file monthly reports with the City that detail:
    a. Listing agents currently under contract, including agency name, primary contact person and all contact information.
    b. The length of term of the listing.
    c. Special events related to marketing the property, such as open houses, facility tours, etc.
    d. Inquiries regarding the property since the prior report, including the name, company name, address and phone number of the prospect.
    e. Maintenance activities to prevent blight and decay.
    f. Improvement activities related to the reuse of the property.
4. This plan will become a binding contract with the City.
5. Failure to file the plan required by this Section within 60 days of closing of the facility is a violation of this UDO. At such time, the City will provide notice of its intent to condemn and demolish such property, the cost of which will be the responsibility of the current owner.

C. **Determination of Abandonment; Notice to Owner.**
1. The City may determine that the property is abandoned in the event that:
    a. The monthly reports required by subsection B., above, are not filed with the City; or
    b. The City determines that the information in a filed report is fraudulent.
2. If the City determines that the property is abandoned, the City will provide notice of the determination to all property owners of record. The notice shall provide for a 30 day grace period during which the property owner can file or correct a monthly report and return the property to active listing status.

D. **Condemnation.** If at the end of the 30 day grace period set out in the notice, the required report has not been filed or corrected or the property has not been returned to active listing status, the City may opt to condemn the property, and if such option is exercised, shall notify the property owner of its intent to begin condemnation proceedings on the property.

E. **Demolition.** As an alternative to the condemnation, the City may seek a mandatory injunction to demolish the building, the cost of which shall be borne by the property owner.

## Division 11.600 Downtown Design Standards

### Sec. 11.601 Building Articulation and Architectural Features

A. **Generally.** All new building facades that are visible from a public street, public park, or open space shall be articulated as follows:
1. Upper stories shall be stepped back. Buildings that are four stories in height or taller must step back upper stories by at least 10 feet, beginning at the fourth floor. Stepbacks at the second or third floor that result in the fourth floor being stepped back at least 10 feet from the first floor facade may be used to satisfy this requirement.
2. Horizontal building modulation shall be provided. The maximum width of building facades (measured horizontally along the building exterior) without building modulation shall be a multiple of 22 feet.
3. All buildings shall incorporate elements that divide façade planes and create a visual play of light and shadow. Long, uninterrupted horizontal elements are prohibited. Building articulation shall be accomplished with design elements such as the following, so long as the articulation interval does not exceed 66-feet:
    a. Repeating distinctive window patterns at intervals less than the articulation interval.

b. A porch, patio, deck, or covered entry.

c. A balcony or bay window.

d. A change in the roofline by alternating parapet heights.

e. A change in building materials that corresponds to a change in building plane.

f. Lighting fixtures, trellises, trees, or other landscape features.

4. Rooflines shall be modulated. Roofs shall relate to the building façade articulations. For flat roofs or facades with a horizontal eave, fascia, or parapet, the roofline shall be changed so that no un-modulated segment of roof exceeds 44 feet in horizontal dimension. The minimum vertical dimension of the roofline modulation shall be the greater of two feet or 0.1 multiplied by the wall height (measured from finish grade to the top of the wall).

5. Vertical articulation shall be provided. To moderate the vertical scale of buildings, the design shall include techniques to clearly define the building's top, middle and bottom. The following techniques are suggested methods of achieving vertical articulation:

a. At the top of the building, strong eave lines, cornice treatments, and horizontal architectural detailing may be used. This treatment shall return into alleyways a minimum of 20 linear feet, and shall be provided for the full length of any facades clearly visible to the public.

b. At middle elevations of the building, windows with thoughtful solid-to-void ratios that exhibit window patterns of adjacent traditional buildings, balconies, material changes, railings and similar treatments that unify the building design may be used.

c. At the bottom elevation of the building, pedestrian-oriented storefronts, large windows, pedestrian scale building detail, kick plates below windows, sign band awnings, and arcades may be used.

d. Where appropriate, the applicant should coordinate the horizontal elements (e.g., cornices, window lines, arcades, etc.) in a pattern and height to reflect similar elements on neighboring buildings that exhibit the City's desired scale and character for the area.

6. The Planning Director may allow other methods that provide architecturally scaled elements not specifically listed in this Section if the applicant demonstrates that they will have comparable visual effect.

B. **Ground Floor Level.** At the ground floor level, buildings shall have:

1. One or more storefronts with recessed entrances.

2. A horizontal sign band.

3. Seasonal planters/landscaping.

C. **Corner Frontages.** Within 15 feet of a property line at the intersection of streets, new buildings shall incorporate the following design elements or treatments to the building corner facing the intersection:

1. A corner entrance to a store, courtyard, building lobby, atrium, pedestrian pathway, or pedestrian-oriented space.

2. A corner architectural element such as:

a. Bay window or turret.

b. Roof deck or balconies on upper stories.

c. Building core stepback "notch" or curved façade surfaces.

d. Special treatment of pedestrian weather protection awning at the corner of the building.

e. Other similar treatment or element that the Planning Director determines highlights the corner with comparable visual effect.

D. **Blank Walls.**

1. Blank walls shall not be visible from a street, public park or open space.



Exhibit "E"
Page E-000273

2. If a property is redeveloped including improvement totaling more than 50 percent of the assessed value of the property, existing blank walls within 50 feet of and visible from a street, public park or open space, or adjacent lot, shall be treated in one or more of the following ways:
    a. A vertical trellis in front of at least 50 percent of the wall's horizontal length, with climbing vines or plant materials installed at its base.
    b. A landscaped planting bed at least eight feet wide, or raised planter bed at least two feet high and three feet wide in front of the wall. Plant materials that will obscure or screen at least 50 percent of the wall's surface within three years shall be planted in the planting bed or raised planter. See **Figure 11.601, Blank Wall Landscaping Treatment.**



BLANK WALL LANDSCAPING TREATMENT

    c. Regular fenestration that is consistent with that of the front facade.
3. Treatment of blank walls is to be proportional to the front facade.

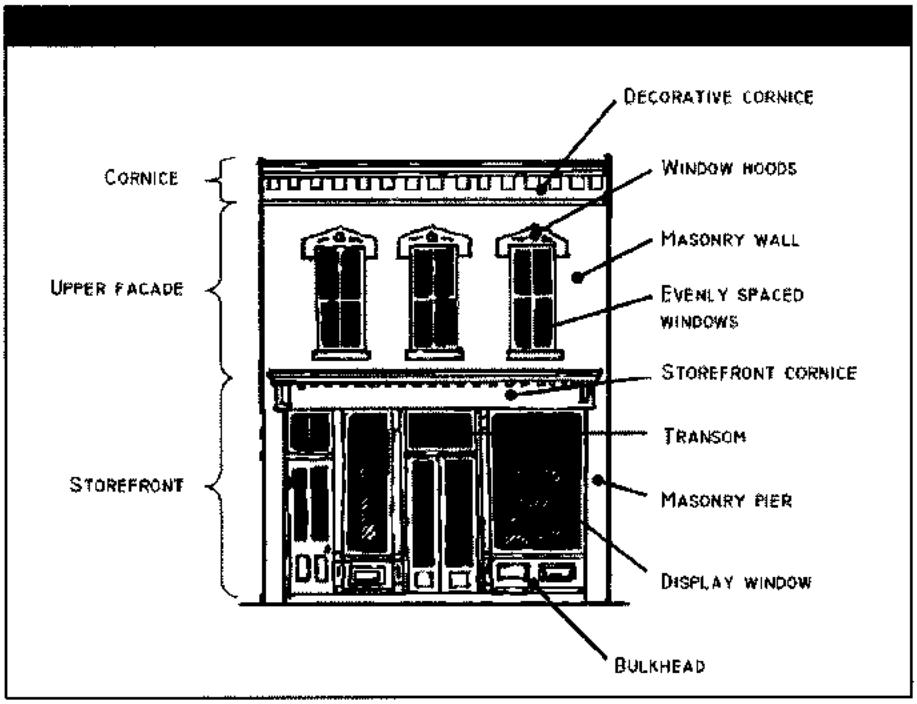
E. **Logo Buildings and Building Elements.**
1. Prototype design for franchises should use customized components that are consistent with the desired traditional main street character and that reinforce visual consistency with other adjacent buildings.
2. Logo buildings are prohibited.
3. Logo building elements are prohibited.

## Sec. 11.602 Building Architecture

A. **Generally.**
1. The general form of structures is to be simple, three-dimensional forms characteristic of the appearance and scale of early 1900's main streets that orient to and participate in the activities of the street. See **Figure 11.602.A., Historical Building Features.**



Exhibit "E"
Page E-000274




2. New designs shall draw upon the fundamental similarities among older buildings in the area without copying them. New projects shall be designed as products of their own time, yet shall be compatible with the historic context in terms of architecture, form, scale, materials, and finishes.
3. The literal imitation of older historic styles is not permitted.
4. Sloped-roof building forms facing the street are not permitted.

B. **Form.** Structures with multiple component forms are to be integrated for visual unity.

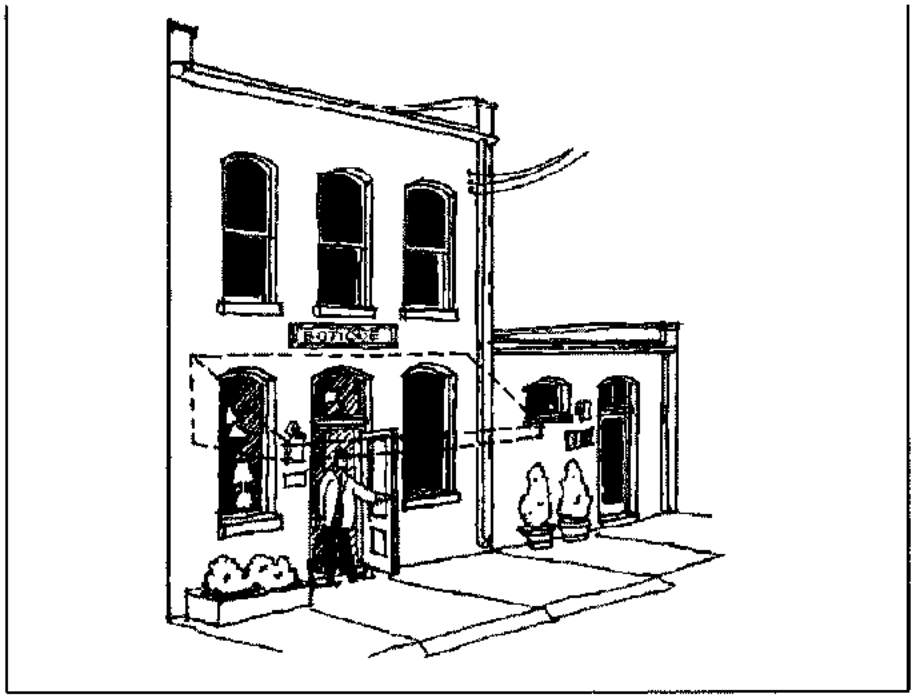
C. **Awnings.** Awnings shall be designed as follows:

1. Materials:
   a. Awnings shall be constructed of high-quality materials such as matte finish canvas or vinyl-coated canvas.
   b. Bubble, box, or shiny plastic awnings are prohibited.
   c. Architectural metal awnings may be permitted with approval of the Planning Director.
2. Design:





Exhibit "E"
Page E-000275



a. Awnings shall be designed to be simple, historically compatible design to typical early 1900s downtown Valparaiso buildings.

b. Awnings shall not be installed so as to obscure significant architectural details of a building. See **Figure 11.602.B., Placement of Awnings.**

c. Mansard awnings are prohibited.

d. Awnings shall not be installed so as to extend across more than one storefront, and shall not exceed the lesser width of:

   i. A single building or building module; or

   ii. 66 feet.

e. Solid color or two-color striped awnings are permitted. Corporate colors on awnings are permitted only if they are architecturally compatible with the building on which the awning is attached. Overly iridescent or fluorescent colors are prohibited.

3. Signage on awnings is limited to the vertical drip or flat face (perpendicular to the street or sidewalk) of an awning, and shall not be permitted on the sides or top slope of an awning.

4. Backlit or internally lit awnings shall be prohibited.

5. **Reveals.** Visually expose components that support and/or stabilize structures when compatible with design.

6. **Theme Architecture.** Excessively themed architecture shall not be used.

7. **Access.** Building access shall be adapted to site conditions for level, convenient, obvious entry.

8. **Required Design Features.** New buildings shall incorporate the following elements that are compatible with early 1900's main street buildings:

   a. Decorative rooflines, for example, an ornamental molding, entablature, frieze or other roofline device visible from the ground level. If the roofline decoration is in the form of a linear molding or board, then the molding or board must be at least eight inches wide.



Exhibit "E"
Page E-000276

b. Decorative treatment of windows and doors, for example, decorative molding/framing details around all ground floor windows and doors, decorative glazing, or door designs located on facades facing streets or public parks or open spaces.

9. **Light Fixtures.** Facade light fixtures, if used, shall be decorative, such as:

a. Gooseneck lamps with a metal shade and decorative mounting over awnings or sign panels; or

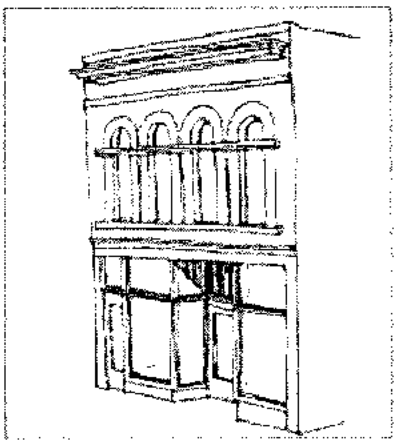
b. Decorative sconces with frosted lenses.

## Sec. 11.603 Building Entries

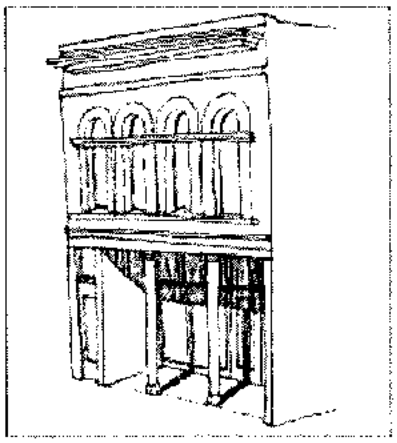
A. **Demarcation.** Primary public entrances shall be clearly defined with traditional architectural detailing, landscape features such as ornamental paving, tilework, planters and/or planting beds, or awnings.

B. **Form and Scale.** Building entrances shall have a form and scale that is comparable to those on existing historic buildings. See **Figure 11.603, Building Entries.**

Figure 11.603:
Building Entries



TYPICAL RECESSED ENTRYWAY



RECESSED STOREFRONT WITH COLUMNS AT SIDEWALK LINE

## Sec. 11.604 Building Materials and Finishes

A. **Generally.** Material finishes shall reflect the early 1900s main street vernacular for building materials for new building construction and buildings constructed before 1930. Generally, facades that reflect the heritage of the City shall be retained. However, facades of vintage buildings may be adapted to contemporary use with compatible materials.

B. **Permitted Materials.**

1. Building exteriors shall be constructed from proven, high quality, durable materials, including:

a. Masonry;

b. Brick;

c. Architectural pre-cast concrete to emulate coursed stone panels; and

d. Stone.

2. Concrete or concrete blocks (concrete masonry units or "cinder blocks") are permitted, provided that they are finished with one or more of the following:

a. Polished aggregate surfaces emulating stone;



Exhibit "E"
Page E-000277

b. Other masonry types such as brick or tile;

c. On facades not facing a public right-of-way, decorative coursing to break up blank wall areas;

d. Matching colored mortar (where color is an element of architectural treatment for any of the other listed finishing options).

C. **Other Materials.**

1. Exterior Insulation Finish Systems (EIFS) shall not be applied to more than 15 percent of any facade, and shall not be applied at a height below 12 feet, except as a sign band.

2. Other building materials may be used as predominant materials if it is demonstrated that:

a. They have comparable durability, impact resistance, and quality as the materials listed in subsection B;

b. They have comparable texture to the materials listed in subsection B;

c. They are compatible with the materials used on adjacent buildings; and

d. They are part of a building that is designed to achieve a Leadership in Energy and Environmental Design ("LEED") Gold or Platinum rating, and the materials qualify for LEED points under both the Energy and Atmosphere criteria and the Materials and Resources criteria

D. **Prohibited Materials.**

1. The following materials are prohibited:

a. Metal or wood siding;

b. Metal screening;

c. Fiberglass sheathing;

d. Crushed rock or crushed tumbled glass;

e. Plastic;

f. Vinyl or plywood siding; and

g. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).

2. Any building product that covers over historic facades.

## Sec. 11.605 Transparency and Fenestration

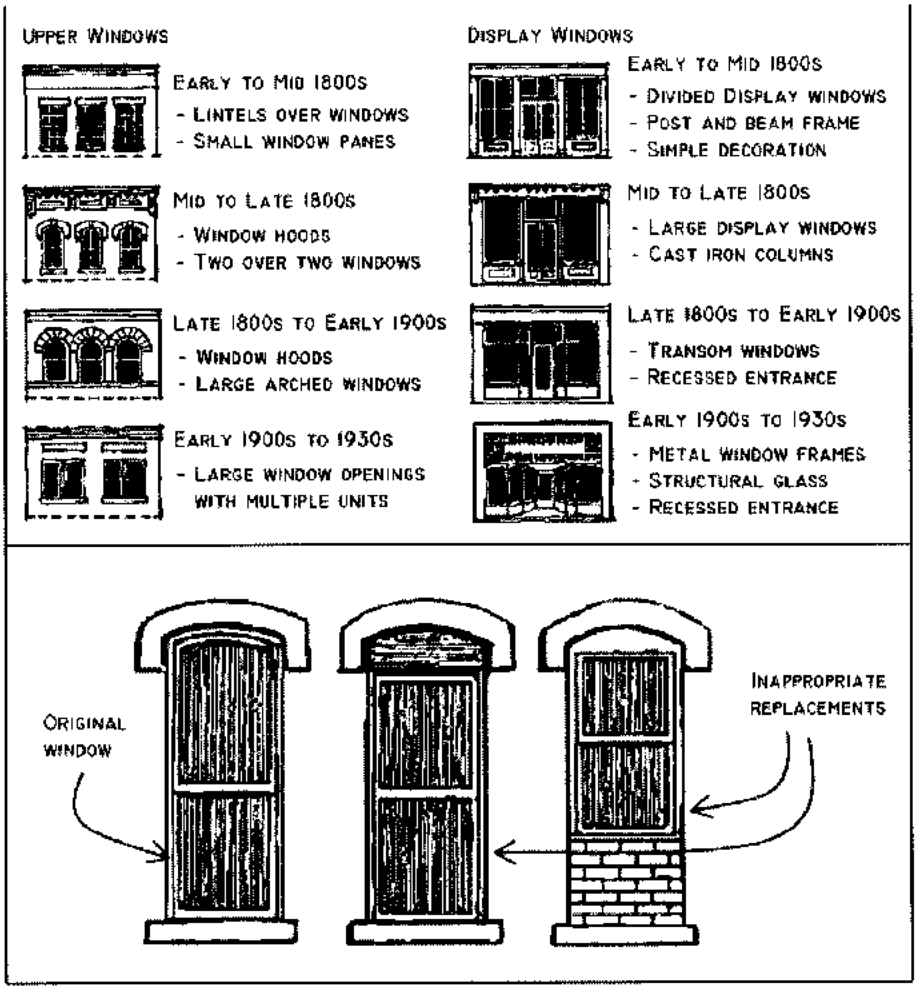
A. **Transparency.**

1. Within 20 feet of the edge of the sidewalk along a street, not less than 51 percent of the area between two feet and eight feet above ground level shall be transparent. Tinted and mirrored glass are not allowed.

2. Non-frontage (except rear) building walls shall provide between 15 percent and 60 percent transparency.

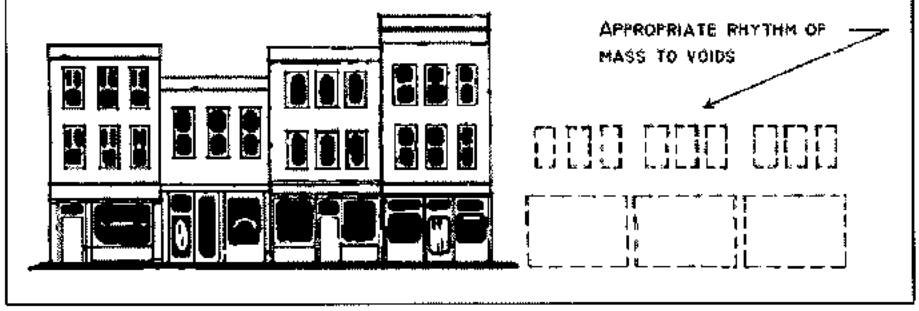
B. **Fenestration.** The arrangement, proportion and design of windows and doors (fenestration) shall conform to the following, compatible with early 1900's main street buildings (see **Figure 11.605.A., Historic Window Treatments**)

Figure 11.605.A.:
Historic Window Treatments




1. The height to width ratio of single openings and group openings shall be proportionately scaled to the wall and adjacent buildings. See **Figure 11.605.B., Fenestration.**

Figure 11.605.B.:
Fenestration




2. Door and window details and trim shall be suitably scaled to the wall and adjacent buildings.
3. Large expanses of glass used in windows and doors shall be reduced to smaller component windows reminiscent of traditional main street vernacular when adjacent to sidewalks or other pedestrian use areas.



Exhibit "E"
Page E-000279

4. The total area of windows along a façade facing a street shall be a minimum of 15 percent of the area of the façade.

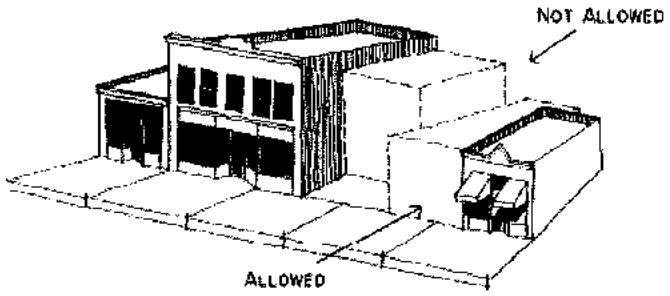
## Sec. 11.606 Contextual Design

A. **Generally.** Proposed development shall harmonize with adjacent properties as provided in this Section.

B. **Relationship to Adjacent Properties.**

1. Development shall relate to the following design features to create visual continuity between the proposed development and adjacent neighborhoods and the community:

Figure 11.606.A.:
Building Alignment




ALIGN THE BUILDING FRONT AT THE SIDEWALK EDGE

a. Site design features: building setbacks, placement of structures, location of pedestrian and vehicular facilities; and spacing from adjoining buildings (see **Figure 11.606.A., Building Alignment**).

b. Planting design features:

i. Composition of plant materials;

ii. Type and quantity of plant materials; and

iii. Street trees.

c. Building design features:

i. Scale;

ii. Massing and proportion (see **Figure 11.606.B., Massing and Proportion**);

iii. Spacing and location of windows, doorways and other features;

iv. Roof silhouette;

v. Facade proportions and orientation;

vi. Location of entries;

vii. Surface material, finish, color and texture of surrounding development; and

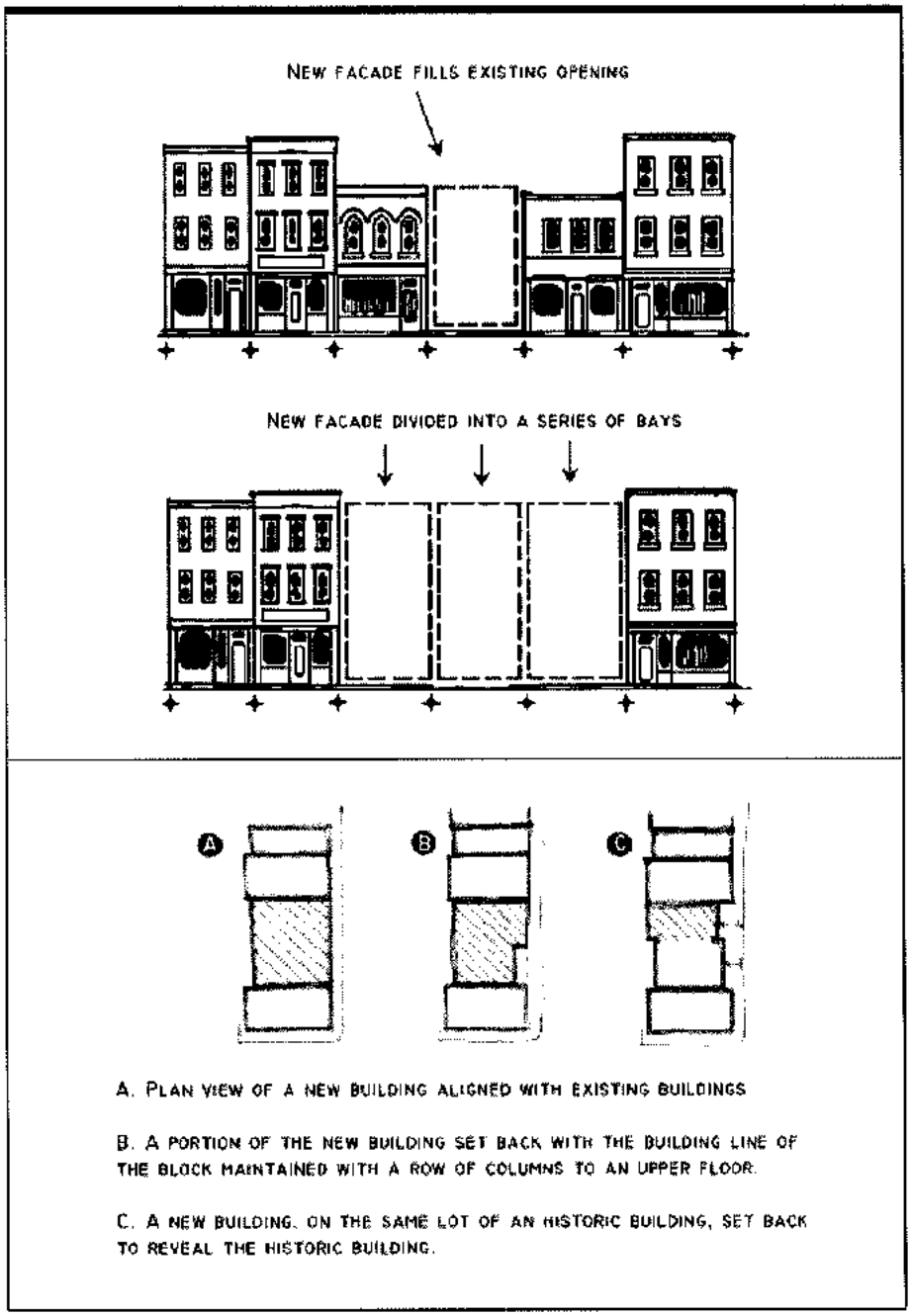
viii. Style of architecture.

2. In some areas, the existing context is not well defined, or may be a departure from the historic downtown development pattern. In such cases, new development and redevelopment may be recognized as a model, and subsequent development shall demonstrate compliance with this Section insofar as its relationship to the model.

Figure 11.606.B.:
Massing and Proportion



Exhibit "E"
Page E-000280

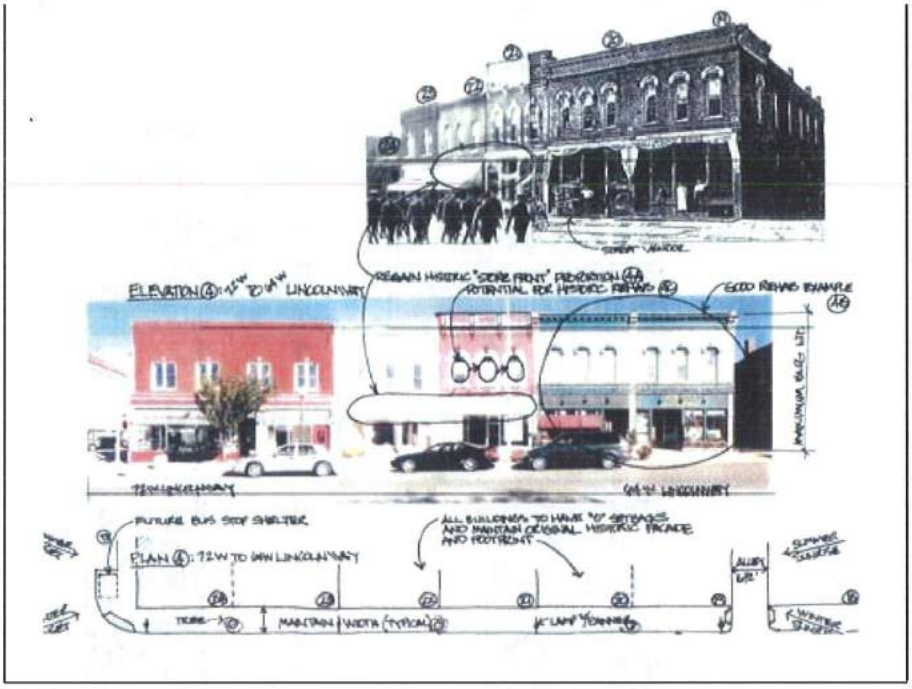



C. **Relationship to Infrastructure.** New development shall link to existing and planned pedestrian, vehicular, drainage and utility systems, and assure efficient continuation of such systems. See **Figure 11.606.C., Infrastructure Relationships.**

[redacted]



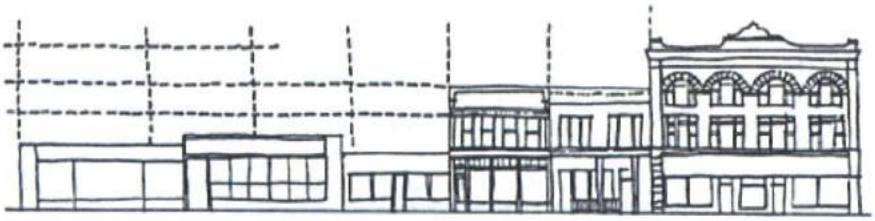
Exhibit "E"
Page E-000281



D. **Relationship to Public Space.** Building mass, color, lighting, and design shall be compatible with existing and planned adjacent public and private open spaces, parks and recreation areas.

E. **Alignment of Horizontal Elements.** New buildings shall maintain the alignment of key horizontal elements along the block. Windowsills, moldings and mid-belt cornices are among those elements that should align. See **Figure 11.606.D., Architectural Feature Alignment.**

**Figure 11.606.D.:**
**Architectural Feature Alignment**



ARCHITECTURAL FEATURE ALIGNMENT ON THE BLOCK FACE

## Sec. 11.607 Driveways and Parking Structures

A. **Access and Driveways.**

1. Driveways are limited to one entry lane and one exit lane per every quarter block area, subject to approval by the City Engineer. Smaller lots may have a driveway passage from street to alley.

2. No more than 65-feet of the Street frontage (measured parallel to the curb) shall be occupied by parking and driveways. The City may waive or modify this requirement for public safety purposes or if there is no feasible alternative. If a waiver or modification is granted, the design shall incorporate measures such as decorative screens along the street frontage. Such decorative screens shall include pedestrian amenities and visual continuity with structures that define the street edge along the street frontage.



Exhibit "E"
Page E-000282

3. Vehicular access to corner lots with less than 300-feet of street frontage shall be located on the lowest classified street and as close as practical to the property line most distant from the intersection.

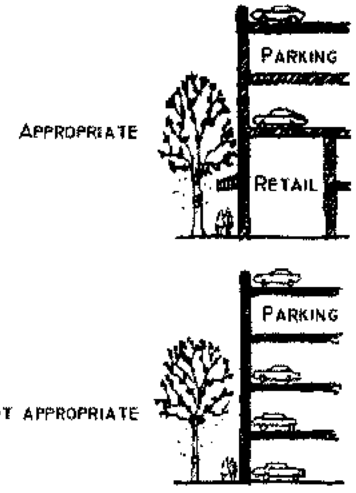
4. Restricting vehicular and pedestrian access between adjoining parking lots at the same grade is prohibited.

B. **Structured Parking.** Structured parking shall be designed as follows:

1. The bulk (or mass) of a parking structure as seen from the street shall be minimized by placing its short dimension along the street edge of the street with the highest functional classification upon which the lot fronts.

2. Generally, the parking structure shall include active uses such as retail or other appropriate uses at the ground level and/or along the street frontage, or shall be located behind the principal building. Where the dimensions of the lot do not accommodate the active use of the street frontage, parking structures and vehicle entrances shall be designed to minimize views into the garage interior from surrounding streets. Methods to help minimize such views may include, but are not limited to landscaping, planters and decorative grilles and screens. See **Figure 11.607, Structured Parking Design.**

**Figure 11.607:**
**Structured Parking Design**




THE GROUND LEVEL OF A PARKING STRUCTURE SHOULD BE WRAPPED BY RETAIL, OFFICE, GALLERY, OR SOME OTHER ACTIVE USE ALONG THE STREET EDGE.

3. Parking structures shall be architecturally consistent with exterior architectural elements of the primary structure or adjacent traditional buildings, including rooflines, façade design, articulation, modulation and finish materials.

4. Parking structure facades shall have brick cladding or a combination of brick and other masonry and have regularly spaced square or rectangular fenestration.

5. Security grilles for parking structures shall be architecturally consistent with and integrated with the overall design. Chain link fencing is not permitted for parking structure fencing.

## Sec. 11.608 Colors

A. **Predominant Colors.** Exterior finish colors are to express the integral color of building materials (*e.g.*, brick, cast stone), or be neutral earth tones.

B. **Accent Colors.** Buildings may include limited use of approved compatible accent colors.



Exhibit "E"
Page E-000283

C. **Context.** The color of neighboring buildings that comply with this Section shall be considered when selecting colors for repainting or remodeling of existing structures and for new structures.

### Sec. 11.609 Building Identification

A. **Generally.** The following building identification elements are required, and do not count as "signs" for the purposes of **Article 5, Signs.**

B. **Year of Construction.**

1. The year of construction of the building shall be indicated on the front building elevation by:
   a. A permanent cast metal plaque attached to the building;
   b. Individual cast numbers with concealed anchorage into the facade; or
   c. On stone or masonry, set integral with other masonry on the facade.
2. The year of construction is to be noted by numbers not less than six inches high but not more than 12-inches.
3. Other information associated with the building that may have historic interest in the future may be included.

C. **Building Address.** Building addresses shall be prominently displayed with individual letters and numbers of six to 10 inches in height.

## Division 11.700 Campus District Master Plans

### Sec. 11.701 Purpose and Applicability

A. **Purpose.** The purpose of this Division is to set out standards for master plan approvals in the CA district.

B. **Applicability.** The standards of this Division apply within the CA district.

### Sec. 11.702 Access and Circulation

A. **Principal Access.** Principal access points to the district from public streets shall be from arterial streets.

B. **Internal Circulation.**

1. Individual uses shall take access via an internal street system, which shall be designed to keep trips from one use to another within the district off of adjacent streets.
2. Notwithstanding subsection B.1., emergency room access may be taken from a collector street to facilitate improved response times.

C. **Pedestrian Circulation.** A pedestrian system shall be developed that provides for connections between buildings and between parking areas and buildings. The provision of a recreational trail and exercise trail is desirable.

D. **Improvement of Streets.** If the thoroughfare plan indicates that an adjacent street is a "future" arterial or collector, then the street shall be improved along the boundary of the property to City specification for the anticipated type of street. The timing of the improvement shall correspond to the approval of that part of the development in which the peak hour use of the street serving as the principal access will be projected to exceed its design capacity at the access point (improvement of the street shall be a condition of such development).

E. **Connections Among Phases.** Connections shall be provided among phases within the district and between the district and adjacent property, in order to facilitate movement between related and supporting uses without forcing use of arterials and collectors.

### Sec. 11.703 Setbacks and Buffers

Setbacks, landscape buffers, and site landscaping shall be provided as follows:

A. **Arterial and Collector Streets.**



Exhibit "E"
Page E-000284

1. Minimum width of buffer: 20 feet
2. Minimum buffer landscaping per 100 linear feet:
    a. 1.6 canopy trees
    b. 1.6 understory trees
    c. 1.6 conifers
    d. 18 shrubs

B. **Perimeter Streets Which Encircle the Entire District.**

1. Minimum width of buffer: 15 feet
2. Minimum buffer landscaping per 100 linear feet:
    a. 1 canopy tree
    b. 1 understory tree
    c. 1 conifer
    d. 15 shrubs

C. **Abutting Nonresidential Zoning District.**

1. Minimum width of buffer: 5 feet
2. Minimum buffer landscaping per 100 linear feet:
    a. 1 canopy tree
    b. 1 understory tree
    c. 1 conifer
    d. 11 shrubs

D. **Abutting Residential Zoning District, Generally.**

1. Minimum width of buffer: 25 feet
2. Minimum buffer landscaping per 100 linear feet:
    a. 2.25 canopy trees
    b. 2.25 understory trees
    c. 2.25 conifers
    d. 25 shrubs

E. **Buffer for Certain Uses.** Buffers are required between any power plant, incinerator, maintenance heliport, helipad, substance abuse centers, wastewater treatment plants, and residential zoning districts, as follows:

1. Minimum setback: 200 feet. If feasible, one or more nonresidential buildings shall be located between residential uses or residentially zoned property and the power plant, incinerator, maintenance heliport, or helipad.
2. Minimum width of buffer (to be located within setback area, closest to the district boundary line): 25 feet
3. Minimum buffer landscaping per 100 linear feet:
    a. 3 canopy trees
    b. 3 understory trees
    c. 3 conifers
    d. 33 shrubs

## Sec. 11.704 Campus District Landscaping



Exhibit "E"
Page E-000285

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 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:

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 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 inch caliper
2. Understory trees: 1-1/2 inch caliper or six feet high
3. Conifers: 8 feet high
4. Shrubs: 3 feet high

## Sec. 11.705 Architecture and Site Layout

A. **Pattern Book.** An architectural pattern book shall be submitted for approval with the final concept plan. When approved, the document shall control the general materials, massing, and style of buildings, and shall provide the basis for subsequent approvals of individual buildings by City Staff.

B. **Internal Development Standards.** The following development standards shall apply within a master planned campus

1. Minimum lot area. No requirements
2. Minimum lot width. If the district is subdivided into individual buildings lots, each lot must be sufficient for the proposed building to be located on it.
3. Setback from inside edge of sidewalk (or front yard, if district is subdivided).
    a. No front yard is required where the building faces on a sidewalk with street trees.
    b. Where there is to be a setback, the setback shall be a landscaped area of:
        i. 5 feet if the entire landscaped area is in trees and shrubs, or decorative grasses; and
        ii. 12 feet where grass that requires mowing is planted.
4. Building spacing (or side yard, if district is subdivided).
    a. A side setback, if provided, shall be at least 6 feet. Buildings that are not designed as a connected block must be separated by at least 12 feet on the sides. Buildings that are designed as a connected block do not require side setbacks.
    b. All buildings shall have at least 15 feet of rear setback to alleys or other building rear setback lines, whichever is closer to the building.
5. Intensity. The overall intensity within the district shall not exceed the following standards:

a. Maximum floor area ratio: 0.60

b. Minimum landscaped surface ratio for entire campus: 0.30

c. Minimum landscaped surface ratio for an individual lot within the campus, if the campus is subdivided: 0.10

d. Maximum height of buildings: 8 stories or 110 feet, whichever is lower. However, no building shall be set back from the perimeter of the district less than 1.25 feet for every foot of building height. A building with staggered height shall meet the setback at each height level.

C. **Emergency Room Entrances.**

1. Emergency room entrances must face away from any residentially zoned or used property within 1,000 feet.

2. If such orientation is not feasible, then the following buffer between the entrance and abutting street shall be required:

a. Minimum width: 20 feet.

b. Landscaping: 8-foot high wall, architecturally compatible with the primary structure and planted with conifers on both sides, staggered and spaced 20 feet on center.

## Sec. 11.706 Sign Program

A. **Generally.** A palette of signage with a unified design theme to be used within the master planned campus for wayfinding, building identification, and public safety shall be required with the final concept plan.

B. **Site Signage.** Only the following signage is permitted within areas that are visible from public streets up to a distance of 50 feet from the district boundary:

1. One monument type ground sign at the principal entrance to the district, located to facilitate wayfinding. The sign shall meet the following standards:

a. Maximum width: 12 feet

b. Maximum height: 10 feet

2. One monument type ground sign per frontage (not including the sign permitted at the principal entrance by J.1.a., above), located at an entry to the district. The sign shall meet the following standards:

a. Maximum width: 10 feet

b. Maximum height: 15 feet

c. Each site is permitted (a) a monument type, ground sign no more than 10 feet in width and 15 feet in height and (b) one additional monument type, ground sign of the same or smaller size for every 1,000 feet of Front Yard frontage in excess of 1,000 feet on the Signature Street or adjacent street of collector classification or greater. Each site is also permitted a monument, style ground sign that identifies the project and one occupying entity within the project. Mounding and other innovative sign treatments are especially encouraged in this area. Pole-mounted signs are not permitted.

3. All other signs permitted in the CC District are permitted.

C. **Internal Signage.** Internal signage shall be consistent with the palette of signage approved with the concept plan. Except as otherwise specified below, signage internal to the district shall comply with the following standards:

1. Maximum sign area: 36 square feet per frontage

2. Maximum sign height: 8 feet

3. Permitted sign types:

a. Monument signs

b. Wall signs, which may be as large as 0.4 square feet per lineal foot of building frontage, notwithstanding the maximum sign area described above. On buildings exceeding two stories in



Exhibit "E"
Page E-000287

height or exceeding 50,000 square feet, one additional wall sign not to exceed 2 square feet is permitted per lineal foot of building frontage per building frontage.

c. Directory signs

d. Only traffic signs (e.g., street names, stop signs, yield signs, and the like) are permitted to be mounted on poles.

4. Where not in conflict with this ordinance, the City of Valparaiso Sign Standards as detailed in **Article 5, Signs,** shall apply.

D. **Relationship to Division 11.300, Signature Corridor Overlay Districts.** With respect to signage, this Section shall control over any inconsistent provisions of **Division 11.300, Signature Corridor Overlay Districts.**

## Division 11.800 PUD Design Standards

### Sec. 11.801 Purpose and Applicability

A. **Purpose.** The purpose of this Division is to provide design standards for Planned Unit Developments.

B. **Applicability.** These standards apply to applications for approval of Planned Unit Developments.

### Sec. 11.802 General PUD Development Standards

A. **Generally.** All Planned Unit Developments shall demonstrate compliance with the development standards of this Division.

B. **Parcel Setbacks.** Buildings shall be set back from all lots lines that dividing land inside the PUD from land zoned or used for residential purposes outside the PUD as follows:

1. 25 feet, plus one foot for each two feet or fraction thereof that the building exceeds 30 feet in height, or

2. The width of the buffer required by **Division 10.400, Bufferyard Requirements,** whichever provides the greatest setback.

C. **Site and Structures.** Site and structure regulations for PUDs shall demonstrate compliance with the following:

1. Plot and lot sizes, dimensions, and structure heights, and locations may be freely disposed and arranged in conformity to the overall density standards recommended by the Plan Commission or stated in this Article. Minimum lot size and frontage, and maximum lot coverage are not specified but the Plan Commission may be guided by standards set in other Zoning Ordinances and by common good practice

2. A minimum of 30-foot front yard setback shall be provided on any highway or thoroughfare designated as arterial or collector on the Official Intermodal Transportation Plan.

3. Every residential dwelling unit, commercial, or industrial complex or building shall have access to a public street, court, cul-de-sac, walkway, or other area dedicated to public use or subject to an easement for access. The boundaries and extent of the lot or plot upon which any single unit detached or attached dwelling is located shall be clearly defined and monumented.

4. Right-of-way and pavement widths for internal ways, streets, and alleys shall be determined from sound planning and engineering standards in conformity with the estimated needs of the full development proposed and the traffic to be generated, and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and other emergency vehicles.

D. **Utilities.** A developer of a PUD shall furnish public water and sanitary sewer lines based on agreement with the appropriate municipal officials. The developer shall provide all necessary storm drainage, highway access, paved alleys, parking facilities, fire hydrants, off-street lighting and other public improvements deemed necessary by the City, and shall make reasonable provision for service to the connections with adjoining properties in other ownership.

E. **Open Space.** PUDs shall provide open space as follows:

c. Whether additional site review is required after requested additional information is submitted.

3. If the site plan is part of a project that will be reviewed by the Plan Commission and/or the Board of Zoning Appeals, copies of the minutes shall be distributed to members of those boards.

## Sec. 15.304 Landscape Plans

A. **Generally.** To ensure plant materials are installed and property maintained, a landscape plan is be required of all developments listed in subsection B. Landscape plans shall show all plant material and provide tables indicating the planting of each type required by **Article 10, Landscaping.** Plans meeting minimum standards shall be approved. However, in reviewing the plans, adjustments in the location of plants may be required where the City finds alteration would better serve the purpose for which they are intended. **Appendix B**, Plant Lists, provides a list of permitted and prohibited plant species.

B. **Applicability and Approval Process.**

1. The requirements of this section shall apply to:
   a. projects that require subdivision approval;
   b. projects that require planned unit development approval;
   c. projects that require development plan approval;
   d. mixed-use projects;
   e. multifamily projects; and
   f. non-residential projects.
2. Landscape plans shall be submitted to the Site Review Committee (see **Section 15.303, Site Review**). During initial site review for projects requiring a landscape plan, a site plan shall be submitted to the Site Review Committee which depicts the general location of any existing tree canopy in relation to existing and proposed site improvements.
3. Landscape plans submitted to the Site Review Committee shall be forwarded for approval to Valparaiso Park Department horticulturist or designated agent. Changes to an approved Landscape Plan, which reduce the number of trees to be planted and/or remove additional non-exempt trees of 10-inch DBH, shall require the review and approval from the Valparaiso Department of Parks and Recreation.

C. **Contents of Landscape Plan.**

1. Landscape plans shall be drawn to scale of not less than 1 inch = 50 feet, or as an overlay on a topographical survey.
2. Landscape plans shall contain the following criteria or information estimated as close as possible:
   a. The location of existing and proposed structures;
   b. The location of parking lots, drives, roadways, right-of-ways, and sidewalks;
   c. The elevations and locations of all fences, bridges, retaining walls or other similar details;
   d. The number, species, and general location of all non-exempt trees of 10-inch DBH or greater to be removed.
   e. Lot coverage calculations before and after site (re)development.
   f. The DBH, general location, species of all trees and plant material to be planted after site (re) development.
3. Residential subdivisions and Planned Unit Developments shall be required to show for subsections C.2.d. and C.2.g., above, trees and plant material within public property, common areas, open space and or recreation areas.
4. The Landscape plan shall contain a summary of the covenants and restrictions that pertain to **Article 10,**



Exhibit "E"
Page E-000332

process more efficient.

B. **Applicability.** Site review is required for all new development and all substantial improvements to existing development. However, single-family detached dwellings and two-family homes shall not be subject to site review. Site review follows a pre-application conference.

C. **Application.** The applicant shall submit a site plan of the proposed development, which shall provide sufficient detail to evaluate the proposal's compliance with this UDO. For projects in preliminary stages of development the Site Review may be held for the purposes of conceptually planning the project. The Site Review Committee may request additional information and additional site review meetings on a proposed development if the information provided is not sufficient to evaluate the proposal.

D. **Procedure.**

1. The applicant shall submit copies of a site plan of the proposed development in a number determined by the Planning Director not less than seven days prior to the site review meeting.
2. The applicant shall schedule a site review meeting with the Site Review Committee not less than seven days in advance. The applicant or authorized representative must be present at the meeting.
3. The Site Review Committee shall evaluate the proposed site plan according to the standards of this UDO and any other municipal ordinances that may apply, and shall provide the applicant with verbal comments, followed by minutes of the site review meeting and any requests for additional information that will be needed to fully evaluate the proposal.
4. When site review is complete, the submitted site plan, site review minutes, and information requests shall become a part of the project file, and shall be distributed to subsequent decision-makers.

E. **Effect of Site Review.**

1. Site review is advisory, and does not constitute a development approval. However, completion of the site review process may be a prerequisite to administrative permits and discretionary approvals.
2. If the approval sought by the applicant for site review (e.g., building permit, site permit, use variance, subdivision, PUD, etc.) is not granted within one year of completion of site review, then additional site review is required unless the Planning Director finds that:
    a. There have been no changes in applicable ordinances, including this UDO;
    b. There have been no changes in the character of the parcel proposed for development and its immediate environs; and
    c. The applicant has diligently pursued approval of the application to which the site plan relates, and has been delayed through no fault of the applicant.
3. It is required by the Site Review Committee that once a site plan has been successfully reviewed, it will be built according to the plan as presented and/or amended by site review; or the developer shall request an additional review to discuss major changes to the site plan.
4. No permits shall be issued after a favorable site review until all required easements, rights-of-way, plats, deed restrictions, or other required legal documents have been provided to the City Engineer in a form suitable for recording.

F. **Minutes.**

1. The Site Review Committee shall appoint a secretary to take minutes of the meetings and distribute them to all participants.
2. The minutes shall indicate:
    a. If a proposed site plan meets all City regulations, if adjustments will be required, or if additional information is needed before approvals can be granted and permits issued;
    b. All permits that will be required for the proposed development (by checklist).



Exhibit "E"
Page E-000331




E. **Requests for Rezoning to CA Campus District.**

1. Requests for rezoning to CA Campus District notification of interested parties as required by Statute shall be conducted as follows:
    a. Notification shall be based upon a radius of 300 feet from the building(s) located on the site(s) included in the request for additional or initial reoning to CA District;
    b. Existing areas zoned CA District shall not be included in determining the required 300-foot radius for notification; and
    c. Requests for additional CA District designation shall include a minimum of 20,000 sf. in area to be rezoned.

## Sec. 15.302 Pre-Application Conference

A. **Generally.** A pre-application conference is recommended for all applications for development review except applications for building permits for single-family detached dwellings or two-family dwellings and accessory buildings or structures and signs. At the pre-application conference, City Staff will meet with the applicant to review preliminary materials, identify issues, and advise the applicant regarding which applications will be required and what information will have to be provided.

B. **Conference Logistics.**

1. The responsible official is authorized to establish a regular schedule for pre-application conferences, provided that:
    a. The schedule is posted at City Hall and on the City's worldwide web site; and
    b. The schedule provides for pre-application conferences to take place at least one day per week.
2. The responsible official may allow pre-application conferences to be conducted by telephone.

C. **Application.**

1. The applicant shall bring to (or submit prior to) the pre-application conference sufficient supporting materials to explain:
    a. The location of the project;
    b. The proposed uses (in general terms);
    c. The proposed arrangement of buildings, parking, access points, open spaces, and drainage facilities;
    d. The relationship to existing development; and
    e. Any other conditions or items that the applicant believes are relevant to the processing of the application.
2. The responsible official may request that the applicant bring completed application forms (in draft form) for the types of permits being sought.

## Sec. 15.303 Site Review

A. **Purpose.** The purpose of site review is to work with applicants to ensure that applications are complete and compliant with this UDO and other applicable City ordinances. Site review makes the development review

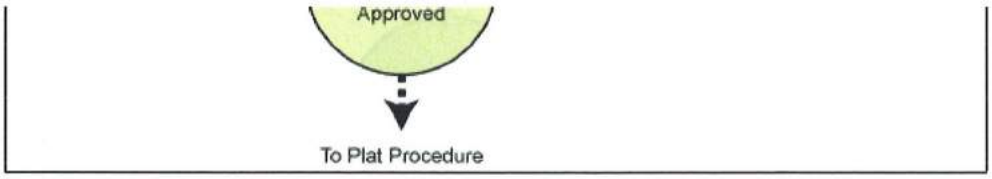



Figure 15.301.D.
City Common Council Approvals

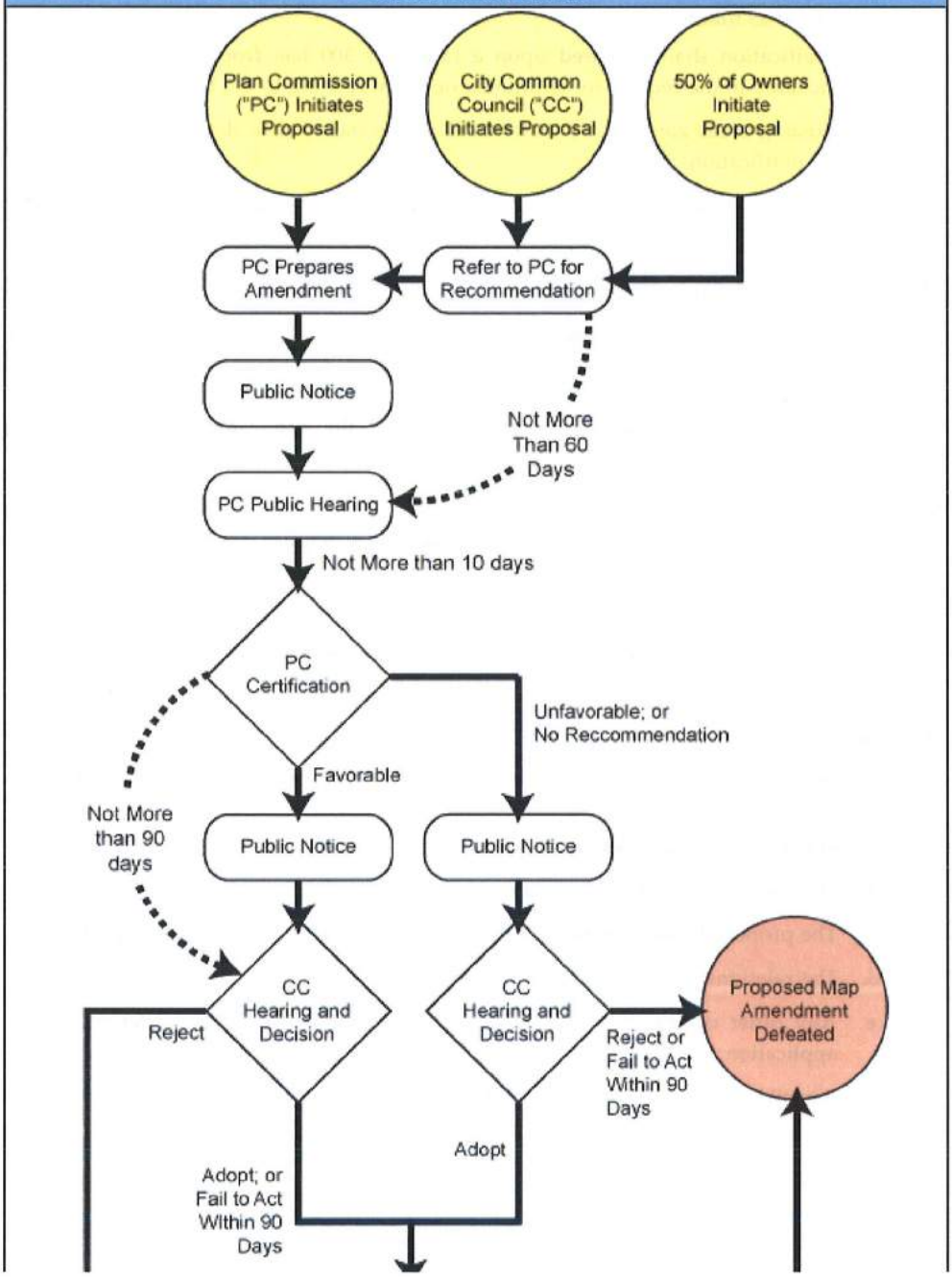





Exhibit "E"
Page E-000329

Figure 15.301.D.
City Common Council Approvals

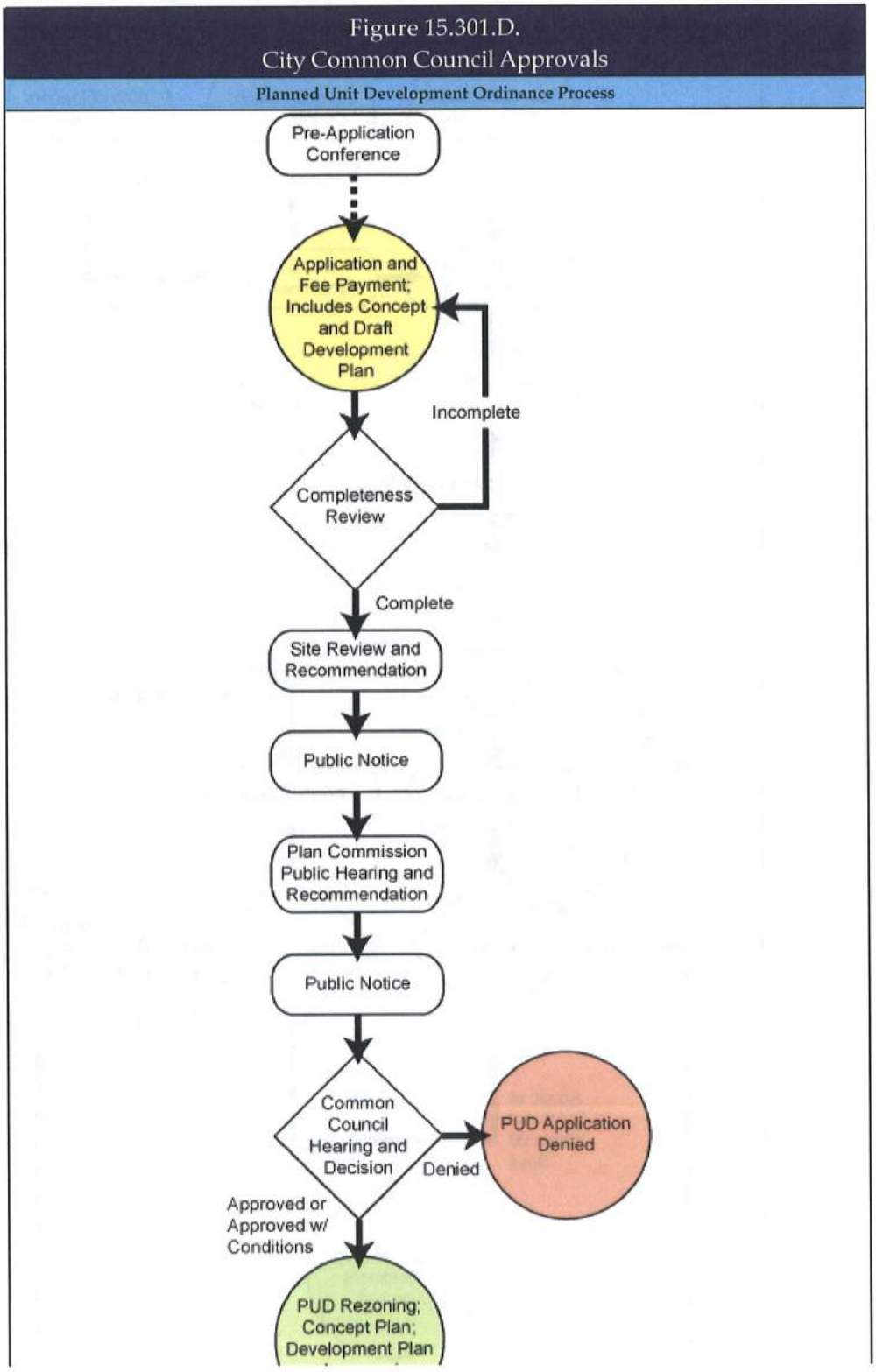


**Figure 15.301.D., City Common Council Approvals.**

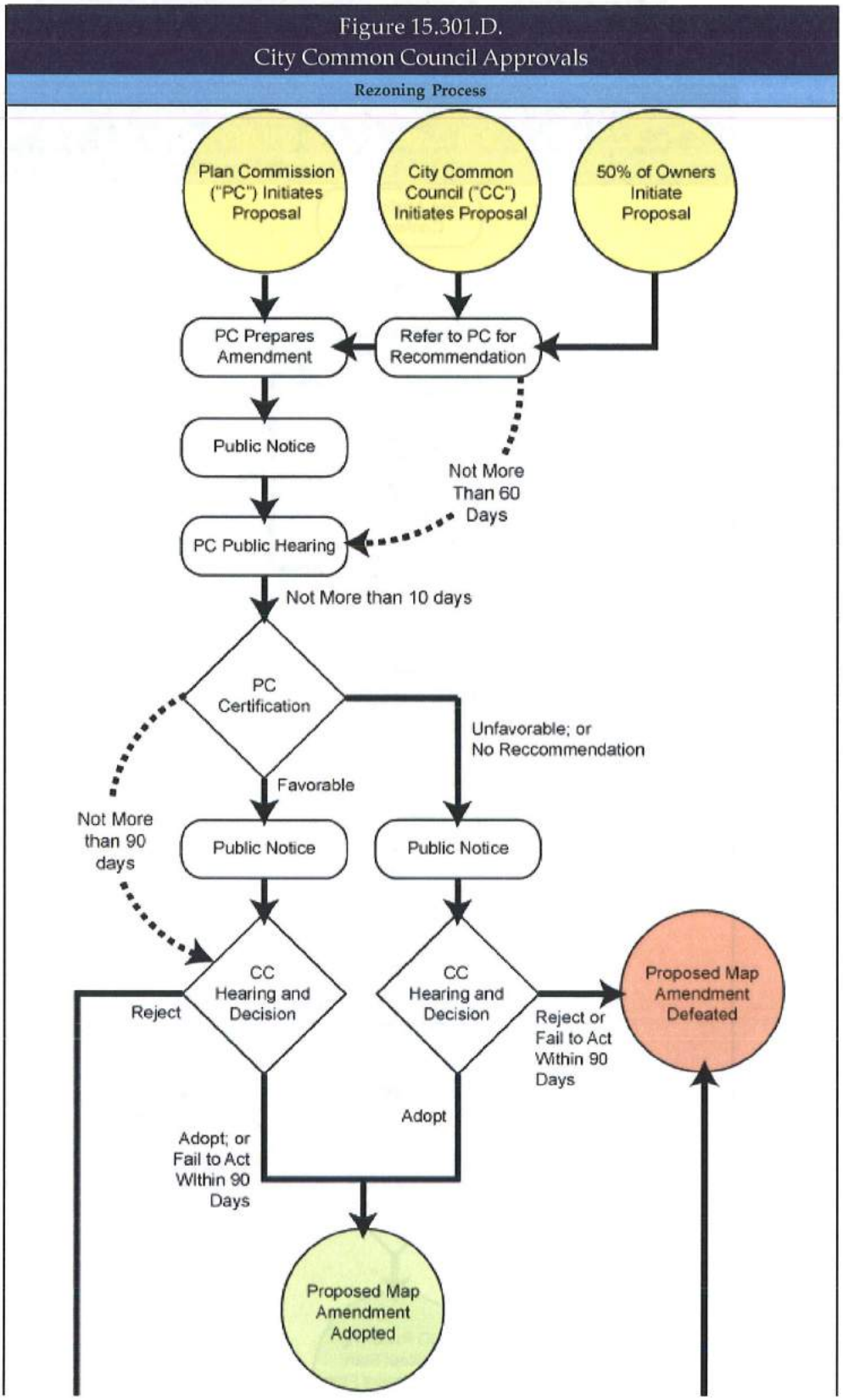
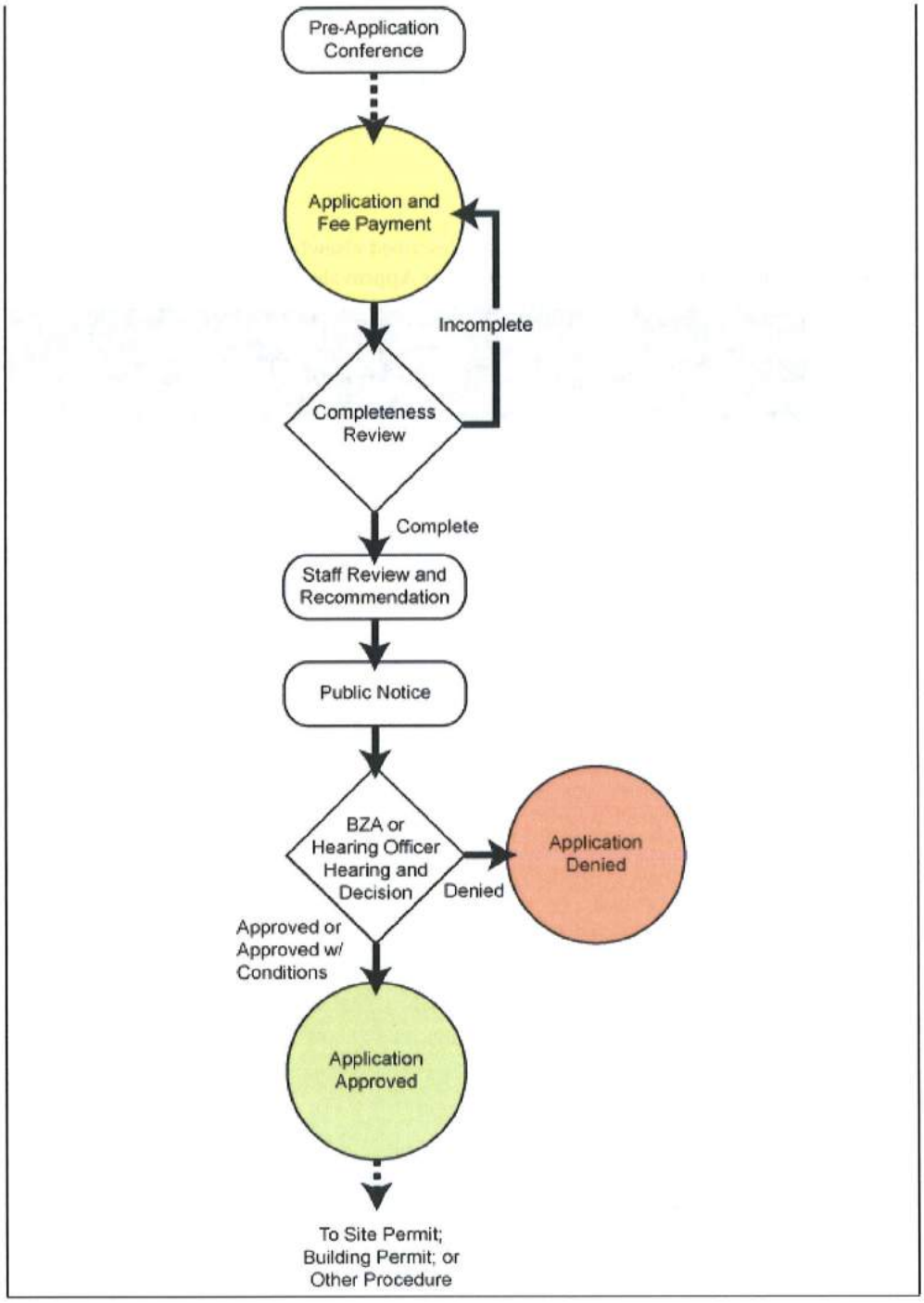





Exhibit "E"
Page E-000327




D. **City Common Council Approvals.**

1. City Common Council approvals are granted by the City Common Council, as follows:
   a. Privately Initiated Text Amendments;
   b. Rezonings; and
   c. Planned Unit Development Ordinances (including Primary Development Plan and Concept Plan).
2. The general procedure for City Common Council approvals, described elsewhere in this Article, is set out in

C. **Board of Zoning Appeals and Hearing Officer Approvals.**

1. Board of Zoning Appeals approvals are granted by the Board of Zoning Appeals, and Hearing Officer approvals are granted by the Hearing Officer, as follows:
   a. Development Standards Variances;
   b. Use Variances; and
   c. Special Use approvals.
2. The general procedure for such approvals, described elsewhere in this Article, is set out in **Figure 15.301.C., Board of Zoning Appeals and Hearing Officer Approvals.**

Figure 15.301.C.
Board of Zoning Appeals and Hearing Officer Approvals

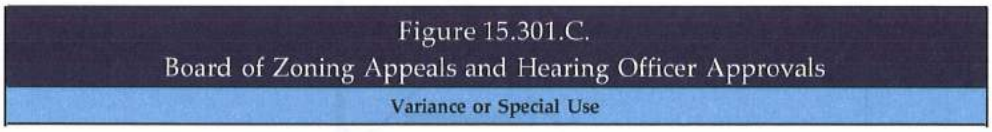





Exhibit "E"
Page E-000325

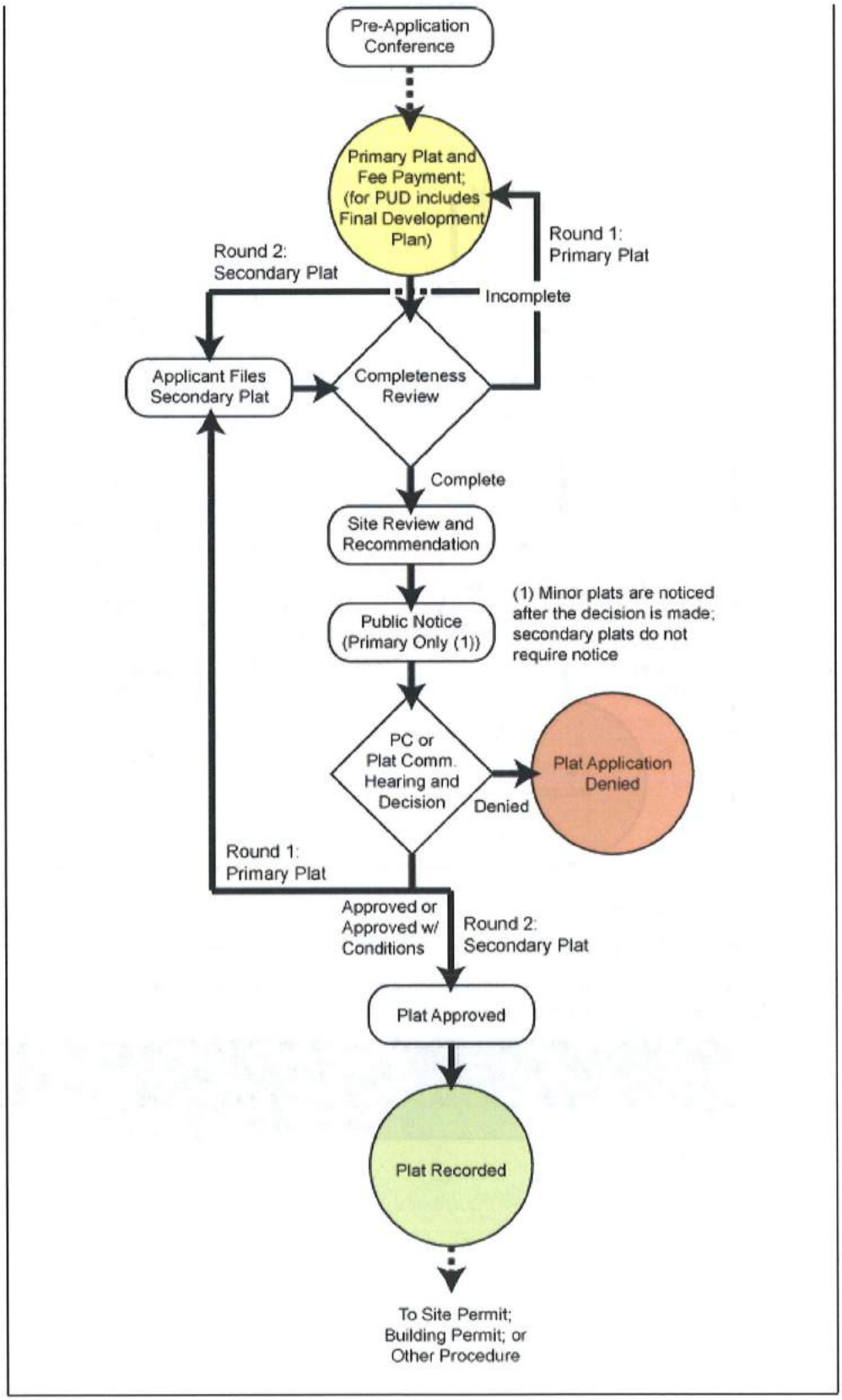
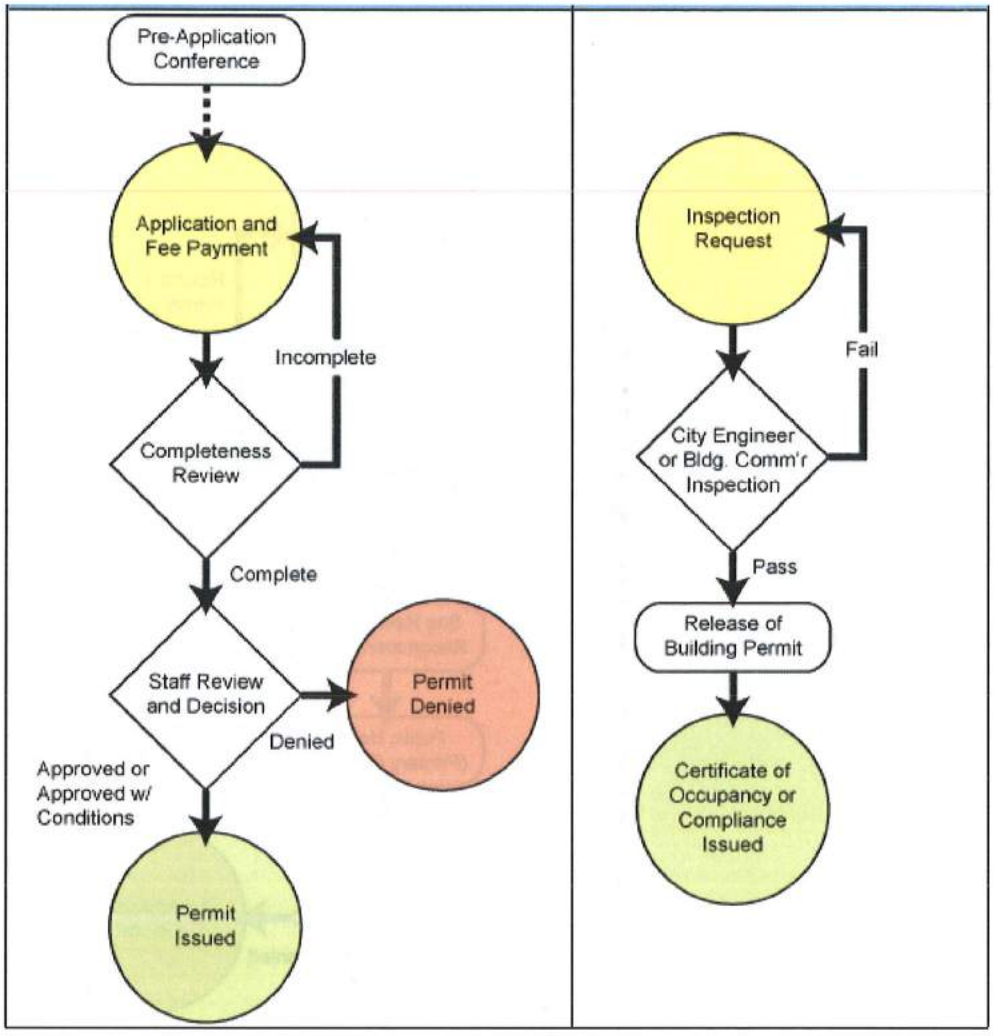





Exhibit "E"
Page E-000324




B. **Plan Commission Approvals.**

1. The Plan Commission approves primary and secondary subdivision plats.
2. The general procedure for Plan Commission approvals that are described elsewhere in this Article is set out in **Figure 15.301.B., Plan Commission Approvals.**

Figure 15.301.B.
Plan Commission Approvals
**Subdivision Plats**



Exhibit "E"
Page E-000323

2. Floodplain deviations are granted by the Board of Public Works and Safety.

## Sec. 15.204 Permit Surety

A. **Generally.** Surety is required for site permits that involve land disturbing activities, as provided in this Section.

B. **Exemptions.** Applicants for permits for individual one, two and/or three family home sites shall be exempt from the conditions of this sub-section.

C. **Required Surety.** As a condition of the approval and issuance of the permit the applicant shall provide surety in the amount of not less than $5,000 which shall remain in full force and effect throughout the length of the permit.

D. **Alternative Surety.** Contractors may provide alternative security to that required by subsection C., as follows:

1. For contractors who regularly do work within the City on this or other types of projects may file a continuous surety bond with the City to cover the requirements of this section. Renewal notices shall be issued annually. Unless provided otherwise this same bond may be used to cover other City projects.

2. If a contractor maintains a performance bond recorded with Porter County and said bond includes all cities, towns and municipalities within the county under the coverage, the City will accept a copy of that bond in lieu of separate surety to the City. However, renewals, continuation certificates, and notices of cancellations must be directed to the City of Valparaiso by the bonding agency.

# Division 15.300 Standardized Development Approval Procedures

## Sec. 15.301 Summary of Approval Procedures

A. **Administrative Approvals.**

1. Administrative approvals are granted by City Staff, as follows:
   a. Site Permit: City Engineer
   b. Building Permit: Building Commissioner
   c. Facade Improvement Permit: Planning Director
   d. Certificate of Occupancy or Compliance: Building Commissioner
   e. Floodplain Permit: Floodplain Administrator

2. The general procedure for administrative approvals that are described elsewhere in this Article is set out in **Figure 15.301.A., Administrative Approvals.**

Figure 15.301.A.
Administrative Approvals

| | |
|---|---|
| General Administrative Approval Process (Zoning Clearance; Facade Improvement Permits; Building Permits; Floodplain Permits; Sign Permits; etc.) | Certificates of Occupancy or Compliance |

1. A rezoning is a change to the Official Zoning Map.
2. Rezonings are approved by the City Common Council after recommendation of the Plan Commission.

B. **Variance from Use.**

1. A variance from use is a variance from the terms of **Division 2.200, Uses by District.**
2. Variances from use are approved by the Board of Zoning Appeals, except that within the Eastgate Overlay District they are approved by the Hearing Officer.

C. **Variance from Development Standards.**

1. A variance from development standards is a variance from any standard of this UDO other than in **Division 2.200, Uses by District.**
2. Variances from development standards are approved by the Board of Zoning Appeals, except that within the Eastgate Overlay District they are approved by the Hearing Officer.

D. **Special Use.**

1. A special use is a use that requires additional scrutiny and additional standards to ensure that it will be compatible with its context.
2. Special uses are approved by the Board of Zoning Appeals, except that within the Eastgate Overlay District they are approved by the Hearing Officer.

E. **Planned Unit Development Ordinance.**

1. A Planned Unit Development Ordinance is a zoning ordinance that does the following:
   a. Designates a parcel of real property as a planned unit development district.
   b. Specifies uses or a range of uses permitted in the planned unit development district.
   c. Specifies development requirements in the planned unit development district.
   d. Specifies the plan documentation and supporting information that may be required.
   e. Specifies any limitation applicable to a planned unit development district.
   f. Meets the requirements of **IC 36-7-4-1500 et seq., 1500 Series, Planned Unit Development.**
2. A Planned Unit Development ordinance is the exclusive means for exercising zoning control over planned unit development.
3. Planned Unit Development ordinances are adopted by the City Common Council after recommendation of the Plan Commission.

F. **Primary Plat Approval.**

1. Primary plat approval is the first of two steps of plat approval. It is intended to ensure that the plat will comply with the requirements of this UDO, the Standards Manual, and other applicable regulations.
2. The Plat Committee approves primary minor plats as provided in **Section 15.801, Types of Plats.**
3. The Plan Commission approves primary plats as provided in **Section 15.801, Types of Plats.**

G. **Secondary Plat Approval.**

1. Secondary plat approval is the second of two steps of plat approval. It is intended to ensure that the recorded plat is consistent with the approved primary plat.
2. The Plan Commission and the Board of Public Works and Safety approves secondary plats, or delegates approval authority, as provided in **Section 15.805, Secondary Plat Approval Procedures.**

H. **Floodplain Deviations.**

1. Floodplain deviations are intended to allow relief from the requirements of **Division 4.500, Floodplain and Wetland Standards** in hardship cases.



Exhibit "E"
Page E-000321

Building Code and all other pertinent ordinances.

c. The Building Commissioner may issue a partial Certificate of Occupancy for part of a building, structure, or lot prior to the occupancy of the entire building, structure, or lot, provided that such portions of the building, structure, or lot are in conformity with the provisions of this UDO, the Building Code and all other pertinent ordinances. However, Partial Certificates of Occupancy shall not be issued on single-family dwellings, duplexes, or twin homes.

3. A record of all Certificates of Occupancy shall be kept in the office of the Building Commissioner, and copies of such Certificates of Occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

4. Accessory buildings or structures to dwellings shall not require a separate Certificate of Occupancy, but rather may be included in the Certificate of Occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

5. The Building Commissioner issues Certificates of Occupancy. No Certificate of Occupancy for any building or structure, erected, altered or repaired after the adoption of this UDO shall be issued unless such building or structure was erected, altered or repaired in compliance with the provisions of this UDO and the Building Code.

6. If the Building Commissioner refuses a Certificate of Occupancy for cause, the Building Commissioner shall notify the applicant of the refusal and the cause.

7. **The issuance of a final inspection "green tag" (inspection card) does not constitute issuance of a Certificate of Occupancy.**

G. **Sign Permit.**

1. A sign permit is required before permanent signs are erected, altered, constructed, or relocated, except for signs that are expressly exempted from the permitting process. No person shall engage in any work requiring a permit without having the written permit in his possession at the job site.

2. The Building Commissioner issues the sign permit upon demonstration that the sign complies with the applicable standards of this UDO and the Building Code.

H. **Temporary Use Certificate.**

1. Temporary use certificates are required prior to the temporary use of land for uses designated as "Temporary Uses" in **Table 2.201.B., Nonresidential Uses.**

2. The Planning Director issues the temporary use certificate upon demonstration that the temporary use will comply with the applicable provisions of this UDO.

I. **Limited Use Permit.**

1. Limited Use permits are required prior to the establishment of a limited use.

2. The Planning Director issues the Limited Use permit upon demonstration that the proposed use will comply with the applicable requirements of **Division 2.500, Limited and Special Use Standards**.

J. **Master Plan Approval.**

1. Master plan approvals are required prior to development within the CA district, and may be used in the CP district. Once a master plan is approved, site review is required for all development pursuant to the master plan.

2. The Planning Director approves, approves with conditions, or denies Master Plans, and shall consult the City's other professional staff for comments and recommendations.

## Sec. 15.203 Discretionary Approvals

A. **Rezoning.**

4. For many activities, a Site Permit will be required before the Building Permit can be issued. The Site Review Committee may, as a condition to the issuance of any building permit, require a site review and Site Permit for any proposed development that meets any one of the following conditions:
    a. More than one principal structure is scheduled for development on any parcel; or
    b. Any structure (except a single family dwelling) is scheduled for development, redevelopment, or expansion; or
    c. Change of use of any part of an existing building in any zone is planned; or
    d. The lot is being divided into two or more lots; or
    e. The application is for any other development or redevelopment which the Site Review Committee finds presents special problems.

E. **Facade Improvement Permit.**

1. Façade Improvement Permits are only required within special overlay districts. They are intended to ensure compliance with overlay district design standards. A Façade Improvement Permit is required before the issuance of a building permit for the improvement, construction, repair or substantial maintenance of any building façade visible from a public right-of-way, or before the commencement of an improvement if no building permit is required (e.g., painting the building a different color).
2. By way of example and not limitation, development activities that require a Façade Improvement Permit include, but are not limited to:
    a. Installation of any siding or any change in building materials on an existing building façade;
    b. Any replacement of doors or windows regardless of existing size, shape or type;
    c. Painting or repainting any building façade a color that presently does not exist as the primary color of the existing façade;
    d. Alterations or cosmetic changes, repairs or maintenance that changes in any way the appearance of any façade visible from a public right-of-way.
3. A Façade Improvement Permit will not be required for cleaning, repainting of a façade the same color as its existing condition, or maintenance that does not affect the appearance of the facade.
4. The Planning Director issues Facade Improvement Permits in conjunction with Zoning Clearance Permits.
5. **The issuance of a Façade Improvement Permit does not constitute issuance of a building permit. Any improvement that requires a building permit shall not commence until the building permit is issued.**

F. **Certificate of Occupancy.**

1. A Certificate of Occupancy is required prior to the use of any land, building or structure for which a Building Permit is (or was) required. The Certificate of Occupancy certifies that the completed project complies with the provisions of this UDO and all other pertinent ordinances.
2. It shall be unlawful to occupy any building or structure unless a full, partial, or temporary Certificate of Occupancy has been issued by the building Commissioner, as follows:
    a. Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such use of land, comply with the provisions of this UDO (including landscaping requirements) and all other pertinent ordinances. A temporary certificate of occupancy may be issued if weather does not permit installation of landscaping.
    b. The Building Commissioner may issue a temporary Certificate of Occupancy, provided that:
        i. The temporary Certificate of Occupancy may be issued only after the building or structure is fully completed and ready for occupancy; and
        ii. The building, structure and/or lot is in conformity with the provisions of this UDO, the



Exhibit "E"
Page E-000319

e. Construction or installation of any sewer, pipe, swale, or ditch for drainage purposes, except footing tiles or roof drainage interior to a structure.

f. Installation of any exterior lighting for any site or use except single-family, duplex, twin home, or three-plex units.

2. The City Engineer issues site permits upon a finding of compliance with this UDO and any other applicable regulations that the City Engineer has been delegated the responsibility to enforce. Where appropriate, the Erosion Control Permit, the Right-of-Way Cut Permit, and/or the Sanitary Sewer Permit may be incorporated into the Site Permit process and form at the discretion of the City Engineer.

3. All permits require the applicant to:

a. Notify the Engineering Department at least 24 hours before beginning any land disturbing activity.

b. Obtain the permission of the Board before modifying the erosion control plan.

c. Install and maintain all erosion control measures as identified in the erosion control plan.

d. Maintain all road drainage systems, storm water drainage systems and other facilities as identified in the erosion control plan.

e. Remove sediment resulting from land disturbing activities from adjacent surfaces and/or drainage courses.

f. Allow the Engineering Department to enter the site to verify compliance with the erosion control plan or to perform any work necessary to bring the site into compliance with the erosion control plan.

g. Submit a revised plan for approval if the nature of the project changes from that proposed under the permit.

D. **Building Permit.**

1. A building permit is required prior to the improvement, construction, reconstruction, or repair of any existing or new building or structure, except as provided herein. By way of example and not limitation, development activities that require a building permit include, but are not limited to:

a. Installation or construction of any roofing or re-roofing, fences or swimming pools (above and in-ground);

b. Installation or construction of a sign, tower, shed, gazebo, shelter, deck, porch, carport, patio, kennel (anchored to ground), garage, or room addition (includes custom built or prefabricated three season rooms or sun rooms);

c. Construction, reconstruction, repair, moving or demolition of any residential, commercial, municipal, recreational, institutional, or industrial building or structure;

d. Alteration or remodeling of an existing building or structure that includes any changes in structural members, stairways, basic construction, type, kind or class of occupancy, light or ventilation, means of ingress and/or egress, or any other change(s) affecting or regulated by the Building Code or this UDO, except for minor repairs or changes not involving any of the aforesaid provisions.

2. The Building Commissioner issues building permits upon a finding that the location of the proposed building or structure complies with this UDO, and the structure complies with the building code. No permit shall be issued for any work or project until an application has been submitted in accordance with the provisions of this UDO, showing that the construction proposed is and/or will be in compliance with the provisions of this UDO and with the Building Code(s).

3. A record of all building permits shall be kept in the office of the Building Commissioner, and copies of the permits shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

## Division 15.100 Purpose

### Sec. 15.101 Purpose

The purpose of this Article is to set out all of the City's development approval procedures in one place, and to standardize them to the maximum degree allowed by Indiana law.

## Division 15.200 Permits and Approvals

### Sec. 15.201 Permit Requirement

Permits are required for development within the City of Valparaiso. The required permits are set out in this Division.

### Sec. 15.202 Administrative Permits

A. **Zoning Clearance Permit.**

1. A zoning clearance permit is required for approval of use, site improvements, landscaping, and architecture. Zoning clearance precedes a building permit, but may also be required in instances in which a building permit is not required.

2. The Planning Director issues zoning clearance permits upon a finding of compliance with this UDO.

B. **Floodplain Permit.**

1. A floodplain permit is required prior to the commencement of any development within the floodplain. A floodplain permit does not authorize construction, but only certifies compliance with the floodplain regulations in **Division 4.500, Floodplain and Wetland Standards.** For property located in a floodplain, the floodplain permit is a prerequisite for other development permits.

2. The Floodplain Administrator issues Floodplain Permits upon a finding of compliance with **Division 4.500, Floodplain and Wetland Standards,** and assurance that all other required State and Federal permits are obtained.

C. **Site Permit.**

1. A site permit is required prior to the commencement of any clearing, grading, excavation, fill, land disturbing activity, or construction of any site improvement, except with regard to the construction of a single-family home on a single-family lot in an improved subdivision. Accordingly, for many types of development, a site permit is issued before or concurrently with a building permit. By way of example and not limitation, development activities that require a site permit include, but are not limited to:

   a. Tree removal in excess of:

      i. Three non-exempt trees within a one calendar year period; or

      ii. If the parcel or lot contains more than one acre of tree canopy, three non-exempt trees per acre within the tree canopy within a one calendar year period.

   b. Any excavation, fill, or earthmoving involving an earthwork quantity greater than 10 cubic yards.

   c. Construction, paving, or re-paving of any driveway, private street, parking lot, sidewalk or path.

   d. Construction of any paved surface larger than 100 square feet in area.

improved structures, in accordance with Sec. **15.704(B), Floodplain Development Permit;**

10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Sec. **15.704(B), Floodplain Development Permit;**
11. Review certified plans and specifications for compliance;
12. Stop work orders.
13. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of this section shall immediately cease.
14. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

## Sec. 14.806 Wellhead Protection Administrator

The Wellhead Protection Administrator shall administer **Division 4.600, Wellhead Protection.**

a. More than one principal structure is proposed on the parcel proposed for development;

b. Any structure other than a single-family detached residence is scheduled for development, redevelopment, or expansion;

c. A change of use of any part of an existing building is proposed;

d. A lot or tract is being divided into two or more lots; or

e. Any member of the Site Review Committee recommends Site Review Committee review of an application which presents unusual issues.

2. The Site Review Committee shall review and approve, approve with conditions, or deny all applications for:

a. Site review in signature overlay districts pursuant to **Division 12.300**, Signature Overlay District Standards.

b. Parking reductions pursuant to **Section 9.202, Calculation of Required Parking Spaces, Section 9.203, On-Street Parking and Public Lot Credit**, and **Section 9.205, Mixed Uses and Shared Parking;**

c. Waivers to sidewalk requirements pursuant to **Section 8.213, Sidewalks;** and

d. Incentives pursuant to **Section 8.214, Bicycle Routes, Lanes, Paths, and Trails**, subsection E.

## Sec. 14.805 Floodplain Administrator

A. **Designation of Administrator.** The Common Council of the city hereby appoints the Stormwater Engineer to administer and implement the provisions of this section and is herein referred to as the Floodplain Administrator.

B. **Duties and Responsibilities of the Floodplain Administrator.** The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this section. The Administrator is further authorized to render interpretations of this section, which are consistent with its spirit and purpose. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Review all floodplain development permits to assure that the permit requirements of this section have been satisfied;

2. Inspect any inventory damaged structures in SFHA and complete substantial damage determinations;

3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Sec. 4.503 (E) and (G)(1) of this UDO, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment);

4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;

5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;

6. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this section;

7. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community;

8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially

5. Applications subject to **Division 11.400, Eastgate Overlay District Standards.**

## Sec. 14.802 Building Commissioner

A. **Generally.** The Building Commissioner is the Building Commissioner and/or designee.

B. **Powers and Duties.**

1. The Building Commissioner and/or designee, shall share in the administration and enforcement of all of the Articles of this UDO.

2. The Building Commissioner shall have the authority to grant or deny Building Permits and/or Occupancy Permits and to enter property to make inspections necessary for the administration and enforcement of this UDO.

C. **Approvals.** The Building Commissioner shall approve or deny Building Permits and other applications as provided in **Section 15.202, Administrative Permits.**

## Sec. 14.803 City Engineer

A. **Generally.** The City Engineer (Engineering Director), and/or his designee, shall share in the administration and enforcement of all of the Articles of this UDO.

B. **Powers and Duties.** The City Engineer shall have the authority enter property to make inspections necessary for the administration and enforcement of this UDO.

C. **Approvals.** The City Engineer shall approve or deny Site Permits and other applications as provided in **Section 15.202, Administrative Permits.**

## Sec. 14.804 Site Review Committee

A. **Committee Established.** A Site Review Committee is established, which is comprised of the following members:

1. City Planner;

2. Assistant City Planner;

3. City Engineer;

4. Building Commissioner;

5. A representative of the Fire Department;

6. A representative of the Plan Commission; and

7. Representatives from other City Departments that are interested in development plans, or whose expertise contributes to the review of site plans.

B. **Powers and Duties.** The Site Review Committee shall have a secretary who takes minutes of the meeting and distributes them to all participants. The minutes shall indicate if a site plan meets the criteria of this UDO and other City ordinances, or if additional information is needed before permits can be issued. The minutes shall also indicate if an additional review is required after more information is submitted. Revised site plans can be submitted for discussion any time after the first site review meeting. The minutes shall also indicate (by checklist) all permits that will be required for the project.

C. **Recommendations.** The Site Review Committee shall review and make a recommendation regarding the following:

1. Landscape plans; and

2. Primary plats.

D. **Approvals.**

1. The Site Review Committee may, as a condition to the issuance of any building permit, require a site review for any proposed development that meets any one of the following conditions:

## Division 14.700 Tree Advisory Board

### Sec. 14.701 General Powers and Duties

The Tree Advisory Board shall have the power to promulgate and enforce rules, regulations and specifications concerning trimming, spraying, removal, planting, pruning and protection of trees, shrubs, vines hedges and other plants upon the right-of –way of any street, alley, sidewalk, or other public place in the City.

### Sec. 14.702 Membership; Qualifications of Members; Term; Compensation; and Vacancy

A. **Generally.** A Tree Advisory Board is created under the jurisdiction of the Board of Public Works and Safety.

B. **Membership.** The Tree Advisory Board shall consist of five members appointed by the Mayor.

C. **Qualifications of Members.** Each member shall be a resident of the City of Valparaiso.

D. **Term.**

1. Members of the Tree Advisory Board shall serve staggered terms, as follows:
    a. Two members of the Tree Advisory Board shall have an initial term of one year;
    b. Two members shall have an initial term of two years; and
    c. One member shall have a term of three (3) years.
2. Subsequent thereto the term for members of the Tree Advisory Board shall be three years.
3. For purposes of appointment terms shall begin on January 1 and end on December 31 at the end of the term.
4. Members of the Tree Advisory Board as of the effective date of this UDO shall continue their terms as appointed.

E. **Compensation.** Members of the Tree Advisory Board shall serve without compensation.

F. **Vacancy.** In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

## Division 14.800 City Staff and Hearing Officers

### Sec. 14.801 Planning Director

A. **Generally.** The Planning Director is the Planning Director (City Planner), and/or designee.

B. **Powers and Duties.**

1. The Planning Director shall administer and enforce, or share in the administration and enforcement of, the provisions of this UDO.
2. The Planning Director shall provide input regarding the issuance and release of Building Permits, Site Permits, and Occupancy Permits.
3. The Planning Director shall have the authority to enter property to make inspections, as required to carry out necessary administration and enforcement.

C. **Recommendations.** The Planning Director shall provide a recommendation with regard to all discretionary approvals.

D. **Approvals.** The Planning Director shall decide the following types of applications:

1. Zoning clearance.
2. Minor PUD modifications.
3. Limited Use permits.
4. Development Plans.



Exhibit "E"
Page E-000313

the member at his residence address.

3. A member who is removed may, within 30 days after receiving notice of the removal, appeal the removal to the circuit or superior court of Porter County.

F. **Vacancy.** If a vacancy occurs among the members of the Board of Zoning Appeals, the appointing authority shall appoint a member for the unexpired term of the vacating member.

## Sec. 14.603 Conflict of Interest

A. **Disqualification.** A member of a Board of Zoning Appeals may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest.

B. **Records.** The Board of Zoning Appeals shall enter in its records:

1. The fact that a regular member has such a disqualification; and

2. The name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

## Sec. 14.604 Officers; Quorum and Official Action; Regular Meetings; Special Meetings; Minutes; and Findings of Fact

A. **Officers.** At the first meeting of each year, the Board of Zoning Appeals shall elect a chair and vice chair from its members. The vice chair may act as chair during the absence or disability of the chair.

B. **Quorum and Official Action.**

1. A quorum consists of a majority of the entire membership of the board of zoning appeals.

2. Action of the board of zoning appeals is not official, unless it is authorized by a majority of the entire membership of the Board.

C. **Regular Meetings.** The Board of Zoning Appeals shall fix the time for holding regular meetings each month or as necessary.

D. **Special Meetings.**

1. Special meetings of the Board of Zoning Appeals may be scheduled at the discretion of the Board:

   a. At regular meetings; or

   b. Upon request forwarded by the Planning Director, provided that a quorum that includes the president is available on the requested date, and the meeting is scheduled at least fifteen days in advance so that public notice may be given.

2. The secretary shall send to all members, at least three days before the special meeting, a written notice fixing the time and place of the meeting. However, written notice of a special meeting is not required if:

   a. The date, time, and place of the special meeting are fixed during a regular meeting; and

   b. All members of the Board Zoning Appeals are present at that regular meeting.

E. **Minutes.** The Board of Zoning Appeals shall keep minutes of its proceedings and record the vote on all actions taken. All minutes and records shall be filed in the office of the board and are public records.

F. **Findings of Fact.** The Board shall in all cases heard by it make written findings of fact.

1. Special meetings of the Board of Zoning Appeals may be called by the chair or by two members of the Board upon written request to the secretary.

2. The secretary shall send to all members, at least three days before the special meeting, a written notice fixing the time and place of the meeting. However, written notice of a special meeting is not required if:

   a. The date, time, and place of the special meeting are fixed during a regular meeting; and

   b. All members of the Board of Zoning Appeals are present at that regular meeting.



Exhibit "E"
Page E-000312

2. Variances of use; and
3. Variances of development standards.

C. **Appeals.** The Board of Zoning Appeals shall decide the following types of appeals:

1. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under this UDO;
2. Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of the UDO; or
3. Any order, requirement, decision, or determination made by an administrative board or other body except a Plan Commission in relation to the enforcement of an ordinance requiring the procurement of an occupancy permit.

D. **Employees.** The Board of Zoning Appeals may appoint a secretary and such employees as are necessary for the discharge of its duties.

## Sec. 14.602 Membership; Alternate Membership; Qualifications of Members; Term; Removal; and Vacancy

A. **Membership.** The Board of Zoning Appeals consists of five members, as follows:

1. Three citizen members, appointed by the mayor, of whom:
   a. One must be a member of the Plan Commission; and
   b. Two must not be members of the Plan Commission.
2. One citizen member appointed by the City Common Council, who must not be a member of the Plan Commission.
3. One member appointed by the Plan Commission from the Plan Commission's membership, who must:
   a. Be a county agricultural agent; or
   b. A citizen member of the Plan Commission other than the member appointed under subsection A.1.

B. **Alternate Membership.** The appointing authority may appoint an alternate member to participate with the Board in any hearing or decision if the regular member it has appointed has a disqualification under **Section 14.603, Conflict of Interest,** or is unavailable to participate in the hearing or decision. An alternate member shall have all of the powers and duties of a regular member while participating in a hearing or decision.

C. **Qualifications of Members.**

1. None of the members of the Board of Zoning Appeals may hold other elective or appointive office in municipal, county, or state government, except as provided in this subsection.
2. All members must be residents of the City of Valparaiso.
3. Members are eligible for reappointment.

D. **Term.**

1. Members of the Board of Zoning Appeals who are serving as of the effective date of this UDO shall serve the duration of their appointed terms.
2. When an initial term of office expires, each new appointment is for a term of four (4) years.
3. Terms expire on the first Monday of January. However, members serve until a successor is appointed and qualified.

E. **Removal.**

1. The appointing authority may remove a member from the Board of Zoning Appeals for cause.
2. The appointing authority must mail notice of the removal, along with written reasons for the removal, to



Exhibit "E"
Page E-000311

1. The appointment was made on or after the date of the general election and:
    a. The prior mayor was a candidate for nomination as a party's candidate for election to the office of executive at the primary election held during the last year of the prior mayor's term of office and the prior mayor was not nominated at that election; or
    b. The prior mayor was a candidate for another term of office as mayor at the general election held during the last year of the prior mayor's term of office and the prior mayor was not elected to another term of office at that election; and
2. If the mayor notifies the appointee of the removal and sends a written statement of the reasons for the removal to the City Common Council.

E. **Vacancy.**
1. A person appointed by the mayor to fill a vacancy caused by a removal under subsection E serves the remainder of the unexpired term of the appointee removed from office under subsection E.
2. If the term of a member of the Board of Public Works and Safety who was appointed by the mayor expires and the mayor does not make an appointment to fill the vacancy, the member may continue to serve on the board for only 60 days after the expiration date of the member's term.

### Sec. 14.503 Rules; Meetings; Witnesses; Administration of Oaths; and Records

A. **Rules.**
1. The Board of Public Works and Safety is authorized to adopt and publish rules for the conduct of its meetings.
2. If no rules are adopted, then the most current edition of Robert's Rules of Order shall control.
3. Failure to conform strictly to Robert's Rules of Order shall not be grounds for appeal if the failure had no material effect on the merits of the decision.

B. **Meetings.** The Board of Public Works and Safety shall schedule regular meetings on a periodic basis, not less than two times per month.

C. **Witnesses.** The Board of Public Works and Safety is authorized to require the attendance of witnesses and the production of documents relevant to matters being considered at its meetings.

D. **Administration of Oaths.** The Chair of the Board of Public Works, or designee, is authorized to administer oaths to ensure the veracity of testimony.

E. **Records.** The Board of Public Works and Safety shall keep minutes and records of its actions, which shall be public records.

Statutory References:

Subsections C and D: IC 36-1-4-12

## Division 14.600 Board of Zoning Appeals

### Sec. 14.601 General Powers and Duties

A. **Administration.** The Board of Zoning Appeals shall:
1. Supervise, and make rules for, the administration of the affairs of the Board;
2. Prescribe uniform rules pertaining to investigations and hearings;
3. Keep a complete record of all proceedings.

B. **Approvals.** The Board of Zoning Appeals shall decide the following types of applications for development approval:
1. Special use permits;

comprehensive plan.

### Sec. 14.404 Minutes and Records

The Hearing Officer shall keep minutes and records of the proceedings before the Hearing Officer. Such minutes and records are public records.

## Division 14.500 Board of Public Works and Safety

### Sec. 14.501 General Powers and Duties

A. **Administration.** The Board of Public Works and Safety shall notify recipients of deviations from the terms of **Division 4.500, Floodplain and Wetland Standards** in writing that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

B. **Recommendations.** The Board of Public Works and Safety shall make recommendations regarding:

1. Vacation of right-of-way; and
2. Widening, altering, relocation, and construction of streets and highways.

C. **Approvals.** The Board of Public Works and Safety shall decide the following types of applications for development approval:

1. Floodplain permits for:
    a. Accessory uses;
    b. Fill
2. Deviations from the terms of **Division 4.500, Floodplain and Wetland Standards.**
3. Deviations from the Official Intermodal Transportation Plan (see **Section 8.202, Official Intermodal Transportation Plan)**
4. Construction plans and surety for subdivisions, including Planned Unit Developments.
5. Location of signs in the public right-of-way.
6. Waivers from the requirements of **Article 7, Storm Water Management.**

D. **Appeals.** The Board of Public Works and Safety shall hear and decide appeals from final decisions of the City Engineer.

E. **Acceptance of Improvements.** The Board of Public Works and Safety shall determine whether public improvements meet City standards, and the chair of the Board shall sign approved secondary plats to accept easements and rights-of-way on behalf of the City.

### Sec. 14.502 Membership; Appointment; Qualifications; Removal; and Vacancy

A. **Membership.** The Board of Public Works and Safety consists of four members:

1. The mayor.
2. Two persons appointed by the mayor.
3. The City Clerk-Treasurer is the clerk of the Board.

B. **Appointment.** The mayor shall appoint two members of the Board of Public Works and Safety.

C. **Qualifications.** Members of the Board of Public Works and Safety:

1. Must be residents of the City of Valparaiso; and
2. May hold other appointive or elective positions in City government.

D. **Removal.** The mayor may remove from office a member appointed by a prior mayor if:

3. Each appointment of a member of the Plat Committee is for a term of one year.
4. The Plan Commission may remove a member from the Plat Committee. The Plan Commission must mail notice of the removal, along with written reasons, if any, for the removal, to the member at his residence address.
5. The Plat Committee may take action only by a majority vote.

**Statutory References:**

Subsection A.1: IC 36-7-4-303, Organization; president and vice president

Subsection A.2.: IC 36-7-4-304, Organization; secretary

Subsection B.1.: IC 36-7-4-301, Organization; quorum

Subsection B.2.: IC 36-7-4-302, Organization; official action

Subsection C.: IC 36-7-4-306, Organization; regular meetings and minutes

Subsection D.: IC 36-7-4-307 Organization; special meetings

Subsection E.: IC 36-7-4-306, Organization; regular meetings and minutes

Subsection F.: IC 36-7-4-701, Subdivision control ordinance

## Division 14.400 Hearing Officer

### Sec. 14.401 General Powers and Duties

A. **Generally.** The Hearing Officer is created in order to implement IC 36-7-4-923, providing an alternate procedure for the Plan Commission to allow for a more expedient disposition of certain petitions.

B. **Approval Powers.** The Hearing Officer shall have the power of the Board of Zoning Appeals to approve or deny, through the alternate procedure allowed by this Division and IC 36-7-4-923:

1. Variances from development standards that apply to a subdivision plat; and
2. Variances from development standards or use for parcels proposed for development that are located within overlay districts established by **Article 11, Design Standards.**
3. Special use permits for parcels proposed for development that are located within overlay districts established by **Article 11, Design Standards**.

C. **Other Powers.** The Hearing Officer may, upon request of the applicant before a decision is made, or upon its own initiative, transfer a petition or an application filed under the alternate procedure to the Board of Zoning Appeals. Once transferred, the petition shall not be remanded back to the Hearing Officer.

### Sec. 14.402 Appointment and Removal of Hearing Officer

The Hearing Officer (who may be a board member, a staff member, or any other person) shall be appointed by the Plan Commission. More than one Hearing Officer may be appointed. A Hearing Officer may be removed from his or her responsibilities at any time by the Plan Commission.

### Sec. 14.403 Conflict of Interest

A. **Disqualification.** No Hearing Officer shall participate in a hearing or decision of one or more Hearing Officers concerning a zoning matter in which the Hearing Officer has a direct or indirect financial interest.

B. **Records.** The Hearing Officer shall enter in the record of the application the fact that he or she is disqualified pursuant to this Section.

C. **Representation.** No Hearing Officer shall directly or personally represent another person in a City of Valparaiso hearing concerning a zoning matter.

D. **"Zoning Matter."** As used in this section, "zoning matter" does not include the preparation or adoption of a

## Sec. 14.303 Conflict of Interest

A. **Disqualification.** No member of the Plan Commission shall participate as a member of the Plan Commission in a hearing or decision of the Plan Commission concerning a zoning matter in which the member has a direct or indirect financial interest.

B. **Records.** The Plan Commission shall enter in its records the fact that its member is disqualified pursuant to this Section.

C. **Representation.** No member of the Plan Commission shall directly or personally represent another person in a hearing before the Plan Commission concerning a zoning matter.

D. **"Zoning Matter."** As used in this section, "zoning matter" does not include the preparation or adoption of a comprehensive plan.

**Statutory References:**

IC 36-7-4-223, Membership of commission; conflict of interest; zoning matters

## Sec. 14.304 Officers; Quorum and Official Action; Regular Meetings; Special Meetings; Minutes; and Plat Committee

A. **Officers.**

1. At its first regular meeting in each year, the Plan Commission shall elect from its members a president and a vice president. The vice president may act as president of the Plan Commission during the absence or disability of the president.
2. The Plan Commission shall appoint and fix the duties of a secretary, who is not required to be a member of the Plan Commission.

B. **Quorum and Official Action.**

1. A quorum consists of five voting members (a majority of the entire voting membership).
2. Action of the Plan Commission is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the Plan Commission.

C. **Regular Meetings.** The Plan Commission shall fix the time for holding regular meetings each month or as necessary.

D. **Special Meetings.**

1. Special meetings of the Plan Commission may be called by the president or by two members of the Plan Commission upon written request to the secretary.
2. The secretary shall send to all members, at least three days before the special meeting, a written notice fixing the time and place of the meeting. However, written notice of a special meeting is not required if:
   a. The date, time, and place of the special meeting are fixed during a regular meeting; and
   b. All members of the Plan Commission are present at that regular meeting.

E. **Minutes.**

1. The Plan Commission shall keep minutes of its meetings.
2. The minutes of commission meetings and all records shall be filed in the office of the Plan Commission and are public records.

F. **Plat Committee.**

1. The Plan Commission may appoint a Plat Committee to hold hearings on and approve plats and replats on behalf of the Plan Commission.
2. If formed, the Plat Committee shall consist of three or five persons, with at least one of the members being a member of the Plan Commission.



Exhibit "E"
Page E-000307

and

c. The member's interest in the development and integration of the area.

2. A citizen member may not hold other elective or appointive office in municipal, county, or state government, except in the case of membership on the School Board, the Board of Park and Recreation Commissioners, or the board of directors for public utilities, or board of trustees for utilities created under IC 8-1-11.1.

3. A citizen member must be a resident of the jurisdictional area of the Plan Commission.

C. **Term.**

1. The term of office of a member who is appointed pursuant to subsection A.1.a. through A.1.d. is coextensive with the member's term of office on that body, board, or council, unless that body, board, or council appoints, at its first regular meeting in any year, another to serve as its representative.

2. The term of office for a citizen member is four years.

D. **Certification.**

1. Members of the Plan Commission shall be certified as follows:

a. The City Clerk-Treasurer shall certify members appointed by the City Common Council.

b. The secretary of the Board of Park and Recreation Commissioners shall certify members appointed by the Board of Park and Recreation Commissioners.

c. The City Administrator shall certify his or her appointments.

2. The certificates shall be sent to and made a part of the records of the Plan Commission.

E. **Removal.**

1. The appointing authority may remove a member from the Plan Commission for cause.

2. The appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at his residence address.

3. A member who is removed may, within 30 days after receiving notice of the removal, appeal the removal to the circuit or superior court of Porter County. The court may, pending the outcome of the appeal, order the removal or stay the removal of the member.

F. **Vacancy.** If a vacancy occurs among the plan commission members who are appointed, then the appointing authority shall appoint a member for the unexpired term of the vacating member.

G. **Expenses.** If the Plan Commission determines that it is necessary or desirable for members or employees to join a professional organization or to attend a conference or interview dealing with planning or related problems, the Plan Commission may pay the applicable membership fees and all actual expenses of the members or employees, if that amount has been appropriated by the City Common Council.

**Statutory References:**

Subsection A.: IC 36-7-4-207, Membership of commission; numbers

Subsection B.: IC 36-7-4-216, Membership of commission; qualifications of citizen members

Subsection C.1.: IC 36-7-4-216, Membership of commission; term of certain appointees

Subsection C.2.: IC 36-7-4-218, Membership of commission; terms and removal of citizen members

Subsection D.: IC 36-7-4-212, Membership of commission; certification

Subsection E.: IC 36-7-4-218, Membership of commission; terms and removal of citizen members

Subsection F.: IC 36-7-4-220, Membership of commission; vacancies

Subsection G.: IC 36-7-4-222, Membership of commission; expenses

4. Rezonings.

C. **Approvals.** The Plan Commission shall decide the following types of applications for development approval:

1. Waivers from the requirements of **Article 7, Storm Water Management.**
2. Planned Unit Development modifications;
3. Primary and secondary plats;
4. Replats and plat amendments;
5. Access points, curb cuts, shared driveways, parking layouts, and adjustments to the spacing requirements denoted in the Eastgate Overlay District;

D. **Other Powers.** The Plan Commission has the authority to:

1. Assign street numbers to lots and structures;
2. Renumber lots and structures;
3. Name and rename streets; and
4. Hear appeals from decisions of the Planning Director with regard to master plans.

E. **Employees.** The Plan Commission shall establish the qualifications of, appoint, remove, and fix the compensation of its employees, which compensation must conform to salaries and compensations fixed before that time by the City Common Council. The Plan Commission shall delegate authority to its employees to perform ministerial acts in all cases except where final action of the Plan Commission is necessary.

**Statutory References:**

Subsection A.: IC 36-7-4-401 Duties; advisory planning; area planning

Subsection B. and C.: IC 36-7-4-405 Duties of plan commission; street names and numbers; areas not subject to plan commission; notice; development plans

Subsection D.: IC 36-7-4-402, Duties; employees; hearings

Subsection E.: IC 36-7-4-411, Powers; fees

## Sec. 14.302 Membership; Qualifications of Citizen Members; Advisory Membership; Term; Certification; Removal; Vacancy; and Expenses

A. **Membership.**

1. The Plan Commission consists of nine members, as follows:
   a. One member appointed by the City Common Council from its membership;
   b. One member appointed by the Board of Park and Recreation Commissioners from its membership;
   c. One member or designated representative appointed by the Board of Public Works and Safety;
   d. The City Engineer or a qualified assistant appointed by the City Engineer; and
   e. Five citizen members, of whom no more than three may be of the same political party, appointed by the City Administrator.
2. All members of the Plan Commission on the effective date of this UDC shall continue to serve their appointed terms.

B. **Qualifications of Citizen Members.**

1. Each citizen member shall be appointed because of:
   a. The member's knowledge and experience in community affairs;
   b. The member's awareness of the social, economic, agricultural, and industrial problems of the area;

g. Certify to all official acts;

h. Supervise the fiscal affairs of the Plan Commission;

i. Prepare and submit an annual budget in the same manner as other departments, and be limited in all expenditures to the provisions made for the expenditures by the City Common Council; and

j. Provide for suitable facilities for the holding of Board of Zoning Appeals hearings, and for the preserving of its records, documents, and accounts.

2. The Plan Commission may, by resolution, establish advisory committees of citizens who are interested in problems of planning and zoning. If it creates an advisory committee, the Plan Commission shall specify the terms of its members and its purposes.

   a. Each advisory committee shall:

      i. Study the subject and problems specified by the Plan Commission and recommend to the Plan Commission additional problems in need of study;

      ii. Advise the Plan Commission concerning how the subject and problems relate particularly to different areas and groups in the community; and

      iii. If invited by the Plan Commission to do so, sit with and participate, without the right to vote, in the deliberations of the Plan Commission, when subjects of mutual concern are discussed.

   b. An advisory committee shall report only to the Plan Commission, and shall make inquiries and reports only on the subject and problems specified by the Plan Commission's resolution establishing the advisory committee.

3. The Plan Commission may establish an executive committee of not less than three, nor more than nine, persons appointed by the Plan Commission from its membership.

   a. The establishment of the executive committee, the naming of its individual members, and the adoption of rules governing its operation requires a two-thirds majority vote of the entire membership of the Plan Commission.

   b. A majority of the executive committee may act in the name of the Plan Commission; but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the Plan Commission.

4. The Plan Commission may appoint a Plat Committee to hold hearings on and approve plats and replats on behalf of the Plan Commission, as follows:

   a. The Plat Committee consists of three or five persons, with at least one of the members being a member of the Plan Commission.

   b. Each appointment of a member of the Plat Committee is for a term of one year.

   c. The Plan Commission may remove a member from the Plat Committee by mailing notice of the removal, along with written reasons, if any, for the removal, to the member at his residence address. A member who is removed may not appeal the removal to a court or otherwise.

   d. The Plat Committee may take action only by a majority vote.

B. **Recommendations.** The Plan Commission shall make recommendations to the City Common Council regarding:

1. The adoption of the Comprehensive Plan and amendments to the Comprehensive Plan;

2. The adoption or text amendment of:

   a. An initial zoning ordinance;

   b. A replacement zoning ordinance; and

   c. A subdivision control ordinance;

3. The adoption or amendment of a PUD district ordinance (as defined in IC 36-7-4-1503); and

## Division 14.100 Purpose

### Sec. 14.101 Purpose

The purpose of this Article is to establish and describe the various boards and commissions that are principally responsible for land use decision-making in the City of Valparaiso, and to describe the role of City Staff in land use decision-making.

## Division 14.200 City Common Council

### Sec. 14.201 General Powers; Official Action

A. **Powers and Duties.** The City Common Council has the following powers and duties:

1. The powers and duties set out in the City of Valparaiso Code of Ordinances, **Section 31.01, Authority; Duties.**
2. All powers and duties established or authorized by the Indiana Statutes.

B. **Approvals.** The City Common Council shall make the final decision on the following types of development applications:

1. Text amendments;
2. Rezonings; and
3. Planned Unit Development (PUD) Ordinances.

C. **Official Action.** Generally, official action shall be taken as provided in the Code of Ordinances. However, with respect to text amendments and district boundary changes (rezonings), the City Common Council shall take official action by a vote of at least a majority of all elected councilmembers.

## Division 14.300 Plan Commission

### Sec. 14.301 General Powers and Duties

A. **Administration.**

1. The Plan Commission shall:
   a. Supervise, and make rules for, the administration of the affairs of the Commission;
   b. Prescribe uniform rules pertaining to investigations and hearings;
   c. Keep a complete record of all the departmental proceedings;
   d. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;
   e. Prepare, publish, and distribute reports, ordinances, and other material relating to the activities of the Plan Commission;
   f. Adopt a seal;

## Sec. 13.403 Criteria for Approval

A. **Generally.** A Special Use approval may be granted to make a nonconforming building, structure, use, or sign conforming, if, in addition to the criteria for approval of a Special Use set forth in **Section 15.706, Special Uses,** all of the criteria of this Section are satisfied.

B. **Minimal Nonconformity.** The use, as conducted and managed, has minimal nonconformities and has been integrated into the neighborhood's function. Evaluation criteria include:

1. The neighborhood residents regularly patronize or are employed at said use (for non-residential uses).
2. Management practices eliminate nuisances such as noise, light, waste materials, unreasonably congested on-street parking, or similar conflicts.
3. A history of complaints is justification for denying the Special Use permit, unless the conditions of the permit will eliminate the identified nuisances.
4. The use has been maintained in good condition or its classification as a nonconformity represents a disincentive for such maintenance.

C. **Conditions.** Conditions may be imposed relative to the expansion of bufferyards, landscaping, or other site design provisions, or other limitations necessary to ensure that, as a conforming use, the use will not become a nuisance. Such conditions may relate to the lot, buildings, structures, or operation of the use.

## Sec. 13.404 Effect and Annotation

A. **Effect.** Granting a Special Use permit pursuant to this Division makes the use, building, or structure conform to the specifics of the Special Use approval, thereby making the use, building, or structure conform to this UDO (eliminating the nonconformity).

B. **Written Approval.** Special use approvals shall be provided to the applicant in writing and may be recorded by the applicant at the applicant's expense.

C. **Annotation of Official Zoning Map.** Upon granting a Special Use permit and the applicant's demonstration of compliance with any conditions placed upon it, the Planning Director shall place an annotation on the Official Zoning Map, stating that the property has a special use permit, as well as the application case number and date of approval.

practicable. If it is not practicable to move the mobile home or manufactured home, it shall either be:

a. If located within Flood Zone A, A1-30, AH, or AE:

i. Located where the difference in elevation between the site and street and the flood elevation is less than one foot, and

ii. The bottom of the structure is elevated at least two feet above the base flood elevation; or

b. Brought into compliance with **Section Select SectionID from Zonetext1 where Index = 483, Manufactured Homes and Recreational Vehicles.**

5. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of **Division 4.500, Floodplain and Wetland Standards** shall meet the requirements of "new construction" as contained in **Division 4.500, Floodplain and Wetland Standards;** and,

6. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of **Division 4.500, Floodplain and Wetland Standards;** shall be undertaken only if said non-conformity is not further, extended, or replaced.

### 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.

## Division 13.400 Mitigation of Nonconformities

### Sec. 13.401 Purpose

Many minor nonconforming uses have existed for a period of time, and some may have only recently become nonconforming. In many instances, minor nonconforming uses are integral parts of the community's fabric, that is, its character and function, so their continuing existence promotes the City's policy objective of protecting its neighborhoods. In these instances, the classification "nonconformity" and resulting restriction on investment may not be what the community desires. As such, the use may be made conforming pursuant to this Division in order to remove the stigma associated with the "nonconforming" designation.

### Sec. 13.402 Procedure

A. **Generally.** An owner of a major or minor nonconforming use, building, or structure may apply for a Special Use permit which has the effect of making the nonconforming use, building, structure, or sign conforming. The criteria for Special Use approval are set out in **Section 13.403, Criteria for Approval.**

B. **Exclusions.** This procedure does not apply to nonconforming lots, which may be buildable in accordance with the standards of **Section 13.305, Construction on Nonconforming Lots.**



Exhibit "E"
Page E-000301

A. **Combination of Lots to Increase Conformity.**

1. Where a landowner owns several abutting lots that do not conform to the dimensional requirements of the district in which they are located, they shall combined to create fully conforming lots or, if full conformity is not possible, they shall be combined to the extent that the combination increases the degree of conformity.

2. The City will not require the combination of lots pursuant to paragraph A.1., above, if either:

   a. Two or more of the lots are developed with principal buildings, and the combination of lots would require that one or more of the buildings be torn down in order to comply with this UDO; or

   b. The combination of lots would materially disrupt the character of the neighborhood, for example, by creating a through lot mid-block on a street segment that does not include any other through lots.

B. **Construction on Legal Lots That Do Not Conform to Dimensional Requirements.** A legal lot that does not meet district requirements with respect to area, lot width, or frontage may be built upon if:

1. The lot is a lot of record; and

2. The use is permitted in the district in which the lot is located;

3. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use;

4. All yards or height standards are complied with, except that the Planning Director may authorize a reduction of required yards of up to 10 percent, provided that the Planning Director finds that the reduction does not allow a building that would be larger than permitted on a conforming lot.

## Sec. 13.306 Nonconforming Buildings or Uses in the Floodplain

A. **Generally.** Existing buildings or uses in the floodplain that do not conform to the standards of **Article 4, Site Capacity and Environmental Standards,** as it pertains to floodplains and floodways, are nonconforming. Such uses or structures are susceptible to flood damage, and the City may incur substantial costs should such flood damage occur. Therefore, elimination of the nonconformity or correction of violations are a priority.

B. **Damaged Buildings.** In general, building permits for substantial repair of flood damage (that is, repairs with a value equal to 50 percent or more of the value of the building or structure sought to be repaired) within special flood hazard areas are subject to the standards of **Division 4.500, Floodplain and Wetland Standards.**

C. **Substantial Repairs.** Building permits shall not be issued for substantial repair of flood damage in the following circumstances:

1. If the standards of **Division 4.500, Floodplain and Wetland Standards** cannot be met, the building or structure cannot be rebuilt, and its use shall be discontinued. The City will work with Federal and other local agencies to assist in relocation.

2. Buildings, except mobile homes and manufactured homes, that are located on parcels on which it is feasible to relocate the building out of the floodplain. However, if it is not feasible to relocate the building, building permits may be issued only if the work includes elevating or floodproofing the building as provided in **Division 4.500, Floodplain and Wetland Standards.**

3. Mobile homes or manufactured homes that are damaged or moved from their foundations by floodwaters, except that mobile homes or manufactured homes may be replaced by new mobile homes or manufactured homes, provided that:

   a. The replacement is according to the applicable standards set out in **Division 4.500, Floodplain and Wetland Standards;** and

   b. The replacement home is manufactured or constructed under authority of **42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards.**

4. Mobile homes or manufactured homes that are damaged by flooding such that the cost of repair is more than 30 percent of the value of the building shall be relocated out of the special flood hazard zone when

any five year period.

C. **Telecommunications Towers.** The owner of the property upon which a telecommunications tower is installed shall dismantle the tower and all associated structures if no functioning antenna is attached to the tower for 180 consecutive days. If the site is not redeveloped for another use, it shall be planted with vegetation to minimize erosion.

Statutory Reference: Subsection B. IC-36-7-4-616; Existing Code Section 535.

## Sec. 13.304 Alternation, Enlargement, or Extension

A. **Repairs and Alterations of Nonconforming Buildings or Structures**

1. Routine maintenance of a nonconforming building or structure, or of a conforming building or structure containing a nonconforming use, is permitted, including necessary non-structural repairs, paint, and incidental alterations which do not extend or intensify the nonconforming use or materially extend the life of the nonconforming structure.
2. No structural alteration shall be made in any structure containing a nonconforming use, except in the following situations:
    a. When the alteration is required by law;
    b. When the alteration will result in eliminating the nonconforming use or structure; or
    c. When a building in a residential district containing residential nonconforming uses is altered in any way to improve livability, provided that no structural alterations are made that increase the number of dwelling units or the bulk of the building.
3. No building or structure that contains a major nonconforming use shall be enlarged unless the major nonconforming use is permanently discontinued.

B. **Expansion of Nonconforming Uses.**

1. Major nonconforming uses shall not be expanded.
2. No minor nonconforming use shall be expanded or extended in such a way as to occupy:
    a. Any open space or landscaped area that is required by this UDO; or
    b. Any land beyond the boundaries of the property or lot as it existed on the effective date of this UDO.
3. No minor nonconforming use shall be expanded to displace any conforming uses in the same building or on the same parcel.

C. **Nonconforming Buildings or Structures.**

1. Nonconforming buildings or structures shall not be altered or expanded in any manner unless building coverage and floor area remain within the limits permitted by this UDO.
2. No expansion or alteration of a building or structure shall increase the degree of nonconformity. For example, if a building is set back five feet from a property line and the UDO requires a setback of eight feet, then no portion of an addition could come closer to the property line than the minimum required eight feet, except as allowed in the NC District pursuant to **Division 3.400, Neighborhood Conservation.**

D. **Nonconforming Signs.**

1. Nonconforming signs may not be enlarged or altered in a way that increases their nonconformity, but any structure or portion thereof may be altered to come into conformance with this UDO.
2. A nonconforming sign which has been damaged by fire, wind or other cause in excess of 60 percent of its replacement cost shall not be restored except in conformance with the applicable regulations in this UDO.
3. A nonconforming sign shall be properly maintained so that such sign does not constitute a danger to the public health and welfare.

## Sec. 13.305 Construction on Legal Lots That Do Not Conform to Dimensional Requirements



Exhibit "E"
Page E-000299

1. Automotive disposal;
2. Automotive salvage recycler;
3. Automotive salvage rebuilder;
4. Disposal;
5. Recycling;
6. Salvage;
7. Scrap metal processing; and
8. Billboards.

C. **Minor Nonconformities.** All nonconforming uses, buildings and structures that are not classified as major nonconformities are minor nonconformities. These can be turned into conforming uses pursuant to **Division 13.400, Mitigation of Nonconformities.**

## Division 13.300 General Regulations

### Sec. 13.301 General Burden of Proof

The party alleging the existence of a nonconforming use or variance granted by the Board of Zoning Appeals has the burden of proof on that issue. The nonexistence of a nonconforming use or variance need not be proved.

Statutory Cross-Reference: IC 36-7-4-1019.

### Sec. 13.302 Change or Conversion of Use

A. **Generally.** A nonconforming use shall not be changed to any other nonconforming use unless the proposed nonconforming use is mitigated in accordance with the applicable standards of **Division 13.400, Mitigation of Nonconformities.**

B. **Agriculture.** Nonconforming agricultural uses:
   1. May change to other nonconforming agricultural uses;
   2. May not be terminated by the City if they are maintained for three years during any five year period;
   3. May not be restricted; and
   4. May not be subject to variances, special exceptions, special uses, contingent uses, or conditional uses. However, agricultural uses are subject to compliance with state environmental and health safety laws, and zoning regulations that apply to conforming agricultural uses.

Statutory Reference: Subsection B. IC 36-7-4-616

### Sec. 13.303 Abandonment or Discontinuance of Use

A. **Non-Agricultural Uses.**
   1. **Minor Nonconforming Uses.** Whenever a minor nonconforming use is abandoned or discontinued for a period of 180 consecutive days, such use shall not thereafter be re-established, and any future uses shall conform to this UDO.
   2. **Major Nonconforming Uses.** Discontinuance of a major nonconforming use for a period of 180 consecutive days constitutes abandonment of the use, regardless of the owner's intent, and the major nonconforming use shall not be thereafter reestablished.
   3. **Early Abandonment.** A nonconforming use shall be presumed to be abandoned before the period specified in subsection A.1. or A.2. if the intent of the owner or occupant to discontinue the nonconforming use is obvious to the reasonable person.

B. **Agricultural Uses.** Nonconforming agricultural uses are abandoned if they are discontinued for three years out of



Exhibit "E"
Page E-000298

## Division 13.100 Purpose

### Sec. 13.101 Purpose

The purpose of this Division is to establish regulations for lots, buildings and structures, signs, and uses that were legally established, but no longer conform to the City's land development regulations.

## Division 13.200 Types and Classes of Nonconformities

### Sec. 13.201 Types of Nonconformities

A. **General Types of Legal Nonconformity.** There are four general types of legal nonconformities that are recognized by this UDO.

1. **Nonconforming Uses.** The following uses are legally nonconforming uses:
   a. Uses that were lawfully established but are not currently listed as Permitted, Limited, or Special Uses in the district in **Section 2.201, Permitted, Limited, and Special Uses,** are nonconforming uses.
   b. Uses that are listed as Special Uses in a district, but were lawfully established without a special use permit. For these uses, the nonconforming use status may be removed by obtaining a Special Use permit. (see **Section 15.706, Special Uses**).
   c. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.
2. **Nonconforming Buildings or Structures.** The following are legally nonconforming buildings or structures:
   a. Buildings or structures that fail to meet the density, intensity, setback, bufferyard, height, parking, or bulk requirements of this Code.
   b. Buildings or structures that were lawfully established within a floodplain or floodway, but are no longer permitted due to their location or elevation within the floodplain or floodway.
3. **Lots.** A lawfully established lot, not held in common with any other lot, that does not meet the area or other dimensional standards of this UDO, is a legal lot which is subject to the provisions of this Article.
4. **Nonconforming Signs.** See **Division 5.200, Pre-existing, Prohibited, and Nonconforming Signs.**

B. **Unlawful Uses, Buildings, Structures, Lots, or Signs.** A use, building, structure, lot, or sign that did not comply with applicable laws at the time it was established, constructed, or created, is an unlawful use, building, structure, lot, or sign. Unlawful uses, buildings, structures, lots, and signs are violations of this UDO and are not subject to this **Article 13, Nonconformities**.

### Sec. 13.202 Major and Minor Nonconforming Uses, Buildings and Structures

A. **Generally.** Nonconforming uses and nonconforming buildings and structures, are further classified as major or minor, as provided in this Section.

B. **Major Nonconformities.** Major nonconformities are those for which the nonconformity generates a nuisance *per se* or represents such incompatibility with adjacent uses and/or the Comprehensive Plan that they should be eliminated when discontinued, abandoned, or destroyed. The following are major nonconformities:

## Sec. 12.302 Building Separation for Attached Dwelling Units

A. **Generally.** Various attached dwelling unit types have no side yards. Spacing between attached units are regulated by building spacing, which requires breaks between groups of units in order to provide light, air, and access. These spacing requirements may be modified as provided in this Section.

B. **Irregular Facing Walls.** Where facing building planes are not parallel, or are irregular, the average distance between the adjoining walls shall be used to measure building spacing, provided that:

1. The building spacing at the closest point between the two buildings is not more than 20 percent less than the requirement; and

2. All building and fire code requirements are met.

F. **Review.** The City may require an applicant to modify or relocate proposed building pads if the City finds that the proposed building pad layout would negatively affect the character of the street.

## Sec. 12.204 Connection to Abutting Parcels

A. **Generally.** Generally, adjoining parcels shall be connected as they develop separately over time. This Section provides the circumstances in which connections will not be required.

B. **Modulation.** Modulation of the connection requirement shall be granted if any of the following are demonstrated:

1. If the neighboring property has provided a stub to the subject property, the connection shall be made unless there is a high quality wetland that would be destroyed as a result of the connection.

2. A connection would result in floodplain being filled to a greater extent than provided by **Division 4.500, Floodplain and Wetland Standards.**

3. If there would be a major cost involved, such as a bridge over an irrigation canal, and the Planning Department believes a connection is not needed at this location to provide good connectivity, then the modulation shall be permitted. If there is a stub on the other side, the City may require a pedestrian bridge to improve access.

## Sec. 12.205 Intersection Spacing

A. **Generally.** Intersections may be spaced closer together than allowed by Article 10, Streets and Utilities, as provided in this Section.

B. **Modulation.** In either of the following circumstances, modulation of the intersection spacing requirements of this UDO shall be granted unless a reasonable alternative street configuration exists that will provide the separation:

1. If the depth of a block is less than these distance required between intersections; or

2. If topographic, natural resource protection, or ownership obstacles make providing the required separation impractical.

C. **Limitation.** A shorter distance between intersections may be permitted pursuant to subsection B., above, only in cases where the City Engineer determines that:

1. The shorter distance will result in conditions that are either comparable or better with regard to public safety than the minimum required separation distance; and

2. The shorter distance does not compromise the function of the street.

# Division 12.300 Modulation of Zoning Standards

This Division will provide alternative standards for alley lots, windowless walls, building separation, and the creation of new housing types for the housing palette.

## Sec. 12.301 Yard Modulation for Alley Accessed Lots

A. **Generally.** Where an alley is used to provide primary or sole vehicular access (see **Section 12.201, Mews Arrangement**), yard adjustments may be allowed to achieve a more urban streetscape and provide for larger rear yards.

B. **Modulation.** The City shall allow modulation of front yards upon review of the front yard setbacks along both sides of the street segment that includes the parcel proposed for development. The City may require a larger than minimum setback or additional landscaping to make an appropriate transition between units with the reduced yards and existing dwellings with conforming yards. Modulation pursuant to these standards may be approved within the following limits:

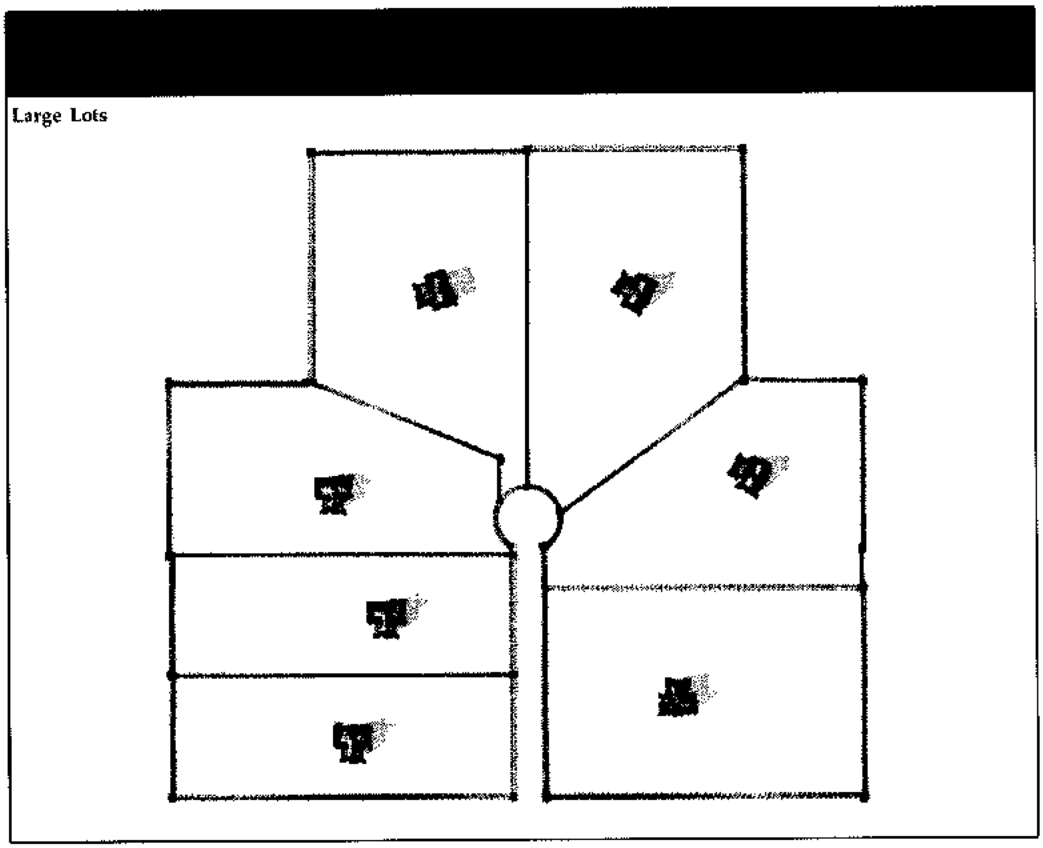
1. The front yards of single-family or two-family homes may be reduced to a minimum of 12 feet, provided that the rear yard is increased by an amount that corresponds to the decrease in the front yard.

2. The front yards of attached single-family dwelling units may be reduced to a minimum of eight feet, provided that the rear yard is increased by an amount that corresponds to the decrease in the front yard.



Exhibit "E"
Page E-000295

D. **Large Lots.** Where lots exceeding three acres are provided, the lot shape that provides efficient use of the land and minimum lot size may be used. See **Figure 12.202.D., Large Lots.**




## Sec. 12.203 Building Pads

A. **Generally.** Where lots are greater than one acre in size and an applicant wants to locate buildings in a manner that results in a more casual neighborhood layout without the character of buildings lining up along a street on the setback line, the preliminary plat shall propose building pads for each lot that are varied as to setbacks. The plan shall be approved if compliance with all of the standards of this Section is demonstrated.

B. **No Loss of Privacy.** There is no loss of privacy due to homes are located closer to each other than would be the case if the yards required by the underlying district regulations were applied.

C. **Environmentally Sensitive.** Pads are located to avoid impacts on natural resources or to provide a better view of protected resources or designated open space.

D. **Landscaping.** The density of landscaping is increased to enhance the natural character of the development compared to what would be required by the minimum standards of **Article 12**, Landscaping.

E. **Edges of Parcel Proposed for Development.**

1. If the side lot lines or rear lot lines of a lot abut an adjacent parcel or lot with the same zoning designation, located outside of the parcel proposed for development, then the minimum setbacks shall be maintained.

2. If a property line of a lot is an existing residential street, then the building pads approach provided in this Section may be used, provided that:

   a. Front yards are reduced by not more than 10 percent; and

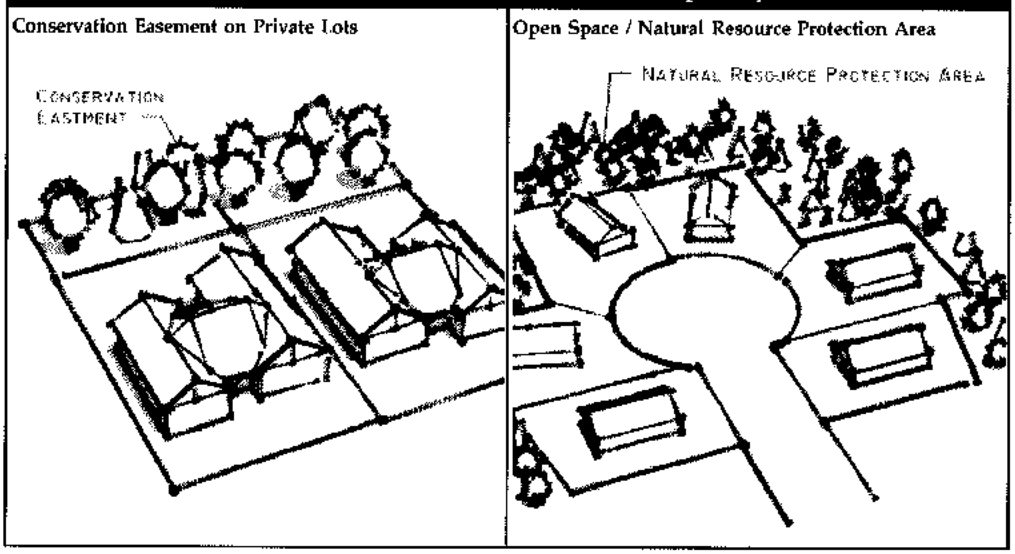
   b. Additional street trees or front yard landscaping is used.



Exhibit "E"
Page E-000294

B. **Adjacent Open Space or Conservation Easement.** Where lots are surrounded by open space or conservation easements, an approximately trapezoidal shape may be used to maximize the benefits of the open space and reduce the length of streets. See **Figure 12.202.B., Conservation, Natural Resources, or Open Space.**

Figure 12.202.B.:
Conservation, Natural Resources, or Open Space




C. **Curvilinear Streets.** Irregular lots are permitted where the street alignment would otherwise force larger, pie shaped lots and the use of irregular lots would allow for smaller lots and more access to open space. See **Figure 12.202.C., Curvilinear Streets.**

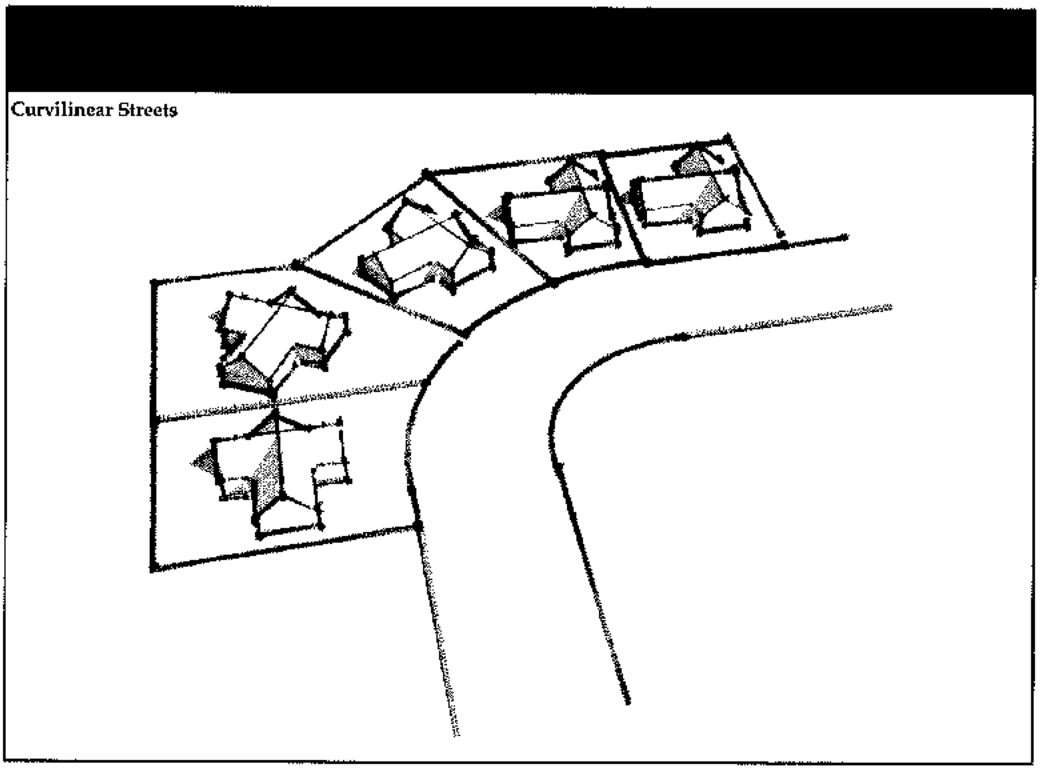
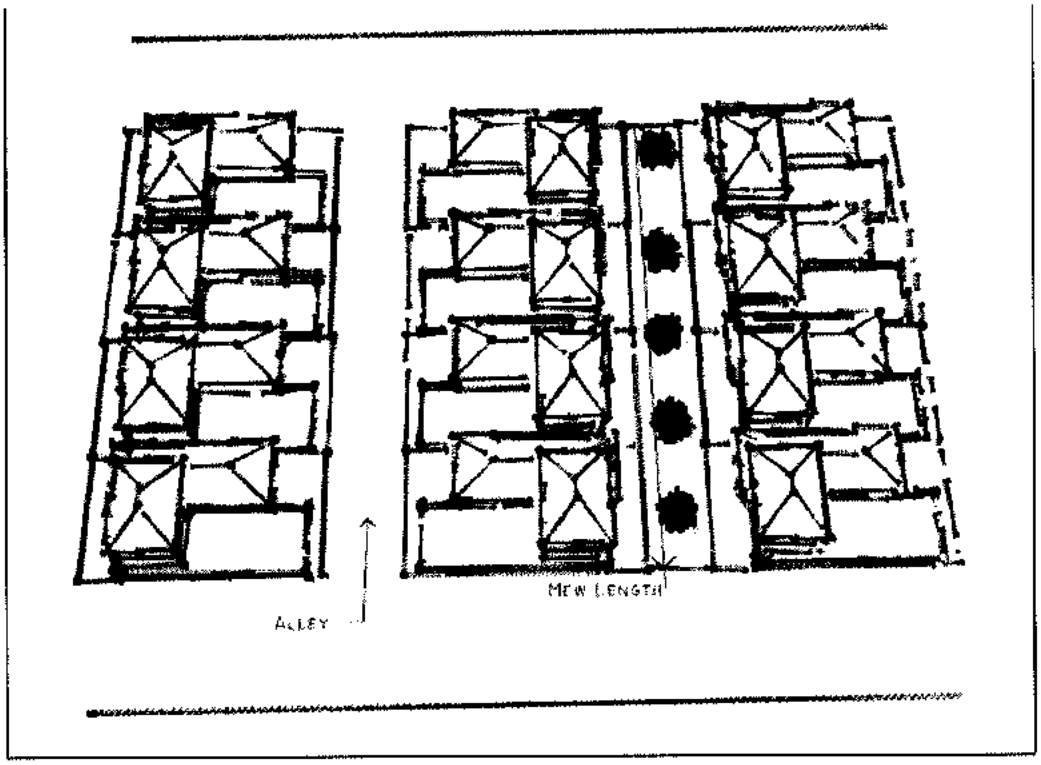




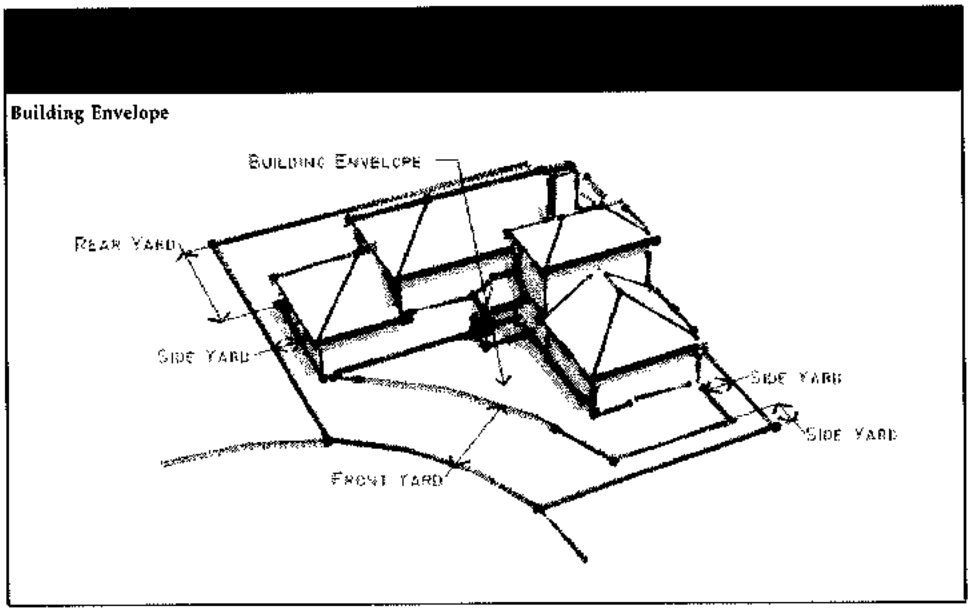

Exhibit "E"
Page E-000293




## Sec. 12.202 Lot Shapes

A. **Generally.** Generally, lot shall be rectangular or "pie-shaped." However, alternative lot shapes may be approved where:

1. The alternative shape is necessary due to the shape of the parcel proposed for development;
2. The alternative shape does not interfere with the efficient development of other property; and
3. The lots allow for a building envelope that is adequate for conventional building design. See **Figure 12.202.A., Building Envelope.**



CITY OF VALPARAISO INDIANA
Unified Development Ordinance

## Division 12.100 Purpose and Applicability

### Sec. 12.101 Purpose

The purpose of this Article is to provide for flexibility with regard to the application of zoning and subdivision standards, within limits that protect the character and function of the community.

### Sec. 12.102 Applicability

The standards of this Article may be applied at the applicant's option, as provided herein.

## Division 12.200 Modulation of Subdivision Standards

### Sec. 12.201 Mews Arrangement

A. **Generally.** The mews arrangement is a site layout in which homes front on a common green and vehicular access is by way of alleys. See **Figure 12.201, Mews Arrangement.**

B. **Modulation.** Small lots may take alley access and front on mews (common greens) if it is demonstrated that:

1. The mews are not longer than the shorter of:
   a. 300 feet; or
   b. 10 lots; and either
2. The lots are less that 10,000 square feet in area and used for single-family detached dwelling units; or
3. The lots are used for attached dwelling units, except multifamily dwelling units.

Figure 12.201
Mews Arrangement

**Mews Arrangement (shown with patio homes)**


Last Revision: April 26, 2010
Valparaiso Unified Development Ordinance

Exhibit "E"
Page E-000290

1. Generally, open space shall be provided based on the context of the parcel proposed for development, according to the requirements of **Table 11.802, Contextual PUD Open Space Requirements.**

Table 11.802:
Contextual PUD Open Space Requirements

| Principal Adjacent District[1] | Open Space Ratio (OSR) |
|---|---|
| OS, ER, or unincorporated county (any district) | 0.90 |
| SR | 0.55 |
| GR | 0.50 |
| Any other district | 0.20 |

[1] The principal adjacent district is the district of: (1) the abutting parcel with the largest street frontage on the street that provides primary access to the parcel proposed for development; or if the parcel proposed for development occupies an entire block face, (2) the parcel with the largest frontage located across the street that provides primary access to the parcel proposed for development.

2. PUDs shall protect natural resources as provided in **Article 4, Site Capacity and Environmental Standards.**

## Sec. 11.803 Standards for Commercial Uses in Residential PUDs

A. **Generally.** Residential PUDs that are larger than 25 acres may include commercial uses as provided in this Section.

B. **Standards.**

1. Commercial uses, including associated parking and landscaped areas, may occupy not more than 10 percent of the gross site area.

2. The types of commercial uses shall be determined and specified as part of the Development Plan.

C. **Changes of Commercial Use.** All material changes of use after the Development Plan approval shall be reviewed and approved by the Plan Commission as a PUD modification.

## Sec. 11.804 Commercial PUD Standards

A. **Buffers.** Buffers shall be provided as set out in **Division 10.400, Bufferyard Requirements.** The buffers shall not be counted as open space.

B. **Use.**

1. A maximum of 10 percent of the gross site area of a Commercial PUD may be used for residential purposes.

2. A maximum of five percent of the gross site area of a Commercial PUD may be used for industrial purposes, provided that it is demonstrated that they are compatible with the commercial and/or residential uses. Compatibility shall be determined as part of the PUD Development Plan, and may be enhanced by buffers or separation.

## Sec. 11.805 Standards for Commercial Uses in Industrial PUDs

Not more than 30 percent of the gross site area of an industrial PUD shall be used for commercial uses.



Exhibit "E"
Page E-000289

**Landscaping.**

5. The Landscape plan shall contain a statement of the methods by which the applicant will satisfy the requirements of this Article throughout site (re)development.
6. Landscape plans shall show how the developer intends to work with the natural features of the property, with special concern being given to the preservation of mature trees and those trees on the Priority Tree List during site (re)development.
7. Landscape plans shall specify the planned impact of proposed improvements and development (overhead lines, roadways, berms, parking areas, etc.) upon the property.

## Sec. 15.305 Applications

A. **Generally.** Every application for development approval shall be submitted on a form approved by the Planning Director; or in the case of site permits, the City Engineer; or in the case of Building Permits, the Building Commissioner; along with the corresponding application fee.

B. **Forms.**

1. The responsible official shall promulgate and periodically revise forms for each type of application required by this UDO.
2. Application forms shall include the specific information that is required to process each type of application. The specific information requirements shall be established and periodically revised by the responsible official, and have the purpose of facilitating:
    a. The evaluation of applications for compliance with the standards of this UDO; and
    b. The administration of this UDO.

C. **Schedule.** The responsible official is authorized, but not required, to establish regular intake days for any or all classifications of applications for development approval, provided that:

1. The schedule is posted at City Hall and on the City's worldwide web site; and
2. The schedule provides for applications to be submitted:
    a. At least once per week for applications listed in **Section 15.202, Administrative Permits**, except site permits and building permits, which shall not be limited to certain days.
    b. At least twice per month for applications listed in **Section 15.203, Discretionary Approvals.**
3. The schedule does not restrict the timing of notices of appeal.

## Sec. 15.306 Application Completeness Review

A. **General.** Within five business days after an application is submitted, the responsible official shall review the application to verify that it is complete.

B. **Incomplete Applications.**

1. Incomplete applications shall be returned to the applicant with a written explanation that describes in general terms the materials that must be submitted to complete the application.
2. No application that does not include the applicable processing fee shall be considered complete.

C. **Complete Applications.** Complete applications shall be processed according to the applicable procedures of this Article.

## Sec. 15.307 Administrative Review

A. **Administrative Review.** When the responsible official determines that an application is complete, then the responsible official shall cause the application to be reviewed for technical compliance with the requirements of this UDO; and

1. If the application is for an administrative permit, shall approve, approve with conditions, or deny the



Exhibit "E"
Page E-000333

application.

2. If the application is for a discretionary approval, shall make a recommendation regarding the application and forward the recommendation to the next body that will consider it for further recommendation or approval.

B. **Meeting Logistics.**

1. If the application is for a discretionary approval, the responsible official shall set the application on the next available agenda of the next body that will consider the application, consistent with the legal requirements for public notice.

2. The responsible official shall coordinate with decision-making bodies to fix reasonable times for hearings.

## Sec. 15.308 Notice

A. **General.**

1. The responsible official shall cause any required public hearings to be noticed according to the requirements of the Indiana Code.

2. In addition to the statutory requirements, some application types require mail notice to surrounding property owners.

3. **Table 15.308, Public Notice,** sets out the types of public notice that are required for each type of development approval.

Table 15.308:
Public Notice

| Application Type | Required Notice | Timing of Required Notice |
|---|---|---|
| Any Discretionary Approval in the Eastgate Overlay District; Variance (all types); Special Use; Primary Subdivision Plat; Floodplain Deviation; Modification of Written Commitments | Publication in a qualified newspaper; Certified Mail within a 300 foot radius | 10 days before the date set for the hearing |
| Primary Approval of Minor Plat | Publication in a qualified newspaper; Certified Mail within a 300 foot radius | Not more than 10 days after the date of the approval |
| Vacation of Right-of-Way | Publication in a qualified newspaper; Certified Mail to all property owners abutting the right-of-way proposed to be vacated | 10 days before the date set for the hearing |
| Rezoning; Planned Unit Development Ordinance; | Publication in a qualified newspaper; Certified Mail within a 300 foot radius (except text amendments) | 10 days before the date set for the Plan Commission public hearing |

B. **Posting.** All public meetings shall be posted pursuant to the requirements of **IC 5-14-1.5-5, Public Notice of Meetings**.

C. **Publication.** Notice by publication shall be in a newspaper of general circulation in the City of Valparaiso, pursuant to the requirements of **IC 5-3, Publication of Notices.**

D. **Notice by Certified Mail.** Notice by certified mail shall be delivered to all property owners listed on the most recent tax roll within the radius indicated in **Table 15.308, Public Notice.**

E. **Costs of Notice.** The cost of the notice shall be paid by the Applicant, or in the case of an appeal, the Appellant.

## Sec. 15.309 Public Meetings and Public Hearings

A. **Schedule.**

1. The Plan Commission and City Common Council each require two meetings, as follows:
    a. During the first meeting, an introduction and public hearing shall be held on the application;
    b. During the second meeting, which shall be scheduled for the next regular meeting of the body, the body shall take official action on the application.
2. The Plan Commission or City Common Council may waive the two meeting requirement and take official action on an application during the same meeting in which it is introduced and heard if it finds that there are unusual circumstances that justify departure from the requirement. Action to suspend rules of procedure requires unanimous approval by all councilmembers present.

B. **Rules of Procedure.** Public meetings and public hearings shall be conducted in accordance with the rules of procedure promulgated by the body holding the meeting or hearing.

## Sec. 15.310 Written Commitments

A. **Generally.** Written commitments are documents that bind the applicant and subsequent owners to restrictions with regard to the use or development of a parcel proposed for development. These commitments may be more restrictive than the applicable provisions of this UDO.

B. **Parties Bound.** Unless a written commitment is modified or terminated, it is binding upon:

1. The owner of the parcel proposed for development;
2. Subsequent owners of the parcel proposed for development; and
3. Any person who acquires an interest in the parcel proposed for development.

C. **Effect on Other Recorded Restrictions.** This Section does not affect the validity of any lawfully created covenant, easement, equitable servitude, or other land use restriction.

D. **Creation.** Written commitments may be offered in either of the following ways:

1. A summary of proposed written commitments, if any, may be submitted with an application for approval of a rezoning, planned unit development ordinance, master plan, special use, or variance; or
2. Written commitments suggested by a recommending body during a public hearing shall be provided to the City at least fourteen days prior to the meeting of that body in which a vote is taken on the application.

E. **Modification or Termination.**

1. Written commitments may be modified or terminated by the body specified in subsection K., L., or M., when:
    a. They are moot;
    b. Their purpose is frustrated or their completion is impossible, and a modification would better and more efficiently serve the original purpose;
    c. They are no longer necessary due to changed conditions; or
    d. The approval to which they relate is voluntarily abandoned and no construction has commenced.
2. Written commitments automatically terminate if, after the approval to which they relate and under a separate application unrelated to the one in which the written commitments were offered:
    a. The zone map applicable to the parcel proposed for development is changed; or
    b. The parcel proposed for development is designated as a planned unit development district.

F. **Form.** Written commitments shall be provided in a form approved by the City Attorney.

G. **Enforcement.** Written commitments shall include an enforcement clause that allows the City to seek all enforcement remedies, including declaratory and injunctive relief, which shall allow for mandatory injunctions. The body that approves a written commitment may also require it to include other parties with a



Exhibit "E"
Page E-000335

right of enforcement if such right of enforcement is reasonably necessary to accomplish the purposes of the written commitment.

H. **Notice.** When written commitments are to be considered at public hearing, the public notice (pursuant to **Section 15.308, Notice**) shall so indicate.

I. **Effective Date.** Written commitments shall take effect upon the approval of the application to which they relate.

J. **Recording.** All written commitments made under this section shall be recorded in the Office of the Porter County Recorder. However, a commitment is binding on the owner of the parcel proposed for development even if the commitment is not recorded, except as provided by Indiana law.

K. **Rezonings and Planned Unit Development Ordinances.**

1. Subsections A. through J. shall apply to written commitments attached to rezonings and planned unit development ordinances.
2. The City Common Council may permit or require written commitments as a condition of rezoning or planned unit development ordinance approval in order to ensure:
    a. Compliance with the conditions of the approval;
    b. The provision of adequate public infrastructure;
    c. The mitigation of offsite impacts created by the proposed development;
    d. The protection of natural resources;
    e. The protection of adjacent uses from potentially incompatible uses;
    f. The protection of the functional integrity of public infrastructure; or
    g. The protection of community character.
3. The City Common Council may modify or terminate written commitments after duly noticed public hearing.

L. **Master Plans.**

1. Subsections A. through J. shall apply to written commitments attached to master plans, unless the Plan Commission adopts alternative rules:
    a. Governing the creation, form, recording, modification, enforcement, and termination of commitments; and
    b. Designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.
2. A written commitment made pursuant to this subsection may be modified or terminated only by the Plan Commission after duly noticed public hearing.

M. **Special Uses and Variances.**

1. Subsections A. through J. shall apply to written commitments attached to master plans, unless the Board of Zoning Appeals adopts alternative rules:
    a. Governing the creation, form, recording, modification, enforcement, and termination of commitments; and
    b. Designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.
2. Written commitments for special uses and variances, even if originally approved by the Hearing Officer, may be modified or terminated only by the Board of Zoning Appeals.
3. Conditions imposed on the granting of a special use or variance are not subject to the rules applicable to written commitments. By permitting or requiring written commitments, the Board of Zoning Appeals does not obligate itself to approve or deny any request.



Exhibit "E"
Page E-000336

## Sec. 15.311 Approval; Effect of Approval

A. **Generally.** Approval of an application authorizes only the particular use, plan, or other specific activity for which the approval was granted. Approvals run with the land that is the subject of the approval. Exceptions are text amendments and use interpretations, which generally impact more than one parcel of land.

B. **Writing and Findings Required.** Approvals shall be reduced to writing and shall include findings that support the decision. For administrative approvals, the approval and findings shall be signed by the Staff member who is ultimately responsible for the decision. For discretionary approvals and appeals, the approval and findings shall be signed by the person who presided over the meeting in which the decision was made.

C. **Expiration of Approvals.**

1. Permitted time frames for an approval do not change with changes in ownership and shall expire as indicated in **Table 15.311, Time Limitations and Extensions,** if either of the following occur:
   a. A building permit or site permit has not been issued to establish the use authorized in the approval.
   b. The use does not require a building permit and is not established, ongoing, and in operation.
2. Although a permit may expire, nothing in subsection C.1. abrogates the right to a seek a new permit that may be conferred by IC 36-7-4-1109.
3. Owner-builder permits shall expire upon change of ownership, unless they are transferred within five days of closing.
4. Any approval not listed shall not expire. Such approvals shall continue in force until superseded by an amendment to this UDO, a subsequent, inconsistent application, or other similar specific action that would alter the approval.

D. **Extensions.**

1. Upon written request and good cause shown, one extension may be granted by the decision-making body for a period not to exceed the original approval period. No request for an extension shall be considered unless a written application requesting the extension is submitted to the responsible official no later than one month prior to the expiration of the approval. Failure to submit an application for an extension within the time limits established by this Section shall result in the approval's expiration as provided above.
2. This subsection does not apply to building permits if evidence of good-faith effort toward completion is provided to the Building Commissioner.

E. **Appeals.** If there is an appeal or litigation during the time period that limits the applicant's ability to proceed, the appeal or litigation shall suspend the expiration date, and the date shall be recalculated when the appeal or litigation, including appeals, is complete. The new expiration date shall be established by adding the number of days that the approval remained valid before the appeal or litigation commenced to the date the appeal or litigation was completed by a final, nonappealable order. This Subsection does not apply if the litigation is for violation of this UDO.

Table 15.311:
Time Limitations and Extensions

| Application Type | Time Limitation |
|---|---|
| Zoning Clearance Permit | 12 months |
| Floodplain Permit | 180 days to actual start of construction, and, after actual start of construction, same as site permit |
| Site Permit | 6 months to commencement of construction, and 3 years to completion |
| Facade Improvement Permit | 12 months |
| Sign Permit | 90 days |
| Limited Use Permit | 12 months |



Exhibit "E"
Page E-000337

| | |
|---|---|
| Special Use | 24 months[1] |
| Variance (Use or Development Standards) | None, except if a condition of approval |
| Development Plan Approval | 36 months |
| Primary Plat | 18 months |
| Building Permit | 90 days unless otherwise approved by Building Commissioner; or expires due to 30 days of dormancy or abandonment. |
| [1] Unless specified otherwise in the approval. The approval may also specify periodic review, at which time the approval could be terminated. | |

Reference: C.2., IC 36-7-4-1109

## Sec. 15.312 Successive Applications

A. **Successive Applications to be Summarily Denied.**

1. An application for development approval, including district boundary changes, but not including building permits, shall be summarily denied if the responsible official determines that it is substantially similar to an application that:
   a. Sought development approval for the same property; and
   b. Was denied during the 12 months prior to the submittal of the application for development approval.
2. An application for vacation of right-of-way shall be summarily denied if the responsible official determines that it is substantially similar to an application that:
   a. Affected the same property;
   b. Asked for the same relief; and
   c. Was denied during the two years prior to the submittal of the application for development approval.

B. **Effect of Summary Denial.** No application for development approval shall be accepted from an applicant for property that is the subject of a summary denial for a period of 12 months after the date of the summary denial.

# Division 15.400 Procedures and Administration for Development Plan Approval

## Sec. 15.401 Applicability and Administration

A. **Generally.** Pursuant to **IC 36-7-4-601, Zoning Ordinance; Powers and Duties of the Legislative Body,** subsection (d)(3), this division shall apply within the CA and CP districts, which the Plan Commission and City Common Council finds are "areas having special development problems or needs for compatibility." Development pursuant to this Division is permitted by a master plan approved by the Planning Director, to whom such approval authority is delegated pursuant to **IC 36-7-4-1402(c)(1)**.

B. **Administration.**

1. In the districts specified in subsection A., the Planning Director shall:
   a. Approve, approve with conditions, or disapprove development plans pursuant to the standards of this UDO and the applicable procedures of this Article; and
   b. Ensure that any development plan approved under this Article is consistent with the comprehensive plan.
2. The Planning Director may do the following:
   a. Impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the development requirements specified in this UDO for approval of the development plan.



Exhibit "E"
Page E-000338

b. Provide that approval of a development plan is conditioned on the furnishing to the Plan Commission of a bond or written assurance that:

i. Guarantees the timely completion of a proposed public improvement in the proposed development; and

ii. Is satisfactory to the Plan Commission.

c. Permit or require the owner of real property to make a written commitment pursuant to **Section 15.310, Written Commitments.**

## Sec. 15.402 Required Application Information

A. **Generally.** The master plan is a "development plan" within the meaning of **IC 36-7-4-1400 et. seq.**

B. **Content of Master Plan.** The master plan shall show:

1. The layout of the site and general location, configuration, height and floor area of all buildings.
2. The location of parking areas and open space.
3. The proposed uses of buildings and land areas.
4. The intensity of uses in the development.
5. The location and dimensions of landscape buffers.
6. The location and character of:
   a. Existing primary structures and accessory structures.
   b. Existing and proposed utilities.
   c. Existing landscaping to be retained and proposed landscaping to be installed.
7. Vehicular and pedestrian circulation systems within the site, and connections to off-site systems.
8. The condition and size of public thoroughfares and parking, vehicular, and pedestrian facilities.
9. The location and capacity of drainage facilities and sewer systems serving the development.
10. Project phasing.
11. All items required for a primary subdivision plat pursuant to **Section 15.802, Primary Plat Applications.**

C. **Sign Program.** A palette of signage with a unified design theme to be used within the district for wayfinding, building identification, and public safety shall be required for the final master plan.

D. **Architectural Pattern Book.** A set of architectural guidelines or pattern book shall be submitted for approval with the final master plan. This document shall control the general materials, massing, and style of buildings, and shall provide the basis for subsequent approvals of individual buildings by City Staff.

## Sec. 15.403 Referral to Plan Commission

The Planning Director may refer any master plan application to the Plan Commission for review and approval at a duly noticed public hearing.

## Sec. 15.404 Standards for Development Plan Approval

A. **Generally.** This Section sets out standards that shall be considered for all projects that require a Development Plan.

B. **Natural Resource Protection.**

1. Natural site amenities should be preserved, and disturbance of the natural environment should be minimized.
2. Natural resources should be protected during construction.



Exhibit "E"
Page E-000339

C. **Infrastructure.**

1. Consider the City's "Standards for Municipal Improvements" regarding the number and placement of infrastructure.
2. Consider the City's official Thoroughfare Plan regarding improvements of existing and/or construction of additional vehicular and/or pedestrian improvements.
3. Drainage plans should be considered in the context of the entire watershed, and should be phased to protect the development and the neighborhood.

D. **Recreation.**

1. Encourage recreational space development whenever a minimum of 20 housing units are proposed. The recreational space should be located in a safe part of the development.
2. Maintenance of recreational and non-recreational space, and all infrastructure should be specified and documented.

E. **Compatibility.**

1. Buffers are appropriate to mitigate the impacts of campus uses on abutting development; however, buffer yards are only required along district boundaries within 200 feet of the construction area. The Plan Commission may waive the buffer requirement if the impact of the bufferyard would be negligible due to the width or area of the bufferyard.
2. The master plan is consistent with the City's Comprehensive Plan.

F. **Traffic.**

1. The master plan is designed in a manner that provides for safe vehicular flow at points of access and within the development.
2. That the design and location of proposed street and highway access points minimize safety hazards and congestion.
3. That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
4. That the entrances, streets, and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.

## Division 15.500 Procedures and Administration for Planned Unit Development Approval

### Sec. 15.501 Purpose

A. **General.**

1. The purpose of this Division is to:
   a. Implement **IC 36-7-4-1500, 1500 Series, Planned Unit Development.**
   b. Provide land use and design regulations through the use of performance criteria so that small-to-large scale neighborhoods or portions thereof, may be developed with a variety of residential types and non-residential uses, which are planned and developed as a unit.
   c. Encourage innovations so that the growing demands for housing may be met by greater variety of type, design, and siting of dwellings by the conservation and more efficient use of land. This article also encourages the conservation and more efficient use of the land for non-residential development.
   d. When an area is so designated, the use and dimensional specifications elsewhere in the Zoning Ordinance are replaced by an approval process in which an approved development plan as allowed in **IC 36-7-4-1500,** *et seq.* becomes the basis for continuing land use control.
2. PUD is not the same as "planned development," which is an alternative flexible option in which a variety of lot sizes, bulk requirements, or housing types are permitted as of right.

B. **PUD District Ordinance.**

1. "PUD district ordinance" means a zoning ordinance that does the following:
    a. Designates a parcel of real property as a planned unit development district.
    b. Specifies uses or a range of uses permitted in the planned unit development district.
    c. Specifies development requirements in the planned unit development district.
    d. Specifies the plan documentation and supporting information that may be required.
    e. Specifies any limitation applicable to a planned unit development district.
    f. Meets the requirements of this Division.
2. A PUD district ordinance includes:
    a. Text that describes the parameters of the proposed planned unit development (e.g., density, intensity, setbacks, lot sizes, uses, etc.); and
    b. One or more maps that show how the regulations apply.

C. **Application of PUD District Ordinance.**

1. A planned unit development is allowed only for real property zoned to be a planned unit development district.
2. A planned unit development district is established by the adoption of a PUD district ordinance.

Reference:

Subsection B.: IC 36-7-4-1503, "PUD district ordinance" defined

Subsection C.: IC 36-7-4-1505, Real property zoned by PUD district ordinance

## Sec. 15.502 Application Requirements

A. **Generally.** Along with the application submitted pursuant to **Section 15.305, Applications,** the materials set out in this Section shall be submitted.

B. **Timing of Application.** Applications for PUD district ordinance approval shall be submitted not less than 30 days before the Plan Commission meeting at which a recommendation on the application is considered.

C. **Proposed PUD District Ordinance.** The applicant shall submit a proposed PUD district ordinance that specifies the permitted uses and development requirements. The ordinance shall include the following:

1. Ordinance text that expresses the development requirements for the planned unit development.
2. A development plan as specified in **Section 15.503, Development Plan Required.**

D. **Studies.** The applicant shall submit studies that demonstrate the performance of the development in terms of traffic and utility impacts.

E. **Phasing Plan.** The applicant shall submit a plan that shows the phasing of the proposed PUD, if phasing is proposed.

## Sec. 15.503 Development Plan Required

A. **Generally.** All PUD Ordinance applications shall be accompanied by a draft development plan in accordance with this Section. All secondary plat applications related to a PUD shall be accompanied by a final development plan.

B. **Contents.** Development plans shall include the following:

1. A concept plan of the planned unit development that shows:
    a. The entire parcel of land, drawn to scale;
    b. General indication of densities and uses by location;
    c. Infrastructure locations; and



Exhibit "E"
Page E-000341

d. Common and public open space.

2. Development schedule, indicating approximate dates when construction will commence and terminate.
3. Number of structures, parcel size of each lot, percent of lot coverage for each lot, and for the entire parcel.
4. Tabulation of gross densities and intensities for each use category (e.g., residential, commercial, industrial).
5. Types of buildings proposed, including general statements and/or sketches of exterior finishes and colors.
6. Statement identifying the intended means of assuring permanency, continuance, and maintenance of all open/recreational space to be dedicated for use by residents of the development and/or the general public. If the Parks and Recreation Department is a partner in the development, copies of all agreements shall be attached to the Development Plan.
7. Proposed restrictive covenants.
8. Legal description of the entire parcel.
9. Statements or attachments indicating that the Waste Water Treatment Plant and collection system, and the Water Department have capacity available for this development.
10. Approved Site Plan and minutes of Site Review meeting.
11. General statements on the preservation of any unique environmental areas, or concerns of the parcel such as wetlands, flood plains, etc. All environmental areas shall be delineated on the approved site plan.
12. General statements on environmental considerations for the placement of all infrastructure, open space, recreational areas, underground services, paved areas, and finished grade levels. These statements should also include all considerations given for these environmental areas during construction.
13. General statements regarding the number and placement of all driveways, streets, alleys, and sidewalks including the widths and lengths of all acceleration and deceleration lanes. Parking facilities and access drives shall comply with **Article 9, Parking, Loading, Access, and Lighting.**
14. Recognition of all right-of-ways and easements with reference to the approved site plan.
15. General statements on the number and placement of street lighting if the development is a PUD or subdivision.
16. The approved storm drainage plan shall be an attachment to all Development Plans. The approved drainage plan shall indicate the watershed the development is in. Drainage plans shall be in accordance with **Article 7, Storm Water Management.**
17. Approved soil erosion control plan.
18. Approved landscape plan.
19. Other related data which may be reasonably required by the Site Review Committee.

C. **Amendments and Waivers to Development Plan.** Development Plans can be amended after final approval by presenting proposed amendments to the Plan Commission. If the amendment is deemed minor, the Commission may decide on the amendments without a public hearing. All other amendments must be presented in a public hearing before the Plan Commission. The Plan Commission can waive a Development Plan requirement, when, in its opinion, the requirement is not necessary to meet the objectives as listed in Section 3520. The waiver should be part of the final Development Plan, and include findings supporting the waiver.

## Sec. 15.504 PUD Ordinance Review

A. **Generally.** Planned unit development review is the first step in the approval of a planned unit development. After the PUD district ordinance is adopted, the parcel proposed for development must be platted pursuant to **Division 15.800, Subdivision Plat Procedures.**

B. **Procedures.** Planned unit development ordinances are approved by the City Common Council pursuant to the



Exhibit "E"
Page E-000342

standardized development approval procedures in **Division 15.300, Standardized Development Approval Procedures.**

C. **Recommendation of PUD District Ordinance.** When recommending adoption or modification of a PUD district ordinance to the City Common Council, the Plan Commission may recommend that the City Common Council do any of the following:

1. Impose reasonable conditions;
2. Condition issuance of a site permit or zoning clearance on the furnishing of a bond or a satisfactorily written assurance that guarantees the timely completion of a proposed public improvement in the planned unit development or serving the planned unit development; or
3. Allow or require an owner of real property to make a written commitment.

D. **Adoption of PUD District Ordinance.** When adopting or amending a PUD district ordinance, the City Common Council may do any of the following:

1. Impose reasonable conditions;
2. Condition issuance of a site permit or zoning clearance on the furnishing of a bond or a satisfactorily written assurance that guarantees the timely completion of a proposed public improvement in the planned unit development or serving the planned unit development; or
3. Allow or require an owner of real property to make a written commitment.

Reference: 36-7-4-1512, Power of legislative body to adopt or amend ordinance.

## Sec. 15.505 Deviations from PUD Standards

A. **Generally.** The Plan Commission may recommend, and the City Common Council may adopt, PUD Ordinances that include deviations from the PUD Design Standards of **Division 11.800, PUD Design Standards.** Deviations from the PUD Design Standards shall be part of the approved Development Plan and shall be recorded in the public records.

B. **Standards.** Deviations to the PUD Design Standards shall be determined acceptable if the Plan Commission finds:

1. The requirements would cause unnecessary hardship or practical difficulties because of exceptional and unique topography, access, location, shape, size, drainage or other physical features of the site; or
2. Due to the size, shape location, permitted use, or uniqueness of the development a deviation would constitute better planning than could be achieved through strict compliance, and such deviation would not adversely affect the public health, safety morals or welfare, or the rights, property values, or peace of adjacent property owners.

C. **Conditions.** The Plan Commission may impose conditions on a deviation to substantially secure objectives of this UDO.

## Sec. 15.506 Modification of PUD Uses or Development Requirements

A. **Generally.** Modifications to PUD district ordinances are processed using the procedures of **Division 15.300, Standardized Development Approval Procedures,** as provided in this Section.

B. **Administrative Modifications.**

1. The Planning Director is delegated the authority to approve an application to modify a PUD district ordinance if it is demonstrated that the proposed modification will result in substantial adherence to the previous PUD district ordinance, as demonstrated by the following:
    a. Development density and intensity have not materially changed, in that:
        i. The number of buildings is not increased by more than 10 percent.
        ii. The height of the building(s) is the same or less.
        iii. The number of units is the same or fewer.



Exhibit "E"
Page E-000343

iv. The aggregate lot coverage and floor area ratio are the same or less.

v. Density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.

b. Design has not materially changed, in that:

i. The roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans.

ii. The parking area is in the same general location and configuration.

iii. The building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development, lot line, townhouse and cluster development may be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either:

a. The underlying zoning district regulations, or

b. Any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought.

iv. The landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect.

v. The proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved.

vi. Elevations and renderings of buildings have substantially similar architectural expressions as those shown on the approved plans.

vii. Recreational facilities either remain the same or are converted from one recreational use to another.

viii. Recreational facilities may be added.

c. The proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the UDO that were not previously approved at public hearing, or of expanding the scope of existing variances or other approvals such that they would differ to a greater degree from the strict application of the UDO.

2. The Planning Director, in his or her discretion, may refer any application for modification under the Planning Director's jurisdiction to the Plan Commission for review and decision.

C. **Minor Modifications.**

1. A minor modification is any change to the PUD district ordinance that is not an administrative modification, a major modification, or a major conceptual modification. Minor modifications do not alter the concept or intent of the PUD district ordinance (including the maps).

2. The Plan Commission is authorized to approve minor modifications without public hearing.

D. **Major Modifications.**

1. A major modification is any change which alters the concept, uses or intent of the PUD district ordinance, including:

a. Increase in density;

b. Increase in height of buildings;

c. Reduction of open space;

d. Changes in sequence of development;

e. Changes in street standards;



Exhibit "E"
Page E-000344

f. Changes in covenants; or

g. The approved maps in the PUD district ordinance.

2. The Plan Commission is authorized to approve major modifications after duly noticed public hearing.

E. **Major Conceptual Modifications.** At any time after City Common Council approval of a PUD district ordinance, no major conceptual change may be made without the approval of both the Plan Commission and the City Common Council. A major conceptual change is defined as any of the following:

1. The land area covered by the PUD is changed;

2. A use previously not permitted is added;

3. Ten percent or more of the land area of the PUD is shifted from one use, density, or intensity classification to another, net of any compensating changes;

4. Within any residential use classification, the density of the use (as measured by living units) is increased by ten percent or more;

5. Any other specific type of change which the City Common Council specifies at the time it approves the PUD district ordinance; or

6. Any other change which so modifies the intent or concept of the PUD that the Plan Commission determines that the City Common Council should take action on the change.

F. **Modifications of Written Commitments or Covenants.** Modification of written commitments or covenants shall be subject to approval by the City Common Council upon recommendation of the Plan Commission.

## Division 15.600 Map Amendments

### Sec. 15.601 Procedure for Map Amendments

A. **Generally.** The procedure set out below applies to a proposal for a district boundary change (rezoning).

B. **Adoption Procedure.** The following procedure applies to a proposal for a district boundary change (whether by incorporating an additional map or by amending or deleting a map) incorporated by reference into the ordinance:

1. The proposal may be initiated by:

a. The Plan Commission;

b. A petition signed by property owners who own at least 50 percent of the land involved; or

c. The City Common Council, which shall direct the Plan Commission to prepare the proposed district boundary change.

2. If the proposal is not initiated by the Plan Commission, it must be referred to the Plan Commission for consideration and recommendation before any final action is taken by the City Common Council.

3. The Plan Commission and the City Common Council must both comply with **Section 15.602, Criteria for Text and Map Amendments.**

4. On receiving or initiating a proposal, the Plan Commission shall, within 60 days, give notice and hold a public hearing as follows.

a. The Plan Commission shall give notice of the hearing by publication pursuant to **Section 15.308, Notice of Public Hearings.** The notice must state:

i. The time and place of the hearing;

ii. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies;

iii. A summary (which the Plan Commission shall have prepared) of the subject matter contained in the proposal (not the entire text) that describes any new or changed provisions;



Exhibit "E"
Page E-000345

iv. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;

v. The place where a copy of the proposal is on file for examination before the hearing;

vi. That written objections to the proposal that are filed with the secretary of the Plan Commission before the hearing will be considered;

vii. That oral comments concerning the proposal will be heard; and

viii. That the hearing may be continued from time to time as may be found necessary.

b. The Plan Commission shall also provide for due notice to interested parties at least 10 days before the date set for the hearing. The commission shall by rule determine who are interested parties, how notice is to be given to interested parties, and who is required to give that notice. However, if the subject matter of the proposal abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under this subsection.

c. The hearing must be held by the Plan Commission at the place stated in the notice. The Plan Commission shall adopt rules governing the conduct of hearings under this section.

5. Within 10 business days after the Plan Commission determines its recommendation (if any), the Plan Commission shall certify the proposal to the City Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.

6. The City Common Council must consider and vote on the proposal within 90 days after the Plan Commission certifies it, at a meeting noticed pursuant to **IC 5-14-1.5-5, Public Notice of Meetings**, as follows:

a. If the proposal received a favorable recommendation from the Plan Commission:

i. The City Common Council may adopt or reject the proposal.

a. If the City Common Council adopts (as certified) the proposal, it takes effect as other City ordinances.

b. If the City Common Council rejects the proposal, it is defeated.

ii. If the City Common Council fails to act on the proposal within 90 days after certification, the ordinance takes effect as if it had been adopted (as certified) 90 days after certification.

b. If the proposal received either no recommendation or an unfavorable recommendation from the Plan Commission:

i. The City Common Council may adopt or reject the proposal.

a. If the legislative body adopts (as certified) the proposal, it takes effect as other City ordinances.

b. If the legislative body rejects the proposal, it is defeated.

ii. If the legislative body fails to act on the proposal within 90 days after certification, it is defeated.

C. **Notice of Adoption.**

1. If the proposal is adopted, the Plan Commission must promptly update the zone maps that are on file for public inspection at its offices.

2. The Plan Commission shall publish a notice of adoption in accordance with **IC 5-3-1, Publication Procedures.** The notice of adoption (which the Plan Commission shall have prepared) must:

a. Summarize the subject matter of the ordinance;

b. Give the date of adoption;



Exhibit "E"
Page E-000346

c. Specify the places or areas that would be directly affected by the ordinance (this subdivision does not require the identification of any real property by metes and bounds);

d. Specify the penalty or forfeiture prescribed for a violation of the ordinance; and

e. Give two locations open to the public where the entire text of the ordinance is available for inspection.

3. Unless the map amendment ordinance provides for a later effective date, the ordinance takes effect when it is adopted.

**Statutory Reference:**

IC 36-7-4-602, Zoning ordinance; procedures for adoption of ordinances, amendments, and map changes (subsection c)

## Sec. 15.602 Criteria for Map Amendments

A. **Purposes.** Map amendment proposals shall serve the following purposes:

1. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
2. Lessening or avoiding congestion in public ways;
3. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
4. Otherwise accomplishing the purposes of **IC 36-7-4, Local Planning and Zoning.**

B. **Considerations.** In preparing and considering proposals for map amendments, the Plan Commission and the City Common Council shall pay reasonable regard to:

1. The comprehensive plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

**Statutory Reference:**

IC 36-7-4-603, Zoning ordinance; preparation and consideration of proposals

# Division 15.700 Zoning Discretionary Reviews

## Sec. 15.701 Hearing Officer Procedure

A. **Generally.** Applications processed by the Hearing Officer are processed concurrently with the applications before the Plan Commission to which they relate. However, Hearing Officer hearings shall be separately noticed, and the procedures of subsections B. and C., below may apply.

B. **Written Objection.**

1. The Planning Director may file a written objection to a petition or an application for a variance or special use to be considered by the Hearing Officer if:
   a. It would be injurious to the public health, safety, morals, and general welfare of the community; or
   b. The use or value of the area adjacent to the property included would be affected in a substantially adverse manner.
2. If a written objection is filed under subsection A.1., the application shall:
   a. Be considered withdrawn; or
   b. Be transferred to the Board of Zoning Appeals if requested by the applicant.
3. The Planning Director may indicate that he or she does not object to the approval of the variance or special



Exhibit "E"
Page E-000347

use to be considered by the Hearing Officer if specified conditions are attached. If the applicant does not accept these conditions, the application shall:

a. Be considered withdrawn; or

b. Be transferred to the Board of Zoning Appeals if requested by the petitioner or applicant.

C. **Hearing Officer Decision.** The Hearing Officer may impose conditions and may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel. If the applicant does not accept these conditions or make the commitment, the petition or application shall:

1. Be considered withdrawn; or

2. Be transferred to the Board of Zoning Appeals if requested by the applicant.

## Sec. 15.702 Development Standards Variances

A. **Generally.** The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the UDO.

B. **Approval Standards.** A variance may be approved under this section only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

3. The strict application of the terms of the UDO will result in practical difficulties in the use of the property.

Statutory Reference: IC 36-7-4-918.5, Board of Zoning Appeals; Variance from Development Standards.

## Sec. 15.703 Use Variances

A. **Generally.** The Board of Zoning Appeals shall approve, approve with conditions, or deny variances of use from the terms of this UDO.

B. **Approval Standards.** A variance may be approved under this section only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;

3. The need for the variance arises from some condition peculiar to the property involved;

4. The strict application of the terms of the UDO will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

5. The approval does not interfere substantially with the City's adopted Comprehensive Plan.

C. **Conditions.** The Board of Adjustment may impose reasonable conditions as a part of its approval.

Statutory Reference: IC 36-7-4-918.4, Board of Zoning Appeals; Variance of Use

## Sec. 15.704 Floodplain Development Permit

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing.

Specifically the following information is required:

A. **Application Stage.**

1. A description of the proposed development;

2. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;
3. A legal description of the property site;
4. A site development plan showing existing and proposed development locations and existing and proposed land grades;
5. Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
6. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproof;
7. Description of the extent to which any watercourse will be altered or related as a result of proposed development.

B. **Construction Stage.** Upon placement of the lowest floor or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproof elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

## Sec. 15.705 Floodplain Variance

A. **Designation of Variance and Appeals Board.** The Board of Public Works and Safety as established by Common Council of the city shall hear and decide appeals and requests for variances from floodplain management provisions of this UDO.

B. **Duties of Variance and Appeals Board.** The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this section. Any person aggrieved by the decision of the Board may appeal such decision as provided in I.C. 36-7-4 et seq., as amended.

C. **Variance Procedures.** In passing upon such applications, the Board of Public Works and Safety shall consider all technical evaluations, all relevant factors, all floodplain management standards specified in other sections of this UDO:

1. The danger of life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The importance of the services provided by the proposed facility to the community;
4. The necessity to the facility of a waterfront location, where applicable;
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
6. The compatibility of the proposed use with existing and anticipated development;
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site;



Exhibit "E"
Page E-000349

and

10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. **Conditions for Variances.**

1. Variances shall only be issued when there is:
   a. A showing of good and sufficient cause;
   b. A determination that failure to grant the variance would result in exceptional hardship; and
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
2. No variance for a residential use within a floodway subject to Sec. **4.503(E) and (G)(1), Provisions for Flood Hazard Reduction,** of this Unified Development Ordinance may be granted.
3. Any variance granted in a floodway subject to Sec. **4.503(E) and (G)(1), Provisions for Flood Hazard Reduction,** of this Unified Development Ordinance will require a permit from the Indiana Department of Natural Resources.
4. Variances to the provisions for Flood Hazard Reduction of Sec. **4.503(B), Provisions for Flood Hazard Reduction,** may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
7. Any application to which a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See division (E) of this section).
8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See division (E) of this section).

E. **Variance Notification.** Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
3. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

F. **Historic Structure.** Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum to preserve the historic character and design of the structure.



Exhibit "E"
Page E-000350

G. **Special Conditions.** Upon the consideration of the factors listed in this section, and the purposes of this section, the Board of Public Works and Safety may attach such conditions to the granting of variances as it deems necessary to further the purposes of the floodplain management provisions of this UDO.

## 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. **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

## Sec. 15.707 Waivers

Waivers are allowed only in cases that are specifically authorized by this UDO. Waivers shall be processed concurrently with the application to which they relate. Waivers shall not be granted in circumstances where the resulting development would be injurious to the public health, safety, or welfare.

# Division 15.800 Subdivision Plat Procedures

## 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; and
3. Complies in with the requirements of this UDO.

## Sec. 15.802 Primary Plat Applications

A. **Generally.** Applications for approval of a primary plat shall be filed not less than 30 days before the date of the next regularly scheduled Plan Commission meeting.



Exhibit "E"
Page E-000351

B. **Preparation of Plats.**

1. The Primary and Secondary Plats for a proposed subdivision shall be prepared under the direction and responsibility of a professional land surveyor licensed under the laws of the State of Indiana. The plats shall conform to this UDO and the Standards Manual.
2. Where plans and specifications have been approved by the City and a conflict arises, the Standards Manual shall prevail, unless otherwise approved in writing by the City Engineer.

C. **Required Signatures.** Applications shall be signed by the subdivider, the landowner of record, and a professional land surveyor who is licensed to practice in the State of Indiana.

D. **Copies.** 12 paper copies and one CD or DVD with electronic copies in a form approved by the City Engineer shall be provided at the time of application.

E. **Contents.** Applications for primary plat approval shall indicate:

1. How the proposed subdivision relates to:
   a. The City's Master Drainage Plan.
   b. The Comprehensive Plan.
   c. The Official Intermodal Transportation Plan.
   d. School and recreational sites.
   e. Shopping centers.
   f. Community facilities.
   g. Sanitation.
   h. Streets and rights-of-way, adjoining the site of the proposed subdivision, showing the street names and including road-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, and tree plantings.
   i. Water supply, sewer, and drainage.
   j. Other development in the vicinity.
2. The location of the proposed subdivision by location map that shows:
   a. The proposed subdivision's name and location.
   b. Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
   c. Any thoroughfares that relate to the subdivision.
   d. Existing elementary schools, high schools, parks, and playgrounds that serve the area of the proposed subdivision.
3. The layout of the subdivision, including:
   a. Layout of lots, showing scaled dimensions.
   b. Building lines.
   c. Easement locations, widths and purposes.
   d. Streets and rights-of-way, showing the street names and including road-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, crosswalks, and tree plantings.
   e. Water supply, sewer, and drainage.
   f. The type, location and approximate size of capacity of improvements to be installed.
   g. Parcels of land, proposed to be dedicated or reserved for schools, parks, playgrounds or other public,



Exhibit "E"
Page E-000352

semi-public, or community purposes.

4. Additional documentation, including:
   a. The scale of the drawing, including a scale bar.
   b. North arrow.
   c. Date of last revision.
   d. Standard legend and notes.
   e. A soil map with interpretations for the planned uses.
   f. Contours at vertical intervals of two feet if the general slope of the site is less than 10 percent and at vertical intervals of five feet if the general slope is greater than 10 percent. The topography shall extend beyond the boundary of the applicant's site a distance sufficient to show the slope and character of the lands adjacent, but in no case less than 50 feet.
   g. A water management plan that shows how conservation measures will adequately handle surface and sub-surface drainage, both on-site and off-site.
   h. Ground water levels stated in depth to water table and a general description of the surface and subsurface drainage systems to an approved outlet.
   i. A description of proposed protective covenants and restrictions that will apply to the subdivision.
   j. Names and addresses of the owner of record, the subdivider, the land planning consultant, and the professional Land Surveyor who prepared the plan.
   k. Other features or conditions which would affect the subdivision favorably or adversely.

F. **Form.** The plat may consist of more than one sheet and shall be drawn to a scale not less than one inch equals 100 feet. The resulting plat shall be clear and legible and shall be no greater than 36 inches in its shortest dimensions.

## Sec. 15.803 Primary Plat Approval Procedures

A. **Generally.** Primary plat approval shall be according to the procedures of **Division 15.300 Standardized Development Review Procedures,** with the modifications set out in this Section. Minor subdivision plats may be granted primary approval by the Plat Committee without public notice and hearing, subject to appeal to the Plan Commission.

B. **Site Review.** Upon receipt of an application for primary approval, the Site Review Committee shall review the application for technical conformity with the standards of this UDO and any applicable PUD district ordinance, conceptual phasing plan, or master plan.

C. **Notice.**
   1. Within 30 days after receipt of a complete application, the Planning Director shall announce the date for a hearing before the Plan Commission or Plat Committee, and provide for notice in accordance with subsection C.2., below, unless the application is not subject to notice as provided in subsection C.3., below.
   2. After the Planning Director has announced a date for a hearing before the Plan Commission or Plat Committee, it shall:
      a. Notify the applicant in writing;
      b. Give notice of the hearing by publication in accordance with **Section 15.308, Notice;** and
      c. Provide for due notice to interested parties at least 10 days before the date set for the hearing.
   3. Minor plats are not subject to advance public notice. Instead, within ten days after primary approval of a minor plat, the Planning Director shall provide for due notice to interested parties of their right to appeal to the Plan Commission. The notice shall be given in the manner set forth in **Section 15.308, Notice.**

D. **Rules of Procedure.**



Exhibit "E"
Page E-000353

1. The Plan Commission shall, by rule:
    a. Determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
    b. Prescribe procedures for setting hearing dates and for the conduct of hearings.
2. In the absence of promulgated rules:
    a. Interested parties are those who own property within 300 feet of the boundaries of the parcel proposed for development;
    b. Hearing dates shall be regular meetings of the Plan Commission; and
    c. Roberts Rules of Order, most recent edition, shall control procedure.

E. **Hearing and Decision.** This section applies to any subdivision of land, whether or not it is exempted from the notice and hearing requirements.

1. If, after the hearing, the Plan Commission or Plat Committee determines that the application and plat comply with the standards in this UDO, it shall make written findings and a decision granting primary approval to the plat. This decision must be signed by the chairperson of the Plan Commission or Plat Committee.
2. If, after the hearing, the Plan Commission or Plat Committee disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. This decision must be signed by the chairperson of the Plan Commission or Plat Committee.
3. Primary approval or disapproval of a plat by the Plat Committee may be appealed only pursuant to **Division 15.1100, Administrative Appeals.**

## 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.

B. **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.

C. **Scope.** The Secondary Plat may include all or part of the land included in the Primary Plat. However, in the event that less than the entire Primary Plat is contained on the Secondary Plat, the Commission may require certain assurances or guarantees or make adequate provision including the filing of a performance bond to ensure the orderly development of the remaining sections of the Primary Plat.

D. **Contents.** The Secondary Plat shall show the following:

1. Holder of title to the land as shown by the last entry in the books of the County Recorder.
2. The boundary lines of the subdivision tract with accurate distances and bearings and the exact location of all existing and recorded streets intersecting the boundary of the tract.
3. Angles of true bearings and distances to the nearest established street line or existing official monuments.
4. An accurate metes and bounds description of the tract and its source of title as shown by records in the office of the County Recorder.
5. Street names approved by the City Engineering Office.
6. The length of all arcs and radii, center angles, internal angles, points of curvature and tangency, the length of all tangents, and the distance of nearest lot corners from points of curve and points of tangent.
7. All easements for rights-of-way for public services and utilities and any limitations on such easements.
8. Lot numbers and dimensions.
9. Location, type, materials and size of all monuments and lot markers.

10. The accurate outline of all property which is offered for dedication for public use with the purpose thereof indicated, and all property that may be reserved by deed covenant or restricted for the common use of property owners of the subdivision.
11. Building limitations due to soil conditions, and drainage.
12. Building line locations and dimensions.
13. Restrictions of all types which run with the land.
14. Name of subdivision.
15. Name and address of subdivider.
16. North point, scale and date.
17. Certification by a professional land surveyor registered to practice in the State of Indiana.
18. House numbers.
19. Certificate of approval by the Commission
20. Certificate of approval by the Board of Public Works and Safety.
21. The acreage of each lot.
22. Reference to the recordation of the boundary survey.
23. Reference to the recordation of any Covenants and Restrictions and/or Property Owners Association documents.

E. **Form.** The plat may consist of more than one sheet and shall be drawn at a scale of not less than one inch equals 100 feet. The resulting plat shall be clear and legible and shall be on sheets on larger than 24 inches by 36 inches.

## Sec. 15.805 Secondary Plat Approval Procedures

A. **Generally.** The purpose of the secondary plat approval is to ensure that the recorded plat reflects the approval of the primary plat, including conditions of approval. Secondary plat approval may be granted after the appeal period for the primary plat approval has run, and after approval of construction plans and specifications for the required infrastructure and improvements by the Board of Public Works and Safety. Secondary Plat approval shall be subject to Board of Public Works and Safety approval of the plat and:

1. Completion and acceptance of all infrastructure and improvements and satisfaction of all conditions set during the approval process; or
2. Approval of surety sufficient to cover the cost of said infrastructure, improvements, and other legal and/or administrative activities necessary to bring the development to full completion and protect the interests of land owners.

B. **Procedure.** A plat of a subdivision may not be filed with the auditor, and the recorder may not record it, unless it has been granted secondary approval and signed and certified as required by **Section 6.401, Form of Certification and Dedication.** The filing and recording of the plat is without legal effect unless approved by the Plan Commission or Plat Committee.

1. The Plan Commission may grant secondary approval of a plat under this section or may delegate to the Plat Committee or staff the authority to grant such secondary approvals.
2. Secondary approval may be granted after expiration of the time provided for appeal under **Division 15.1100, Administrative Appeals.**
3. No notice or public hearing is required for secondary approvals.
4. After the plat is approved, all signatures obtained and the plat has been recorded with the Porter County Recorder's office, a clear, reproducible mylar of the recorded plat shall be provided to the Office of City Engineer. A copy of the plat shall also be provided in electronic form. Building permits may not be issued



Exhibit "E"
Page E-000355

until the plat is received by the Engineer.

C. **Acceptance of Improvements Prior to Secondary Plat Approval.** If the applicant chooses to construct the required improvements prior to approval of the secondary plat, all such construction shall be inspected while in progress by the appropriate City department, and must be approved or accepted upon completion by the Board of Public Works and Safety and/or City Utility. The City Engineer or designee shall provide notice to the Planning Director that said improvements have been accepted and that the Planning Commission may consider secondary plat approval.

D. **Surety.** An applicant may choose to provide surety in lieu of completing construction prior to recording the final plat. Surety, such as a subdivision bond or irrevocable letter of credit, may be approved as follows:

1. The City Engineer shall review and approve the proposed cost of the improvements and the timing of completion before security may be given pursuant to this subsection.
2. The Board of Public Works and Safety shall review and approve the amount, form, and duration of the surety.
3. The City Attorney shall review all security instruments for legal form and legal sufficiency.
4. Generally, the choice of method is in the applicant's discretion. However, if the Board of Public Works and Safety finds that past activity of the applicant or its development team provides cause to require a certain type of security, then the type of security shall be decided by the Board of Public Works and Safety. If the applicant chooses to file security, then the plat shall not be approved for recording unless the subdivider has done one of the following:
    a. The applicant has filed with the City Engineer a bond executed by a surety company holding a license to do business in the State of Indiana, and acceptable to the City, in an amount equal to the cost of the improvements required by this Code.
    b. The applicant has filed an irrevocable letter of credit with the City Engineer. The letter shall:
        i. State the name of the subdivision; and
        ii. List the improvements that the applicant will provide. A letter of credit form is provided in the Standards Manual.
5. The Board of Public Works and safety shall make the determination whether the terms of the surety have been met and/or whether or not the surety may be released or a default claimed.
6. Any money received from a default claimed on the surety for a development shall be used for improvements and installations and any other legal and/or administrative actions for which the surety was provided. This money may be used for these purposes after any appropriations required by law.

E. **Extension of Time.** Where good cause exists, the Board of Public Works and Safety may extend the period of time required for completion of improvements and/or may reduce the amount of the surety to recognize work completed and accepted.

F. **Record Drawings.** Three sets of digital and paper copies of "record" plans and specifications, certified and signed by an engineer or land surveyor registered in the State of Indiana, shall be filed with the City Engineer prior to the acceptance of improvements.

G. **Performance Guarantees.** The applicant shall guarantee performance of the subdivision improvements for a period of one year through a maintenance surety. Said maintenance surety shall be provided prior to the release of the surety for the subdivision.

## Sec. 15.806 Vacation and Partial Vacation of Plats and Rights-of-Way

A. **Vacation of Unimproved Plat by Owners.** All or part of a plat in which improvements have not been made may be vacated by the affected owners of land within the plat as follows:

1. The owners of land in a plat may vacate all or part of that plat. Replats shall be accomplished by vacation of all or part of the existing plat and approval of a new plat for the vacated area.



Exhibit "E"
Page E-000356

2. Requirements.
    a. All the owners of land in the plat must declare the plat or part of the plat to be vacated in a written instrument, and that instrument must be executed, acknowledged, and recorded in the same manner as a deed to land.
    b. Before offering the instrument for recording under this Section, an owner must file a copy of the instrument in the Porter County auditor's office, and must submit the instrument vacating the plat for the approval of the Plan Commission
    c. The county recorder may record the instrument only if a certificate showing the approval of the vacation by the Plan Commission is attached to it. If the instrument is not executed and approved as required by this section, it is void.
3. An instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated, and it also terminates all public rights in the public ways and public places described in the plat or part of the plat. However, a public way that has been improved, or that is part of an improved plat, may be vacated only in accordance with IC **36-7-3-12, Vacation of Public Way or Place; Petition; Notice; Hearing; Adoption of Ordinance; Appeals** or with **IC 36-7-4-712, Plat Committee; Exclusive Control Over Vacation of Plats or Public Ways; Rules; Public Interest; Appeals,** whichever is applicable.

B. **Vacation of Plat by Owners.** All or part of a plat may be vacated upon petition of the affected owners of land within the plat as follows:
1. The owner of land in a plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the petitioner.
2. The petition must:
    a. State the reasons for and circumstances prompting the request;
    b. Specifically describe the property in the plat proposed to be vacated; and
    c. Give the name and address of each owner of land in the plat.
3. The petition may include a request to vacate any recorded covenants or commitments filed as part of the plat. The covenants or commitments are then also subject to vacation.
4. Within 30 days after receipt of a petition for vacation of a plat, the Planning Director shall announce the date for a hearing before the Plan Commission.
5. The Plan Commission shall, by rule, prescribe procedures for setting hearing dates, mailing written notice to each owner of land in the plat, and providing such other notice as may be required in accordance with **Section 15.308, Notice.** The petitioner shall pay all expenses of providing the notice required by this paragraph.
6. The Plan Commission shall, by rule, prescribe procedures for the conduct of the hearing, which must include a provision giving each owner of land in the plat an opportunity to comment on the petition.
7. The Plan Commission shall approve or deny the petition for vacation. The Plan Commission shall approve the petition for vacation of all or part of a plat only upon a determination that:
    a. Conditions in the platted area have changed so as to defeat the original purpose of the plat;
    b. It is in the public interest to vacate all or part of the plat; and
    c. The value of that part of the land in the plat not owned by the petitioner will not be diminished by vacation.
8. If, after the hearing, the Plan Commission determines that the plat or part of the plat should be vacated, it shall make written findings and a decision approving the petition. The plan commission may impose reasonable conditions as part of its approval. The decision must be signed by the chair of the Plan Commission. The Plan Commission shall furnish a copy of its decision to the county recorder for recording.



Exhibit "E"
Page E-000357

9. If, after the hearing, the Plan Commission disapproves the petition for vacation, it shall make written findings that set forth its reasons in a decision denying the petition and shall provide the petitioner with a copy. The decision must be signed by the chair of the Plan Commission.

10. The approval, disapproval, or imposition of a condition on the approval of the vacation of all or part of a plat is a final decision of the Plan Commission.

C. **Vacation of Public Right-of-Way**

1. Persons who own or are interested in any lots or parts of lots, and want to vacate all or part of a public way or public place in the City that is in or contiguous to those lots or parts of lots, may file a petition for vacation with the City Common Council.

2. The petition must:

   a. State the circumstances of the case;

   b. Specifically describe the property proposed to be vacated; and

   c. Give the names and addresses of all owners of land that abuts the property proposed to be vacated.

3. The clerk of the Planning Commission and City Common Council shall give notice of the petition and of the time and place of the respective hearings of the two bodies in the manner prescribed in **Section 15.308, Notice.**

4. The Planning Commission shall hold a public hearing on the petition and make a recommendation to the Board of Public Works and Safety.

5. The Board of Public Works and Safety shall review the petition and the recommendation of the Planning Commission and make a recommendation to the City Common Council.

6. The City Common Council shall hold a hearing on the petition within 30 days after it is filed.

7. At the hearing, any person aggrieved by the proposed vacation may object to it only on the following grounds:

   a. The vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

   b. The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient;

   c. The vacation would hinder the public's access to a church, school, or other public building or place; or

   d. The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

8. After the hearing on the petition, the City Common Council may, by ordinance, vacate the public way or public place. The clerk of the City Common Council shall furnish a copy of each vacation ordinance to the County recorder for recording and to the County auditor.

D. **Effect on Legal Descriptions.**

1. If any platted land is vacated, the descriptions of the lots and parcels of that land shall be preserved as set forth in the plat, with the proportionate parts of vacated streets and alleys added as provided by law, unless all the owners of land in the vacated area consent in writing to the description of the area by:

   a. The method used before the plat was made;

   b. Metes and bounds; or

   c. Other appropriate description.

2. Notwithstanding subsection D.1., a vacated tract of five acres or more that is owned by one person, or jointly by two or more persons, need not be described by lot number and may be described by metes and



Exhibit "E"
Page E-000358

bounds or some other method.

### Sec. 15.807 Amending a Recorded Plat

A. **Generally.** Once an approved plat has been signed and recorded, it may be amended, or re-platted 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 15.900 Interpretations

### Sec. 15.901 Purpose

The purpose of this Division is to provide a procedure for securing an official interpretation of this UDO.

### Sec. 15.902 Application

A. **Generally.** All questions of interpretation and enforcement related to subdivision plat approvals shall be first presented to the Planning Director on a form approved by the Planning Director.

B. **Contents.** All information necessary to make the determination shall be included with the application for the interpretation. The Planning Director may request additional information from the applicant or may restrict the interpretation to the facts presented, stating assumptions that must be made to reach the interpretation.

### Sec. 15.903 Effect of Interpretation

A. **Generally.** Interpretations shall control subsequent administrative decisions, and shall be persuasive to subsequent discretionary decisions.

B. **Limitation.** Interpretations may be persuasive, but shall not be controlling upon the following:

1. Situations with facts that are materially different from those presented for the interpretation; or

2. Provisions that were amended after the date of the interpretation.

## Division 15.1000 Administrative Approval Procedures

### Sec. 15.1001 Purpose

The purpose of this Division is to set out the process for administrative approvals.

### Sec. 15.1002 Review Procedure

All applications for administrative approval shall be processed according to the standardized development approval procedures, **Sections 15.302, Pre-application Conference** to **Section 15.307, Application Review,** and shall be processed by the person or committee responsible for the approval. See **Division 15.200, Permits.**

## Division 15.1100 Administrative Appeals

### Sec. 15.1101 Types of Appeals



Exhibit "E"
Page E-000359

A. **Administrative Appeals.** Administrative appeals are processed as set out in **Table 15.1101, Administrative Appeals.**

Table 15.1101:
Administrative Appeals

| Appeal From | Subject Matter | Timing of Notice of Appeal | File Notice of Appeal With | Appeal To |
|---|---|---|---|---|
| Planning Director; other City Staff; Hearing Officer | Any final decision, except discretionary decisions of City Engineer and master plan decisions of the Planning Director | 30 days after action | Board of Zoning Appeals | Board of Zoning Appeals |
| City Engineer | Any final discretionary decision | 30 days after action | City Clerk-Treasurer | Board of Public Works and Safety |
| Planning Director | Any decision on a master plan | 14 days after action | Plan Commission | Plan Commission |
| Hearing Officer | All decisions | 14 days after action | Board of Zoning Appeals | Board of Zoning Appeals |
| Plat Committee | Primary approval or disapproval of minor plat or conditions of approval | Later of: 10 days after action or 10 days after date of notice of action | Plan Commission | Plan Commission |

B. **Judicial Appeals.** All appeals not listed in **Table 15.1101, Administrative Appeals** shall be to court in the manner prescribed by the Indiana Statutes.

## Sec. 15.1102 Appeal Procedure

A. **Initiation of Appeal.**

1. Appeals are initiated upon filing of a petition pursuant to **Section 15.1104, Initiation of Appeal.**
2. If a decision is appealed by any person or entity other than the Applicant, then the petition and all supporting documentation shall be provided to the Applicant at the Petitioner's expense.
3. Upon initiation of an appeal, the administrative official, hearing officer, administrative board, or other body from whom the appeal is taken shall transmit all documents, plans, and papers constituting the record of the action from which an appeal was taken to the entity that will hear the appeal.

B. **Notice.**

1. Public notice of an administrative appeal hearing shall be provided not less than 10 days before the hearing by:
   a. Publication in a qualified newspaper;
   b. Certified mail to property owners of record within 300 feet of the parcel that is the subject of the appeal; and
   c. Due notice to any other interested parties that were identified when the decision appealed was made.
2. The party taking the appeal, or applying for the exception, use, or variance, may be required to assume the cost of public notice and due notice to interested parties.

C. **Timing of Hearing.** Appeals shall be heard within a reasonable amount of time after they are initiated.

D. **Scope of Review.** The entity to which the appeal is taken may the decision or action of the official or entity appealed from in any manner that is consistent with the discretionary authority of that official or entity. The



Exhibit "E"
Page E-000360

entity to which the appeal is taken may impose conditions on a decision that ratifies a development approval in order to ensure compliance with this UDO.

E. **Hearing.**

1. At the hearing, each interested party may appear in person, by agent, or by attorney.
2. City staff may appear and present evidence in support of or in opposition to the appeal.
3. Other persons may appear and present relevant evidence.
4. The sequence of the hearing shall be as follows:
   a. Staff introduces the appeal. Staff may also present evidence and a recommendation in favor or opposed to granting the appeal.
   b. Board or Council determines party status based on the criteria of subsection B. above.
   c. Petitioner presents argument
   d. Respondent presents response
   e. Petitioner presents reply
   f. Public statements
   g. Board or Council decides or continues appeal.

F. **Decision.**

1. The entity hearing the appeal shall make a decision either:
   a. At the meeting at which that matter is first presented; or
   b. At the conclusion of the hearing on that matter, if it is continued.
2. The entity hearing the appeal may reverse, affirm, or modify the order, requirement, decision, or determination appealed from.

G. **Records.**

1. Within five days after making any decision on an appeal, the Board of Zoning Appeals shall file a copy of the decision in the office of the Board of Zoning Appeals.
2. If the Plan Commission reverses a Plat Committee decision to deny a primary plat, then the chair of the Plan Commission shall certify the primary plat.

H. **Stays.** Appeals to the Board of Zoning Appeals shall operate to stay proceedings and work on the premises affected, as follows:

1. When an appeal from the decision of an official or board has been filed with the Board of Zoning Appeals, proceedings and work on the premises affected shall be stayed unless the official or board certifies to the Board of Zoning Appeals that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by a restraining order.
2. After notice to the officer or board and to the owner of the premises affected and after due cause is shown, the circuit or superior court of the county in which the premises affected are located may grant the restraining order.

## Sec. 15.1103 Ex Parte Communications

No person shall communicate with any member of an entity to which appeal is taken before the hearing on the appeal with intent to influence the member's action on the appeal, except that not less than five days before the hearing, City staff may file with the entity a written statement setting forth facts or opinions relating to the matter.

## Sec. 15.1104 Initiation of Appeal

A. **Timing.** An appellant shall initiate an appeal within the time set by **Table 15.1101, Administrative Appeals.**



Exhibit "E"
Page E-000361

B. **Parties.**

1. Only interested parties shall have standing to bring an appeal.
2. The parties to an appeal are the Petitioner and the Respondent. The City is always a Respondent. Other interested parties may also join as respondents pursuant to **Section 15.1105, Notice of Appearance; Intervention.**
3. A person or entity is a party if it demonstrates:
   a. That final action of the City caused it injury;
   b. The injury is different in kind or degree from injury to members of the general public; and
   c. The injury can be remedied if the appeal is granted.
4. The Applicant is always a party, and shall not be required to demonstrate injury if:
   a. The Applicant is appealing an adverse decision or an adverse condition of approval, in which case the Applicant is a Petitioner; or
   b. The Applicant's application is the subject of an appeal by another party, in which case the Applicant is a Respondent.
5. Any person or entity that owns property within the radius in which certified mail notice is required for the application that is the subject to the appeal shall not be required to demonstrate injury.

C. **Appeal Petition.** An appeal to a City Board is initiated by filing a petition, along with the required fee, with the entity set out in **Table 15.1101, Administrative Appeals.** The notice of appeal shall include the following information:

1. The name, address, and telephone number of the Petitioner;
2. A short statement indicating the nature of the application, the application number, the date of hearing, and the decision;
3. A short statement indicating how the Petitioner qualifies as a party, pursuant to either subsections B.3., B.4., or B.5. above; and
4. A short but specific statement regarding how the decision appealed violates this UDO. The statement shall refer to the particular section numbers upon which the Petitioner relies.

## Sec. 15.1105 Notice of Appearance; Intervention

A. **Generally.** Any person or entity may enter an appearance as a party to an appeal on the side of the Petitioner or Respondent, provided that the written Notice of Appearance is entered more than four days before the hearing. Notices of Appearance shall be filed with the Planning Director.

B. **Contents of Notice.** The notice of appearance shall include:

1. The name, address, and telephone number of the person or entity entering the Notice of Appearance;
2. A reference to the appeal number and date of decision;
3. A short statement indicating how the person or entity entering the Notice of Appearance qualifies as a party, pursuant to either **Section 15.1104, Initiation of Appeal,** subsections A.3., A.4., or A.5.;
4. A statement as to whether the person or entity entering the Notice of Appearance is seeking to become a Petitioner or Respondent in the appeal.

C. **Materials to be Provided to Adverse Party.** The City shall require the Petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property that is the subject of the appeal.

# Division 15.1200 Text Amendments

## Sec. 15.1201 Procedure for Text Amendments



Exhibit "E"
Page E-000362

A. **Generally.** The procedure set out below applies to a proposal to amend or partially repeal the text (not zone maps) of this UDO. This procedure does not apply to district boundary changes or ordinances that entirely replace this UDO.

B. **Adoption Procedure.** Text amendments are processed as follows:

1. The Plan Commission may initiate the proposal; or the City Common Council may initiate the proposal and direct the Plan Commission to prepare it. The Plan Commission shall hold a public hearing pursuant to subsection A.4., below, within 60 days of initiating an amendment or receiving a referral of an amendment from the City Common Council.

2. The Plan Commission must prepare the proposal so that it is consistent with **IC 36-7-4-601, Zoning Ordinance; Powers and Duties of Legislative Body.**

3. The Plan Commission and City Common Council must both comply with **Section 15.602, Criteria for Text and Map Amendments.**

4. The Plan Commission must give notice and hold a public hearing as follows.

   a. The Plan Commission shall give notice of the hearing by publication pursuant to **Section 15.308, Notice of Public Hearings.** The notice must state:

      i. The time and place of the hearing;

      ii. The geographic areas (or zoning districts in a specified geographic area) to which the proposal applies;

      iii. A summary (which the Plan Commission shall have prepared) of the subject matter contained in the proposal (not the entire text) that describes any new or changed provisions;

      iv. If the proposal contains or would add or amend any penalty or forfeiture provisions, the entire text of those penalty or forfeiture provisions;

      v. The place where a copy of the proposal is on file for examination before the hearing;

      vi. That written objections to the proposal that are filed with the secretary of the Plan Commission before the hearing will be considered;

      vii. That oral comments concerning the proposal will be heard; and

      viii. That the hearing may be continued from time to time as may be found necessary.

   b. The Plan Commission shall also provide for due notice to interested parties at least 10 days before the date set for the hearing. The commission shall by rule determine who are interested parties, how notice is to be given to interested parties, and who is required to give that notice. However, if the subject matter of the proposal abuts or includes a county line (or a county line street or road or county line body of water), then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under this subsection.

   c. The hearing must be held by the Plan Commission at the place stated in the notice. The Plan Commission shall adopt rules governing the conduct of hearings under this section.

5. Within 10 business days after the Plan Commission determines its recommendation (if any), the Plan Commission shall certify the proposal to the City Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.

6. The City Common Council must consider and vote on the proposal within 90 days after the Plan Commission certifies the proposal, at a meeting noticed pursuant to **IC 5-14-1.5-5, Public Notice of Meetings**, as follows:

   a. The City Common Council shall consider the recommendation (if any) of the Plan Commission before acting on the proposal.

   b. If the proposal received a favorable recommendation from the Plan Commission, then at the first



Exhibit "E"
Page E-000363

regular meeting of the City Common Council after the proposal is certified, or at any subsequent meeting within the 90 day period, the City Common Council may adopt, reject, or amend the proposal.

i. If the City Common Council adopts (as certified) the proposal, it takes effect as other City ordinances.

ii. If the City Common Council fails to act on the proposal within 90 days after certification, it takes effect as if it had been adopted (as certified) 90 days after certification.

iii. If the City Common Council rejects or amends the proposal, it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment.

a. If the proposal received either an unfavorable recommendation or no recommendation from the Plan Commission, then at the first regular meeting of the City Common Council after the proposal is certified, or at any subsequent meeting within the 90 day period, the City Common Council may adopt, reject, or amend the proposal.

i. If the City Common Council adopts (as certified) the proposal, it takes effect as other City ordinances.

ii. If the City Common Council rejects the proposal or fails to act on it within 90 days after certification, it is defeated.

iii. If the City Common Council amends the proposal, it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the amendment.

b. City Common Council action shall be by a vote of the majority of the Council.

7. If the City Common Council returns a proposal to the Plan Commission, the Plan Commission has 45 days in which to consider the City Common Council's rejection or amendment and report to the City Common Council as follows:

a. If the Plan Commission originally certified the proposal with a favorable recommendation:

i. If the Plan Commission approves the amendment or fails to act within the 45 day period, the ordinance stands as passed by the City Common Council as of the earlier of:

a. The date of the filing of the Plan Commission's report of approval with the legislative body; or

b. The end of the 45 day period.

ii. If the Plan Commission disapproves the rejection or amendment, the action of the City Common Council on the original rejection or amendment stands only if confirmed by another vote of the City Common Council within 45 days after the Plan Commission certifies its disapproval. If the City Common Council fails to confirm its action under this clause, the ordinance takes effect in the form proposed by the Plan Commission 90 days after certification.

b. If the Plan Commission originally certified the proposal with no recommendation or an unfavorable recommendation:

i. If the Plan Commission approves the amendment or fails to act within the 45 day period, the ordinance stands as passed by the City Common Council as of the earlier of:

a. The date of the filing of the Plan Commission's report of approval with the legislative body; or

b. The end of the forty-five (45) day period.

ii. If the Plan Commission disapproves the amendment, the action of the City Common Council on the original amendment stands only if confirmed by another vote of the City Common



Exhibit "E"
Page E-000364

Council within 45 days after the Plan Commission certifies its disapproval. If the City Common Council fails to confirm its action under this clause, the ordinance is defeated.

C. **Notice of Adoption.**

1. The Plan Commission shall publish a notice of adoption in accordance with **IC 5-3-1, Publication Procedures.** The notice of adoption (which the Plan Commission shall have prepared) must:
   a. Summarize the subject matter of the ordinance;
   b. Give the date of adoption;
   c. Specify the places or areas that would be directly affected by the ordinance (this subdivision does not require the identification of any real property by metes and bounds);
   d. Specify the penalty or forfeiture prescribed for a violation of the ordinance; and
   e. Give two locations open to the public where the entire text of the ordinance is available for inspection.
2. After adoption of an amendment to this UDO, the Plan Commission shall print the text of the ordinance in book or pamphlet form (or arrange for the inclusion of the zoning ordinance in the code of ordinances printed by the unit under **IC 36-1-5, Codification of Ordinances**), and no other printing or publication is required.
3. Zone maps incorporated by reference into the UDO are not required to be printed in the code of ordinances, book, or pamphlet printed under this section, but the Plan Commission shall keep them available at its office for public inspection.
4. Unless a zoning ordinance provides for a later effective date, the ordinance takes effect when it is adopted, except that when a provision prescribing a penalty or forfeiture for a violation is printed, it may not take effect until 14 days after the later of the following:
   a. The final day on which notice of its adoption is published; or
   b. The day on which it is filed in the City Clerk-Treasurer's office, as provided in subsection C.5., below.
5. The UDO is not required to be included in the Code of Ordinances. However, if the UDO is not included in that code, then two copies of the book or pamphlet (and supplement, if any) printed under this section shall be filed in the office of the City Clerk-Treasurer, and these copies shall be kept on file in that office for public inspection.
6. If the UDO is not included in the Code of Ordinances, the City Clerk-Treasurer shall keep additional copies of the book or pamphlet (and supplement, if any) in the office for the purpose of sale or distribution.
7. If the zoning ordinance is included in the Code of Ordinances, copies of the UDO shall also be made available to the public in accordance with **IC 5-14-3, Access to Public Records.**

**Statutory Reference:**

IC 36-7-4-602, Zoning ordinance; procedures for adoption of ordinances, amendments, and map changes (subsection b)

## Sec. 15.1202 Criteria for Text Amendments

A. **Purposes.** Text amendment proposals shall serve the following purposes:
   1. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
   2. Lessening or avoiding congestion in public ways;
   3. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
   4. Otherwise accomplishing the purposes of **IC 36-7-4, Local Planning and Zoning.**

B. **Considerations.** In preparing and considering proposals for text amendments, the Plan Commission and the City Common Council shall pay reasonable regard to:



Exhibit "E"
Page E-000365

1. The comprehensive plan;
2. Current conditions and the character of current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction; and
5. Responsible development and growth.

## Division 15.1300 Fees

### Sec. 15.1301 Authority to Establish Fees

A. **Generally.** Fees for the administration of this UDO shall be established as provided in this Section.

B. **Plan Commission.**

1. The Plan Commission may establish a schedule of reasonable fees to defray the administrative costs connected with:
    a. Processing and hearing administrative appeals and petitions for rezoning, special uses, and variances;
    b. Issuing permits not subject to State approval; and
    c. Other official actions taken under this UDO.
2. The Plan Commission may establish a uniform schedule of fees proportioned to the cost of checking and verifying proposed plats.

C. **Board of Public Works and Safety.** The Board of Public Works and Safety shall set fees for review of floodplain permit applications.

D. **Fee Schedule.** A comprehensive schedule of fees for the administration of this UDO shall be attached as an appendix.



Exhibit "E"
Page E-000366

# Division 16.100 Purposes

## Sec. 16.101 Purpose and Intent

A. **Purpose.**

1. This UDO is intended to protect the interests of both present and future neighborhoods and the general public from adverse impacts of incompatible land uses.
2. Each standard is developed as a regulatory response to an identifiable negative impact or potential nuisance.

B. **Intent.**

1. It is the intent of the City Common Council that this UDO respect landowners' rights to the beneficial use of their property. As such, the UDO is designed to allow greater flexibility and more development options, while providing standards for development that tend to minimize impacts on property owners to the greatest extent that is practicable and consistent with good and fair planning principles. The standards and supporting definitions are intended to balance the rights of individual property owners with those of the general public in a way that advantages both by creating value and minimizing adverse impacts that might otherwise result from a proposed land use.
2. A sound interpretation of any standard cannot be assured without a careful analysis of the end to which the regulation is directed. As such, it is the further intent of the City Common Council that administrators and other persons shall interpret this UDO based on an understanding of the purposes intended, as specified in this Division and in any specific section of this Code that is entitled "Purpose" or "Purpose and Applicability."

## Sec. 16.102 Land Use Patterns and Community Character

A. **Generally.** This UDO is intended to preserve and protect community character and encourage efficient land use patterns. Each purpose listed in subsection B., below, strives to balance the interests of the general public with those of individual property owners.

B. **Enumerated Purposes.** This UDO is adopted for such purposes including, but not limited to:

1. Establishing rational land use and growth patterns and encouraging the most appropriate use of individual pieces of land;
2. Dividing the City into districts of distinct community character according to the use of land and buildings, the intensity of such uses (including bulk and height), and the surrounding open space to promote health, safety, and welfare;
3. Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses;
4. Providing protection from noise, glare, odor, or vibration through buffers and other regulations;
5. Securing adequate natural light, clean air, privacy, convenient and safe access to property, and a safe environment;
6. Limiting the bulk, scale, and density of new structures to preserve the desired character of Valparaiso;

7. Promoting and encouraging the City's growth and economic health; and
8. Encouraging high-quality, attractive, and marketable development for the present and future population and businesses.

## Sec. 16.103 Natural and Cultural Resources

A. **Generally.** This UDO is intended to promote the protection of natural and cultural resources. Each purpose listed in subsection B., below, strives to balance the interests of the general public with those of individual property owners.

B. **Enumerated Purposes.** This UDO is adopted for such purposes including, but not limited to:

1. Controlling the density, open space, land use, and vegetative cover to prevent surface water contamination;
2. Protecting life and property by avoiding or lessening the hazards of flooding, stormwater accumulation, runoff, or destabilization of soils by district or performance standards;
3. Avoiding or lessening soil erosion hazards;
4. Preserving and protecting areas with limited development potential due to hydrology, soils, or other natural conditions as habitats for wildlife;
5. Respecting the area's history by preserving archaeological, historical, and/or architectural resources;
6. Minimizing expenditure of public money for costly flood control projects;
7. Minimizing the need for relief efforts associated with flooding and generally undertaken at the expense of the general public;
8. Minimizing prolonged business interruptions;
9. Minimizing damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;
10. Ensuring that potential buyers are notified that property is in an area of special flood hazard; and
11. Ensuring that those who occupy the areas of special flood hazard assume responsibility for their actions.

## Sec. 16.104 Public Infrastructure

A. **Generally.** This UDO is intended to promote the protection of and efficient use of public investments in infrastructure. Each purpose listed in subsection B., below, strives to balance the interests of the general public with those of individual property owners.

B. **Enumerated Purposes.** This UDO is adopted for such purposes including, but not limited to, ensuring that adequate public infrastructure is required for:

1. Creating an environment safe from fire, flood, and other dangers;
2. Ensuring adequate and safe roads and facilities by limiting land use intensity to the capacity of the roads or facilities and controlling access;
3. Protecting and enhancing a pattern of local, collector, and arterial streets and highways that produces a unified, safe, and efficient system for movement;
4. Reducing the danger and congestion of traffic on roads and highways by both limiting the number of friction points, such as intersections and driveways, and minimizing other hazards;
5. Protecting residential streets from degradation by non-residential traffic;
6. Establishing and regulating setback lines along streets and highways, property lines, and drainage facilities to ensure adequate and safe facilities;
7. Promoting economy in governmental expenditures; and

8. Promoting and encouraging basic public services that meet the needs of citizens and providing for public safety and services that ensure the health of residents and businesses.

## Sec. 16.105 Growth Management

A. **Generally.** This UDO is intended to be combined with a growth management strategy to be included in the City's Comprehensive Plan.

B. **Enumerated Purposes.** The management of growth is accomplished by the mapping of districts and coordination with capital programming to achieve the following:

1. Providing for the zoning of the long-term, 20-year growth and economic prospects;
2. Encouraging cost effective provision of utilities by regulating or phasing growth to prevent premature development that creates land use, health, or economic problems; and
3. Encouraging development patterns that permit interim land uses that do not preclude the desirable ultimate development in the period when utilities are not available.

## Sec. 16.106 Balanced Expectations

A. **Generally.** The purposes in **Sections 16.102, Land Use Patterns and Community Character,** to **Section 16.105, Growth Management,** are based on protecting the community; its residents; its individual property owners; and its natural, fiscal, and economic resources.

B. **Considerations.** This UDO recognizes that different landowners may have different expectations, and that the following objectives have been considered:

1. Protecting and enhancing the value of land and buildings;
2. Seeking to balance the regulation's impact by permitting clustering and a greater variety of uses to offset restrictions and costs associated with compliance;
3. Protecting landowners from adverse impacts of adjoining developments;
4. Protecting and respecting the justifiable reliance of existing residents and businesses on the continuation of existing, established, and planned land use patterns; and
5. Abating nuisances by regulating proximate uses' compatibility using quantifiable performance standards.

## Sec. 16.107 Telecommunications Facilities

A. **Compliance With Federal Law.** This UDO shall be interpreted consistent with the provisions of the Federal Communications Act of 1934, as amended by the Telecommunications Act of 1996.

B. **Reservation of Authority.** This Code reserves to the City all authority available to it with regard to land use and regulation which has not been preempted by the Federal government pursuant to Section 704 of the Telecommunications Act of 1996 as to the placement, construction, and modification of personal wireless service facilities.



Exhibit "E"
Page E-000369

## Division 17.100 Purpose

### Sec. 17.101 Purpose

The purpose of this Article is to provide for the enforcement and interpretation of the UDO. It is also to provide the severability and repealer clauses.

## Division 17.200 Enforcement

### Sec. 17.201 Authority; Scope of Enforcement; Enforcement Officials

A. **Generally.** Each of the following has authority and responsibilities with respect to enforcement of this UDO, as detailed more particularly in this Section:

1. The Plan Commission
2. The Board of Zoning Appeals
3. City Common Council
4. Enforcement Officials
5. Affected Persons

B. **Plan Commission.** The Plan Commission may bring action to invoke any legal, equitable, or special remedy in the circuit or superior court of Porter County to enforce:

1. This UDO;
2. Conditions imposed in a development approval granted pursuant to this UDO or previous land development regulations;
3. Covenants made in connection with a subdivision plat, a development plan, or a PUD district ordinance pursuant to this UDO or previous land development regulations; or
4. Written Commitments entered into pursuant to this UDO or previous land development regulations.

C. **Board of Zoning Appeals.** The Board of Zoning Appeals may bring action to invoke any legal, equitable, or special remedy in the circuit or superior court of Porter County for:

1. An injunction to restrain a person from violating this UDO; or
2. A mandatory injunction, directing a person to remove a structure erected in violation of this UDO.

D. **City Common Council.** If, not later than 180 days after adoption of a district boundary change pursuant to **Section 15.601, Map Amendments,** the City Common Council finds that the proposal was adopted as a result of a person's intentional misrepresentation or omission of material facts, then the City Common Council may, by a three-fourths vote (rounded to the nearest whole number) adopt an ordinance to nullify any change in the zone maps that resulted from the misrepresentation or omission. Such an ordinance may be adopted by the City Common Council without being referred to the Plan Commission for consideration and recommendation.

E. **Enforcement Officials.**

1. Enforcement officials may take any action that may be taken by the Plan Commission or Board of Zoning

Appeals. Enforcement officials may also issue a notice of violation and invoke the Ordinance Violation Bureau procedure set out in **Section 17.203, Ordinance Violations Bureau; Jurisdiction and Procedure.**

2. The following members of the City Staff, are designated as enforcement officials:
   a. Planning Director or designee
   b. Building Commissioner or designee
   c. City Engineer or designee
   d. Fire Chief or designee
   e. Floodplain Administrator or designee
   f. All sworn police officers

F. **Affected Persons.**

1. An action to enforce a written commitment may be brought in the circuit or superior court of Porter County by:
   a. Any person who was entitled to enforce a commitment under the rules of the Plan Commission or Board of Zoning Appeals in force at the time the commitment was made; or
   b. Any other specially affected person who was designated in the written commitment.
2. A person bringing an action to enforce a written commitment made under this UDO may request mandatory or prohibitory injunctive relief through the granting of a temporary restraining order, preliminary injunction, or permanent injunction.

## Sec. 17.202 Methods of Enforcement

A. **Stop Work Order.** The City may post a stop work order for any work not conforming to the requirements of this ordinance. The stop work order may be lifted only after the work has been made to conform with this ordinance or by appeal to the Board of Public Works and Safety. If, after the stop work order has been issued for a period of not less than 10 calendar days and the work is not in compliance with this ordinance, the Board of Public Works and Safety may serve notice of forfeit of any surety provided with the permit.

B. **Withholding of Permits.** The Building Commissioner may refuse to issue building permits to any applicant who is in violation of this ordinance and has received notification of that violation. The permits may be for sites other than those where the violations have occurred. The Building Commissioner may withhold issuance of the permits until the violations are corrected to the satisfaction of the City Engineer.

C. **Fines for Violation.** In addition to any and all other remedies set forth in this ordinance for a violation thereof, the City Engineer may, for any violation of this ordinance, levy a fine against the violator(s) of up to $250 for each occurrence, each day being a separate occurrence. The City Engineer shall notify the violator(s) of such fine, in writing, on a form approved by the Board of Public Works and Safety. The violator shall pay the levied fine through the Ordinance Violations Bureau. The City Engineer may levy a fine for each and every day that the violation is continued.

D. **Revocation of Surety.** In the event that other enforcement remedies listed herein do not cause the correction of the violation(s) the Board of Public Works and Safety, acting on the recommendation of the City Engineer, may initiate a claim upon any bond or surety posted with the application. The Board of Public Works and Safety may seek recovery of any costs associated with the correction of the violation(s) along with any fines levied and not paid.

E. **Court Action.** The City may elect, in lieu of the fine set forth above but in addition to all other remedies set forth in this UDO, to seek a fine for such violation in a court of competent jurisdiction in an amount up to the maximum permitted by IC 36-1-3-8.

## Sec. 17.203 Ordinance Violations Bureau; Jurisdiction and Procedure

A. **Jurisdiction.**



Exhibit "E"
Page E-000372

1. Violations for which the fine is less than $250 per day may be processed by the Ordinance Violations Bureau (established by Section 37.01, Valparaiso Code of Ordinances).
2. The Violations Clerk may accept written appearances, waivers of trial, admissions of violations and payments of civil penalties of not more than $250 per violation.

B. **Procedure.**

1. The Ordinance Violations Bureau enforcement procedure commences when an enforcement official issues a notice of violation that specifies the alleged violation of this UDO.
2. Receipt of notice occurs upon posting the notice upon the person's automobile, residence or the mailing of the notice by first class mail to the person's last known address, or faxing the notice to the person's home or business.
3. The person notified of a violation shall appear before the Violation Clerk within five days of receipt of the notice or be deemed to have denied the alleged violation.

C. **Referral to Court.**

1. A person charged with an ordinance violation has a right to trial before a court. Should a person charged with a violation under this section fail to pay the civil penalty within the time prescribed or file a written denial with the Violations Clerk, the Violations Clerk shall refer the matter to the City Attorney for further legal proceedings.
2. If, in the discretion of the city official citing a violation, the citation will not cause the cessation of the violation, then the official may, instead of proceeding under this Section, refer the matter to the City Attorney for prosecution.

D. **Additional Remedies.**

1. The fact that proceedings are begun under this chapter shall in no way limit the applicability of § 10.99 should the person violating this UDO fail to pay the penalty in the allotted time.
2. The imposition of a penalty under this chapter shall be in addition to restitution for actual damages arising out of a violation.

E. **Payment of Civil Penalties.**

1. Civil Penalties imposed pursuant to this Section shall be paid to, receipted and accounted for by the Violation Clerk. Payment of civil penalties under this section may be made in person or by mail.
2. In the event a violation of this code or an ordinance goes unpaid for more than 45 days, and if the violation is referred to a collection agency and/or attorney for collection, then the violator, in addition to the fees and fines incurred by the violation, shall pay all costs associated with the collection of fines, including costs for the collection agency, court fees, attorney fees and any other costs associated with the failure to pay the initial fine or fee.

F. **Allocation of Civil Penalties.** All civil penalties received under this Section shall be receipted into the Parking Meter Fund.

## Sec. 17.204 Fines and Penalties

A. **Table of Fines.** The minimum fine assessed for each violation of this UDO shall conform to **Table 17.204, Table of Fines.**

Table 17.204:
Table of Fines

| Violation | Min. Fine |
|---|---|
| An act for which a building permit is required that is done without having made application for and received such permit | 100 |

| | |
|---|---|
| An act for which a building permit is required that is done after such permit has been issued, but has expired | 50 |
| An act that violates or exceeds the authority conferred by the issued building permit | 50 |
| The use or occupation of any property for which a building permit has been issued, prior to the time when it has been finally inspected and approved by the Planning Director or Building Inspector as required by this Code | 150 |
| An act that violates any express covenant or condition of any approval given by the City under this UDO or any prior ordinance, code, permit, conditional use approval, site plan and subdivision approval, variance, use variance, and all applicable performance standards required in this Code | 150 |
| The continuance of a nonconforming use or structure after the time when this Code requires that such use be terminated or discontinued | 50 |
| The changing, moving, enlarging, expanding, extending, or modifying of any nonconforming use or structure in a manner not authorized by this Code | 100 |
| For Limited Use or Special Use, any act that is done without having made application for or obtaining such permit as required by this Code | 100 |
| An act for which an administrative permit (other than a building permit) is required that is done without having made application for and received such permit or that violates or exceeds the authority conferred by that permit | 100 |
| An act for which a discretionary approval is required that is done without having made application for and received such permit or that violates or exceeds the authority conferred by that permit | 150 |
| Any act not referred to in this Table that involves the permanent use of property in any manner that is prohibited by this Code | 150 |
| Any act not referred to in this Table that involves the temporary use of property in any manner that is prohibited by this Code | 50 |
| Violations of **Division 10.600, Tree Protection** | 500 |

B. **Continuing Violations and Maximum Fines.** Each day on which the violation continues constitutes a separate violation. Fines assessed may be increased for each subsequent violation at the discretion of the Responsible Official, who shall consider the degree of the violation, but shall not exceed the maximum fine and penalty per day allowed by **IC 36-1-3-8, Powers Specifically Withheld**, or other applicable statute.

C. **Fines Not Specified.** The City may seek the maximum fines and penalties allowed by **IC 36-1-3-8, Powers Specifically Withheld,** or other applicable statute, for violations of this UDO.

D. **Other Penalties and Remedies.**

1. In addition to the fines specified herein, the City may seek any other available remedy, including declaratory and injunctive relief (including mandatory injunctions), restitution, or additional damages pursuant to state or federal statutes or common law.

2. If, as the result of the violation of **Division 10.600, Tree Protection,** the injury, mutilation, or death of a tree, shrub, or other plant located on City–owned property is caused, the party found to have violated the provision shall pay the cost of:

   a. The repair or replacement of the plant material; or

   b. The appraised dollar value of the plant material.

3. In the event that a nuisance is not abated by the date specified in the notice, the Board of Public Works and Safety is authorized to cause the abatement of said nuisance. The reasonable cost of such abatement shall be filed as a lien against the property on which the nuisance was located. In addition, the owner of the property upon which the nuisance was located shall be subject to prosecution.

## Division 17.300 Legal Status

## Sec. 17.301 Severability

A. **Generally.** If any division, section, paragraph, clause, provision, or portion of this UDO is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this UDO shall not be affected. If any application of this UDO to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

B. **Signs.** With respect to **Article 5, Signs**, the following severability provisions shall apply:

1. **Interpretation; Substitution of Noncommercial Speech for Commercial Speech.** Notwithstanding anything contained in this UDO to the contrary, any sign erected pursuant to the provisions of this UDO or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that:

   a. The sign is not a prohibited sign or sign-type, and

   b. The size, height, setback and other dimensional criteria contained in this UDO have been satisfied.

2. **Severability Generally.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of **Article 5, Signs**, or any other provision of this UDO related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of **Article 5, Signs**, or this UDO.

3. **Severability Where Less Speech Results.** Without diminishing or limiting in any way the declaration of severability set forth above in subsection B.2., above, or elsewhere in this Section, this UDO, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of **Article 5, Signs**, or any other provision of this UDO related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of said Article or provision, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

4. **Severability of Provisions Pertaining to Prohibited Signs and Sign Elements.** Without diminishing or limiting in any way the declaration of severability set forth above, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of **Article 5, Signs**, or any other provision of this Code related to signage, is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of **Article 5, Signs**, that pertains to prohibited signs or sign elements. It is the intent of the City Common Council to ensure that as many prohibited sign types and sign elements as may be constitutionally prohibited continue to be prohibited.

5. **Severability of Provisions if Adjudicated Stricken Due to a Content-Basis.** It is the intent of the City Common Council to regulate signage in a manner that implements the purposes of this **Article 5, Signs**, as expressed therein. The City finds that the purposes stated in **Article 5, Signs**, are legitimate, substantial, and compelling public interests, that the regulation of signage provided by **Article 5, Signs**, is unrelated to the suppression of free expression, and that the incidental restrictions on expression that may occur as a result of these regulations is no more than is essential to the furtherance of the public interests. However, if a court of competent jurisdiction finds any regulation therein to be based upon content and, further, declares such regulation unconstitutional, then it is the intent of the City Common Council that only that portion of the provision that is found to relate to content be severed from this UDO, and if it is not possible for the court to strike only the portion of the provision that is found to relate to content, then it is the intent

of the City Common Council that all signs that would be subject to the stricken provision will instead be subject to the next surviving provision for a sign of like geometry and character that is more restrictive than the stricken provision in terms of sign area.

## Sec. 17.302 Repealer

A. **Zoning Ordinances.** The following ordinances of the City of Valparaiso are hereby repealed:

1. Ordinance 17-1969, as amended (a.k.a. "Zoning Ordinance,").

B. **Code of Ordinances.** The following sections of the City of Valparaiso Code of Ordinances are hereby repealed and superseded by this UDO:

1. Chapter 120, Garage and Yard Sales

## Sec. 17.303 Conflicting Provisions

Historic district regulations are intended to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the historic districts. Zoning districts lying within the boundaries of the historic district are subject to the regulations for both the zoning district and the historic district. If there is conflict between the requirements of the zoning district and the requirements of the historic district, the more restrictive requirements apply.



Exhibit "E"
Page E-000376




## Division 18.100 Word Usage; Abbreviations; and Acronyms

### Sec. 18.101 Word Usage

A. **Generally.** This rules of this Division shall be observed and applied when interpreting this UDO, except when the context clearly requires otherwise.

B. **Word Usage.** Words shall be interpreted as follows:

1. Words used or defined in one tense or form shall include other tenses or forms.
2. Words in the singular number shall include the plural number. Words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
4. The words "shall" and "will" are mandatory.
5. The words "may" and "should" are permissive.
6. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.

### Sec. 18.102 Abbreviations and Acronyms

A. **Abbreviations.** The following abbreviations are used in this UDO:

1. ac.: acre
2. DBH: diameter at breast height
3. du or du's: dwelling unit(s)
4. FAR: floor area ratio
5. ft.: feet
6. LSR: landscape surface ratio
7. max.: maximum
8. min.: minimum
9. na.: not applicable
10. OSR: open space ratio
11. sf.: square feet

B. **Acronyms.** The following acronyms are used in this UDO:

1. FEMA: Federal Emergency Management Agency
2. FIRM: Flood Insurance Rate Map
3. LOMA: Letter of Map Amendment

## Division 18.200 Use Definitions



Exhibit "E"
Page E-000377

## Sec. 18.201 Agricultural Uses

A. **Agriculture** means land (with and without farm residences) used for field crops for food, fiber, or energy; orchards; viniculture; horticulture; dairying; pasturage; aquaculture, and truck farming. The term "agriculture" also includes the raising or breeding of livestock, cattle, horses, poultry, and bees where there is no more than one animal or bee colony per acre. The term includes the necessary accessory uses for storing the products and inputs needed to produce them. The term also includes incidental retail sales by the producer of products raised on the farm. The term does not include intensive agriculture.

B. **Nursery or Greenhouse** means an enterprise that conducts the retail and/or wholesale sale of plants grown on the premises. The terms also include, as an accessory use, the sale of a limited selection of items (e.g., soil, planters, pruners, mulch, etc., but not power equipment) that are directly related to the care and maintenance of landscapes.

C. **Farmstead** means a residential-agricultural unit in which the land is used for agriculture by the owner/operator of the agricultural operation who lives on the land as owner or lessee.

D. **Intensive Agriculture** means:

1. Any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal unit per acre, including feedlots, hog farms, and poultry operations (including concentrated animal feeding operations, or "CAFOs"); or
2. Any other agricultural use that is required to obtain a discharge permit because of animal or poultry wastes.

E. **Commercial Stables** means the stabling, training, feeding of horses, or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

F. **Kennel** means the boarding, breeding, training, or selling of domestic dogs or cats. The term also includes:

1. The keeping of more than nine dogs or cats over the age of four months; or the keeping of a total of more than nine dogs and cats; or
2. Enclosed outdoor areas that are intended for the exercising and/or containment of dogs ("outdoor dog runs").

## Sec. 18.202 Residential Uses

A. **Boarding House, Dormitory, Fraternity, or Sorority** means any dwelling, other than a hotel or bed and breakfast establishment, where, for compensation:

1. Lodging and meals are provided; or
2. Sleeping accommodations and common kitchen facilities are provided for individuals while they are enrolled at an educational institution.

B. **Single-Family Detached** (also called "Single-Family") means dwelling units that are:

1. Constructed on individual lots;
2. Separated from each other by outside walls; and
3. Intended for the use of a single housekeeping unit.

C. **Single-Family Cluster** means single-family detached units that are developed on lots that are platted in a subdivision that includes common open space that meets or exceeds the standards set out in **Table 3.301.A., Residential Standards.**

D. **Single-Family Attached** means all attached dwelling units except multiplex and multifamily. The phrase includes twin homes, duplexes, and all types of townhomes.



Exhibit "E"
Page E-000378

E. **Planned Development** means a residential development that consists of a variety of lot sizes and more than one housing type.

F. **Traditional Neighborhood Development** means development that consists of a variety of residential lot sizes and more than one housing type, along with neighborhood supportive nonresidential development, designed to give equal or greater dignity to the pedestrian compared to the automobile.

G. **Multifamily** means buildings that contain three or more condominium or rental apartment units (subject to long-term leases) that share one or more common entrances. Boarding houses, dormitories, fraternities, sororities, bed and breakfast establishments, duplexes, twin homes, hotels and motels are not included in this definition.

H. **Manufactured Home Park or Subdivision** means a parcel of land divided into two or more lots for long-term lease or sale, for the installation of manufactured homes.

I. **Group Home**

1. Means single-family dwelling unit used in one of the following ways:
    a. Child care that is licensed for 10 or fewer children who are six years of age or older, who are apart from their parents or guardian on a 24-hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation (see **465 IAC 2-9-13, "Group home" defined**);
    b. Intermediate care facilities for the mentally retarded ("ICF-MR"); and
    c. Supervised care for individuals who are undergoing treatment or rehabilitation, who function as a single housekeeping unit in which residents share responsibilities, meals, and recreation.
2. Does not mean:
    a. An institutional environment in which staff manages the living environment and controls activities;
    b. On-site office operations;
    c. Multifamily or attached housing;
    d. Co-ops, nursing homes, other institutional residential facilities; or
    e. Boarding houses.

J. **Live-Work Units.** A dwelling unit that provides space that is designed for commercial uses that are permitted in the zoning district. Access between the dwelling unit and the commercial space is provided within the unit.

K. **Manufactured Home.** A dwelling unit that is fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with standards promulgated pursuant to **42 U.S.C. Sec. 5403, Construction and Safety Standards,** and certified as provided in **IC 22-15-4, Certification of Industrialized Building Systems and Mobile Structures.**

## Sec. 18.203 Home Uses

A. **Home Occupation** means any service, professional, or art occupation, which is conducted in a residence but does not change the essential character of the residential use. Home occupation does not include:

1. Wholesale or retail sales, except for sales distributors who fill orders for catalog type products and then make deliveries to the customer's house (as opposed to customers coming to the place of business).
2. Activities that require commercial deliveries from trucks (as opposed to parcel services).
3. Businesses that employ anyone other than residents of the dwelling unit.
4. On-site parking of commercial vehicles, or on-street parking of commercial vehicles next to the dwelling unit.

B. **Home Business** means a business that is operated out of a dwelling unit, which involves employment of up to two unrelated individuals who do not live in the dwelling unit. These uses are limited to office or service businesses. Home business does not include:



Exhibit "E"
Page E-000379

1. Wholesale or retail sales, except for sales distributors who fill orders for catalog type products and then make deliveries to the customer's house (as opposed to customers coming to the place of business).
2. Activities that require commercial deliveries from trucks (as opposed to parcel services).
3. On-site parking of commercial vehicles, or on-street parking of commercial vehicles next to the dwelling unit.

C. **Cottage Industry** means a business that is operated out of a dwelling unit, which involves:

1. Employment of up to four unrelated people who do not live in the dwelling unit;
2. Commercial deliveries from trucks;
3. Light manufacturing; or
4. On-site parking of commercial vehicles.

D. **Child Care Home** means a family home that receives more than three, and up to a maximum of eight, children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12.

## Sec. 18.204 Institutional Uses

A. **Places of Public Assembly** means a place where the people assemble for civic, educational, social, or day care purposes. This use includes the following:

1. Places of worship; theaters; conference centers;
2. Cultural or arts centers; museums; and aquariums;
3. Libraries;
4. Elementary and middle schools;
5. High schools;
6. Adult day care; and
7. Child care centers.

B. **College** means:

1. Colleges or universities; and
2. Professional trade, language, or business schools, and comparable advanced or continuing education facilities.

C. **Institutional Residential** means institutional housing which involve long-term lease or condominium ownership combined with common food service, nursing, counseling, health care, or comparable services. This use includes:

1. Monasteries and covenants;
2. Sheltered care facilities and rehabilitation centers, which include:
   a. Facilities, other than group homes, in which residents live in an institutional environment and are, generally, under the care or control of staff;
   b. In-patient drug and alcoholism hospitals and rehabilitation centers, in which residents have institutional care, or are treated by staff in an institutional setting, rather than living independently.
   c. Any sheltered care, group care, group home, or residential substance abuse facility with more than eight total occupants.
3. Assisted care living facilities and congregate care facilities; and
4. Nursing homes

D. **Protective Care** means housing where the residents are assigned to the facility and are under the protective care of the county, state, or federal government. This use includes:

1. Jails or prisons;
2. Work release;
3. Psychiatric hospitals; and
4. Comparable facilities.

E. **Private Club** means organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Private club does not include organizations with a principal purpose of serving alcoholic beverages to its members or others. Examples of private clubs include (but are not limited to) 4-H Clubs, veterans organizations, Boy Scout and Girl Scout facilities, Elks Lodges, YMCA, YWCA, private community clubhouses, golf clubhouses, and fraternities and sororities that do not include residential facilities.

F. **Public Service** means uses which provide public services, including police stations, post offices, and fire stations, as well as other municipal services that are not utilities. The phrase "public service" also includes conservation agencies. The phrase does not include office uses, which are defined in **Section 18.205 , Commercial Uses.**

G. **Utilities, Neighborhood** means utilities that serve the local area, including utility substations or transmission and local distribution facilities, including electric, gas, telephone, sewer, water, and stormwater. The phrase "utilities, neighborhood" does not include power generation that uses combustibles, or any uses that involve the storage of combustibles.

H. **Hospitals** means hospitals and medical laboratories, including general medical and surgical hospitals and specialty hospitals. The term "hospitals" does not mean alcoholism and drug rehabilitation facilities.

## Sec. 18.205 Commercial Uses

A. **Agricultural Support and Other Rural Services** means uses that support agricultural uses, including:

1. Farm supply services;
2. Farm equipment dealers;
3. Grain storage; and
4. Large animal or livestock veterinarians.

B. **Alcoholic Beverage Sales** means the retail sale of beer, wine, or other alcoholic beverages for on- or off-premises consumption, but, for the purposes of this UDO, does not include the sale of alcoholic beverages by:

1. A restaurant in which more than 60 percent of the annual gross sales are generated by food, provided that the sale of alcoholic beverages is for on-premises consumption;
2. A retail permittee that complies with Rule 29, Selling of Package Alcoholic Beverages by Retail Permittee, of Title 905 IAC, Alcohol and Tobacco Commission;
3. A grocery store, supermarket, delicatessen which is primarily engaged in the retail sale of a general food line, which may include canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry;
4. A convenience store or food mart that is primarily engaged in the retail sale of goods, which may include milk, bread, soda, snacks and the sale of automotive fuels, provided that the sale of alcoholic beverages represents a percentage of annual gross sales of 25 percent or less of all items sold on the premises, excluding gasoline and automotive oil products;
5. A warehouse club, superstore, supercenter, or general merchandise store primarily engaged in the retail sale of a general line of groceries or gourmet foods in combination with general merchandise, which may



Exhibit "E"
Page E-000381

include apparel, furniture, and appliances;

6. A specialty or gourmet food store primarily engaged in the retail sale of miscellaneous specialty foods not for immediate consumption and not made on the premises, which food items do not include meat, fish, seafood, fruits, vegetables, confections, nuts, popcorn, and baked goods;
7. The sale of alcoholic beverages by a hotel pursuant to a State of Indiana Type 110, 114, 215, or 308 Permit;
8. The sale of alcoholic beverages by a civic center pursuant to a State of Indiana Type 219, 219-1, or 219-2 Permit; and
9. The temporary sale of alcoholic beverages pursuant to a State of Indiana Type 118 Temporary Beer / Wine Permit.

C. **Bed and Breakfast** means a place of lodging that:

1. Provides five or fewer rooms for short-term rental;
2. Is the owner's personal residence; and
3. Is occupied by the owner at the time of room rental.

D. **Commercial Lodging** means places that offer overnight accommodations for short-term rental, including hotels and motels. The phrase "commercial lodging" also includes hotels that offer convention facilities or meeting rooms.

E. **Commercial Retail** means commercial and retail uses that do not include regular outside storage or sales. The phrase "commercial retail" includes uses that are comparable to the following:

1. Furniture and home furnishings stores (NAICS Code 442);
2. Electronics and appliance stores (NAICS Code 443);
3. Paint and wallpaper stores (NAICS Code 44412);
4. Hardware stores (NAICS Code 44413);
5. Food and beverage stores (NAICS Code 445, except 4453);
6. Health and personal care stores (NAICS Code 446);
7. Clothing and clothing accessory stores (NAICS Code 448);
8. Sporting goods, hobby, book, and music stores (NAICS Code 451);
9. General merchandise stores (NAICS Code 452, except 45291); and
10. Miscellaneous store retailers (NAICS Code 453).

F. **Heavy Retail** means retail and/or service activities that have regular outside service or outside storage areas, exceptionally large floor areas, or partially enclosed structures, as listed below:

1. Permanent retail operations that are located outside of enclosed buildings, except nurseries;
2. Home centers (NAICS Code 44411);
3. Lumber and other building materials (NAICS Code 44419);
4. Lawn, garden equipment, supplies stores (NAICS Code 44421);
5. Warehouse clubs and super stores (NAICS Code 45291);
6. Mini warehouses, except those with outside storage; and
7. Recreational equipment rental where the equipment is stored outside.

G. **Light Automobile Service** means:

1. Gasoline service stations, gas convenience marts, and quick service oil, tune-up, brake, and muffler shops in which:

a. Repairs are made in fully enclosed bays.

b. Repairs are completed in less than two hours.

c. Vehicles are generally not stored on-site, and on the occasion when overnight storage is necessary, vehicles are stored indoors.

2. A single-bay car wash accessory to a gas convenience mart is included in this definition when the activity constitutes less than 20 percent of total floor area, and is either:

a. Integrated into the gas convenience mart building; or

b. Is a separate accessory building with comparable design and materials to the gas convenience mart building.

3. Auto malls with a number of the uses, as listed in G.1., where all activities are contained in a single building.

H. **Drive-in Facility** means a facility used by an approved commercial retail or service use to provide service to customers in vehicles who either:

1. Drive up to a window or station; or

2. Drive through the building for purchases.

I. **Mixed Use** means development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel proposed for development.

J. **Office** means uses in which professional, outpatient medical, or financial services are provided. The term includes:

1. Accounting, auditing and bookkeeping;

2. Advertising and graphic design;

3. Architectural, engineering, and surveying services;

4. Attorneys and court reporters;

5. Banks, mortgage companies; and financial services;

6. Call centers;

7. Computer programming;

8. Corporate headquarters;

9. Counseling services;

10. Data processing and word processing services;

11. Detective agencies;

12. Government offices;

13. Insurance;

14. Interior design;

15. Medical, dental, and chiropractic offices;

16. Real estate sales;

17. Research and development that does not include on-site manufacturing;

18. Retail catalog, internet, and telephone order processing, but not warehousing; and

19. Virtual office services.



Exhibit "E"
Page E-000383

K. **Car Wash** means the use of a site for washing and cleaning of passenger vehicles, recreational vehicles, and light duty trucks. The phrase does not include facilities that are allowed as an accessory use to light automobile service.

L. **Restaurant** means an establishment that serves prepared meals to customers for consumption on-site or off-site, and includes:

1. Full-service restaurants (NAICS Code 7221);
2. Limited-service eating facilities (NAICS Code 7222); and
3. Special foodservices (NAICS Code 7223).

M. **Services** means commercial and personal services, such as:

1. Copy centers;
2. Social assistance;
3. Repair services and shops, except automobile, truck, and heavy equipment repair;
4. Health, exercise, martial arts, yoga, or dance studios;
5. Parcel service drop-off locations and mailbox services;
6. Nail salons, beauty and barber shops, skin care, and day spas;
7. Funeral homes;
8. Laundry and dry-cleaning services;

N. **Shopping Center** means a group of retail, personal, or professional service establishments planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

O. **Vehicle Sales, Rental, and Service** means uses that sell, rent and perform service on automobiles, boats, motorcycles, recreational vehicles. The phrase does not include auto body (e.g., collision repair), paint or upholstery services.

P. **Veterinarian** means veterinary clinics and hospitals that provide care for small domestic animals. For the purposes of this UDO, the term does not include large animal and livestock veterinarians, which are classified as agricultural support and other rural services.

Q. **Respite Care Facility** means a facility that provides temporary care or supervision of individuals with developmental disabilities, mental illness or who are elderly which is provided because the individual's family or caregiver is temporarily unable or unavailable to provide needed care.

## Sec. 18.206 Recreation and Amusement Uses

A. **Adult Use** means:

1. Any use of property available to the public, whether for profit or not, that:
   a. Involves nude or topless dancing;
   b. Predominantly advertises and offers material and/or items that depict and/or are generally used in sexual activity; or,
   c. Allows other similar activities that depict, describe, simulate, or relate to sexual activities.
2. Not limiting the preceding, the phrase "adult use" shall also include any:
   a. Bookstore/shop in which the primary type of material offered is of a sexual nature;
   b. Motion picture arcade/motion picture theater in which the predominant type of material shown depicts sexual acts;
   c. Cabaret/lounge/night club in which the predominant attraction is nude or topless dancing;
   d. Health spa/sauna in which services of a sexual nature are offered to the public;



Exhibit "E"
Page E-000384

3. Not limiting the preceding, and with respect to specific business types, the phrase "adult use" also includes, but is not limited to, any:
    a. Adult arcade;
    b. Adult bookstore or supply store;
    c. Adult cabaret, lounge, or night club;
    d. Adult health spa or sauna;
    e. Adult hotel or motel;
    f. Adult model studio;
    g. Adult motion picture theater;
    h. Adult novelty business;
    i. Adult outdoor motion picture theater;
    j. Escort agency;
    k. Lingerie Modeling Studio;
    l. Massage parlor;
    m. Sexual encounter center; or
    n. Any other business that offers its patrons services or entertainment that provide nude dancing or other live recording performances that depict, describe, or relate to "specified anatomical areas" or "specified sexual activities."

B. **Campgrounds** means a form of commercial lodging where guests bring tents, travel trailers, recreational vehicles (RVs), campers, or other similar forms of shelter. The campground rents pads to the guests. The term "campgrounds" also includes the phrase "RV Parks."

C. **Commercial Amusement, Indoor** means uses that provide commercial amusement indoors (except adult uses), including but not limited to:
    1. Bowling alleys and pool rooms;
    2. Indoor sports arenas;
    3. Movie theaters and live theaters;
    4. Indoor skating rinks (ice or roller);
    5. Video arcades; and
    6. Shooting arcades.

D. **Commercial Amusement, Outdoor** means uses that provide commercial amusement outdoors (except adult uses), including but not limited to:
    1. Outdoor arenas or stadiums (including but not limited to amphitheaters, sports stadiums, concert facilities, rodeos, and racing facilities);
    2. Amusement parks or theme parks;
    3. Fairgrounds;
    4. Miniature golf establishments;
    5. Golf driving ranges;
    6. Water slides;
    7. Batting cages; and



Exhibit "E"
Page E-000385

8. Shooting ranges.

E. **Recreation, Indoor** means uses that provide recreation opportunities indoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature. Specifically excluded from the definition are health and exercise clubs and commercial amusement uses. The phrase "recreation, indoor" includes:

1. Community recreation centers;
2. Gymnasiums;
3. Indoor swimming pools; or
4. Tennis, racquetball, or handball courts.

F. **Recreation, Outdoor** means uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are not commercial in nature (except for golf courses, which may be commercial in nature). The phrase "recreation, outdoor" includes public areas for active or passive recreational activities including, but not limited to:

1. Jogging, cycling, tot-lots, playing fields, playgrounds, outdoor swimming pools, and tennis courts;
2. Golf courses (regardless of ownership or membership);
3. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking; or
4. Other passive recreation-oriented parks, including picnic areas, garden plots, and beaches.

## Sec. 18.207 Industrial Uses

A. **Light Industry** means:

1. Industrial and wholesale uses that are relatively small in scale that have limited outside storage and limited environmental impacts or risks, as follows:

a. The use is conducted in buildings that have:

i. A ground floor area of less than 80,000 square feet; or

ii. Outside storage that occupies less than 15,000 square feet; or

iii. A height of less than 45 feet; and

b. The use is one of the following:

i. Assembly of products, instruments, electronics, office and computing machines, and fixtures from pre-manufactured components;

ii. Auto or marine body, paint, or upholstery services;

iii. Building, development, and general contracting;

iv. Communications facilities, except wireless telecommunications facilities;

v. Food production other than restaurants and micro-breweries;

vi. Furniture making or refinishing;

vii. Manufacture of textiles and apparel;

viii. Printing and publishing, except copy centers;

ix. Special trade contractors, excluding outside storage of any equipment that is more than 12 feet in height; and

x. Wholesale trade, durable and non-durable, except farm products and combustible or hazardous materials; and

2. Uses that have involve outside storage of heavy vehicles, and limited environmental impacts or risks, as

follows:

a. Truck rental or heavy equipment rental;

b. Truck, recreational vehicle, and manufactured home sales; and

c. Transportation services; and

3. Heavy industrial uses that are small in scale and involve limited environmental impacts or risks, including:

a. High-tech heavy industry that meets the following criteria:

i. The use occupies less than 20,000 square feet; and

ii. Receives and ships via parcel courier service, not semi-trailers;

b. Any heavy industrial use that meets the following criteria:

i. The use occupies less than 20,000 square feet of a masonry building;

ii. The use has no outside storage or processing; and

iii. Receives and ships via parcel courier service, not semi-trailers; and

4. Mini-warehouses with outside storage; and

5. Regional utility substations or distribution stations that are located on sites that are at least two acres in area.

B. **Heavy Industry** means industrial uses, wholesale uses, manufacturing uses, and the storage of dangerous materials for distribution (e.g., explosive industrial gasses), which are relatively large in scale, involve significant outside storage, or involve material environmental risks. Heavy industry includes all industries that include and are comparable to the following:

1. Uses listed in subsection A.1.b. that do not meet the criteria set out in subsection A.1.a., above;

2. Alcoholic beverages manufacturing;

3. Automotive salvage rebuilder;

4. Bulk fuel dealers;

5. Heavy construction contractors;

6. Industrial equipment leasing;

7. Meat products manufacturing;

8. Seafood product reparation and packaging;

9. Stone, clay, and glass products;

10. Transportation equipment manufacturing;

11. Regional utilities, but not including administrative offices, substations, or transmission and distribution lines (this includes all utilities not included as Community Utilities); and

12. Welding, sheet metal cutting and assembly, and blacksmith.

C. **Warehousing and Transportation** means warehousing and logistics facilities, except:

1. Mini- or self-storage warehouses;

2. Warehousing that is accessory to a manufacturing facility, occupying less than 25 percent of the total floor area of the facility; and

3. Parcel service drop-off locations that are not accessory to a parcel service processing facility.

D. **Utilities, Community** means a utility that is served by or involves rights-of-way or easements greater than 20 feet. The phrase does not include the production or storage of electricity or natural gas, which are heavy industry



Exhibit "E"
Page E-000387

uses.

E. **Extraction** means uses that involve extraction of materials from the ground, including surface and subsurface mining and quarrying.

F. **Waste Facilities** means facilities where wastes are handled for transshipment to a disposal facility. It includes trash compaction and transfer stations.

G. **Recycling and Salvage** means any land or structure used for the aggregate storage of inoperable manmade equipment, machinery, scrap, or other used or discarded materials having a total cubic volume of at least 700 cubic feet, for the purposes of recycling, re-using, or re-selling components. The phrase includes:

1. Salvaging, recycling, scrap metal processing, automotive disposal facility, and junkyards;
2. Storing of waste paper, rags, scrap metal, polystyrene foam, porcelain, batteries, electronic components, and other discarded materials for recycling;
3. Collection, dismantlement, storage, and salvage of inoperable vehicles, boats, trucks, farm vehicles or equipment, or other types of heavy machinery.

H. **Disposal** means facilities for the disposal of waste or the composting of organic wastes. The term includes:

1. Landfill; and
2. Composting facility.

I. **Wind Farm** means one or more wind-driven turbines that produce more than 100 kW per turbine.

## Sec. 18.208 Other Uses

A. **Airport** means aircraft take-off and landing fields and flight training schools. The term airport does not include:

1. Airstrips for personal aircraft for the private use of an individual; and
2. Heliports that are accessory to another use, such as a hospital.

B. **Cemetery** means an outdoor area designated for the burial of human remains. The term cemetery does not include:

1. Private memorial gardens that are accessory to places of worship, university campuses, or farmsteads; or
2. Columbaria that are accessory to places of worship, or university campuses.

C. **Parking and Transit Facilities** means:

1. Parking that is not accessory to a specific use, where a fee is normally charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking Facility. This includes small structures intended to shield attendants from the weather.
2. Terminals used for the ticketing, loading, and unloading of bus or train passengers. Food and beverage sales conducted during normal terminal operations are included as accessory uses.

D. **Wireless Telecommunication Facilities** means radio or television broadcasting towers, telecommunications towers, and antenna arrays. The phrase does not include residential satellite dishes, TV or HDTV antennae, or amateur radio antennae.

## Sec. 18.209 Temporary Uses

A. **Commercial Outdoor Sales Event** means outdoor sales of seasonal goods by occupants of a parcel, in an area designated on an approved site plan for outdoor sales.

B. **Contractors Office** means watchmans' trailers, construction equipment sheds, contractors' trailers, and similar uses incidental to a construction project. Such uses may include sleeping and/or cooking facilities.

C. **Farm Stand** means a temporary or permanent structure or vehicle used for the sale of agricultural produce in-season, at least 50 percent of which is grown by the seller or farmers within 25 miles of the City limits.



Exhibit "E"
Page E-000388

D. **Garage Sale** means the sale of various used goods that are owned by the occupants of the dwelling unit that is the location of the sale. The phrase does not include commission sales or the retail sale of new merchandise.

E. **Model Home** means a dwelling unit that is used as a model to display the layout and finishes of other dwelling units that are or will be available for sale within a subdivision or condominium development.

F. **Public Interest Event or Special Event** means outdoor gatherings, auctions, art sales, and bake sales for the benefit of the community at-large, or community service or non-profit organizations (both faith-based and secular). These events may also include, but are not limited to, outdoor concerts, auctions, carnivals, circuses, outdoor religious meetings, and special entertainment at commercial properties. Such uses are characterized by frequent travel to various communities and high noise levels, regardless of their purpose.

G. **Sales Office** means:

1. A dwelling unit within a subdivision that is used as a sales office;
2. A dwelling unit within a condominium that is used as a sales office; or
3. A modular unit used as a sales office for a subdivision or condominium.

H. **Sidewalk Sale and Farmer's Market** means sales that are conducted by either the store owner or occupant, outside their store, or by one or more commercial farms, on:

1. A public sidewalk;
2. A private sidewalk; or
3. Pedestrian areas adjacent to a sidewalk.

I. **Temporary Manufactured Structure** means a manufactured home that is used temporarily as a classroom, dwelling unit, or storage unit. The phrase does not include portable on-demand storage units.

J. **Truckload Sale** means the sale of various goods outdoors by persons who are not employed by the owners or managers of the parcel on which the sale occurs, or tenants of buildings on the parcel on which the sale occurs.

## Division 18.300 Floodplain Management Definitions

For purposes of the floodplain management provisions of this Unified Development Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

### A - D

**A Zone.** Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A ZONES, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM.

**Zone A.** Areas subject to inundation by the 1% annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

**Zone AE** and **A1-A30.** Areas subject to inundation by the 1% annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

**Zone AO.** Areas subject to inundation by 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

**Zone AH.** Areas subject to inundation by 1% annual chance shallow flooding (usually areas of ponding) where average depths are one to three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.



Exhibit "E"
Page E-000389

**Zone AR.** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

**Zone A99.** Areas subject to inundation by the 1% annual chance flood event, but which will ultimately be protected upon completion of an under-construction federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

**Accessory Structure.** (appurtenant structure). A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of Accessory Structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition (to an existing structure).** Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this section or a request for a variance.

**Area of Shallow Flooding.** A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood Elevation (BFE).** The elevation of the 1% annual chance flood.

**Basement.** The portion of a structure having its floor sub-grade (below ground level) on all sides.

**Building.** See Structure.

**Community.** A political entity that has the authority to adopt and enforce floodplain provisions for the area under its jurisdiction.

**Community Rating System (CRS).** A program developed by the Federal Insurance Administration to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**Critical Facility.** A facility for which even a slight chance of flooding might be too great. Critical Facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, emergency response and installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development.**

A. Any man-made change to improved or unimproved real estate including but not limited to:
   1. Construction, reconstruction, or placement of a structure or any addition to a structure;
   2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
   3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
   4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
   5. Mining, dredging, filling, grading, excavation, or drilling operations;
   6. Construction and/or reconstruction of bridges or culverts;
   7. Storage of materials; or

8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

B. Development does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing, resurfacing roads, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

## E - G

**Elevated Structure.** A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

**Elevation Certificate.** A certified statement that verifies a structure's elevation information.

**Emergency Program.** The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**Encroachment.** The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Construction.** Any structure for which the start of construction commenced before the effective date of the community's first floodplain provision.

**Existing Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain provision.

**Expansion to an Existing Manufactured Home Park or Subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA.** The Federal Emergency Management Agency.

**Five-Hundred Year Flood (500-Year Flood).** The flood that has a 0.2% chance of being equaled or exceeded in any year.

**Flood.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Boundary and Floodway Map (FBFM)** An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

**Flood Hazard Boundary Map (FHBM).** An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

**Flood Insurance Rate Map (FIRM)** An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

**Floodplain.** The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

**Floodplain Management.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain Management Regulations.** This section and other provisions of this Unified Development Ordinance,



Exhibit "E"
Page E-000391

building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain Management Regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

**Flood Protection Grade (FPG).** The elevation of the regulatory flood plus two feet at any given location in the SFHA. See Freeboard.

**Floodproofing (Dry Floodproofing).** A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing Certificate** A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a registered professional engineer or architect.

**Floodway.** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**Freeboard.** A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Fringe.** Those portions of the floodplain lying outside the floodway.

**Functionally Dependent Facility.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

## H - P

**Hardship.** (As related to variances of this chapter) The exceptional hardship that would result from a failure to grant the requested variance. The Common Council requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest Adjacent Grade.** The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic Structure.** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Increased Cost of Compliance (ICC)** The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

**Letter of Map Amendment (LOMA).** An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Letter of Map Revision Based on Fill (LOMR-F).** An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and

excluded from the SFHA.

**Lowest Adjacent Grade.** The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Lowest Floor.** The lowest of the following:

A. The top of the lowest level of the structure;

B. The top of the basement floor;

C. The top of the garage floor, if the garage is the lowest level of the structure;

D. The top of the first floor of a structure elevated on pilings or pillars;

E. The top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of this Unified Development Ordinance; or

F. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:

1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total net area of one square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one foot above grade; and

2. Such enclosed space shall be usable solely for the parking of vehicles and building access.

**Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term Manufactured Home does not include a recreational vehicle.

**Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map Amendment.** A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

**Map Panel Number.** The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

**Market Value.** The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**Mitigation.** Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two-fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**National Flood Insurance Program (NFIP).** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum of 1929 (NGVD).** As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New Construction.** Any structure for which the start of construction commenced after the effective date of the community's first floodplain provision.

**New Manufactured Home Park or Subdivision.** A manufactured home park or subdivision for which the



Exhibit "E"
Page E-000393

construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain provision.

**North American Vertical Datum of 1988 (NAVD 88)** As adopted in 1993, is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Obstruction.** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-Hundred Year Flood (100-Year Flood).** The flood that has a 1% chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter "A" is subject to the 1% annual chance flood. See Regulatory Flood.

**One-Percent Annual Chance Flood.** The flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter "A" is subject to the 1% annual chance flood. See Regulatory Flood.

**Participating Community.** Any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Physical Map Revision. (PMR)** An official republication of a community's FEMA map to effect changes to base (one percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Post-FIRM Construction.** Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Pre-FIRM Construction.** Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Probation.** A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public Safety and Nuisance.** Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

## Q - Z

**Recreational Vehicle.** A vehicle that is the following:

A. Built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Regular Program.** The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory Flood.** The flood having a 1% chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in **Sec. 4.502, General Provisions**. The Regulatory Flood is also known by the terms: Base Flood, One-Percent Annual Chance Flood and 100-Year Flood.

**Repetitive Loss.** Flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

**Section 1316** The section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Special Flood Hazard Area (SFHA)** Those lands within the jurisdictions of the city subject to inundation by the regulatory flood. The SFHAs of the city are generally identified as such on the Flood Insurance Rate Map of the city dated January 6, 1983, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. The SFHAs of those parts of unincorporated Porter County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Flood Insurance Rate Map prepared for Porter County by the Federal Emergency Management Agency and dated April 1, 1982, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FHBM or FIRM as Zone A, AE, Al - A30, AH, AR, A99, or AO).

**Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure.** A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

**Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a historic structure, provided that the alteration will not preclude the structures continued designation as a historic structure.

**Suspension.** The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Variance.** A grant of relief from the floodplain management provisions of this Unified Development Ordinance, which permits construction in a manner otherwise prohibited where specific enforcement would result in unnecessary hardship.

**Violation.** The failure of a structure or other development to be fully compliant with this section. A structure or other development without the elevation, other certification, or other evidence of compliance required in this section is presumed to be in violation until such time as that documentation is provided.

**Watercourse.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at

least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Water Surface Elevation.** The height, in relation to the North American Vertical Datum of 1988 (NAVD 88), or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**X Zone.** The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual probability of flooding is less than 0.2%.

**Zone.** A geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

**Zone A.** See definition for A ZONE.

**Zone B, C, AND X.** Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

## 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.

### A Terms

**Abandoned Vehicle** means the following:

1. A vehicle located on public property illegally.
2. A vehicle left on public property without being moved for three (3) days.
3. A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.
4. A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.
5. A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.
6. A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.
7. A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

Statutory Reference: IC 9-13-2-1

**Abandonment** means:

1. With regard to nonconforming situations, the cessation of the legally nonconforming use of land, buildings, structures, or signs, either:
   a. With the intent not to resume the use; or
   b. For the period specified in **Section 13.303, Abandonment or Discontinuance of Use.**
2. Signs are abandoned with they have their electricity disconnected (for lighted signs), message deleted, message referring to a terminated use, or damage that is not repaired for the period set out in **Section 13.303, Abandonment or Discontinuance of Use.**

**Access** means an area designated as a way for vehicles to enter or leave a parcel or lot from or to a public or private

street or alley. Access is intended to permit residents to bring their vehicles onto the property, to allow customers or tenants to park, and to provide for public safety access in emergencies.

**Access Easement** means that portion of a lot that is used for ingress/egress to an abutting lot, and which may be shown on a final plat or a recorded easement declaration. The phrase does not generally include public street rights-of-way.

**Accessory Building or Accessory Structure** means a building or structure that:

1. Is subordinate to and serves a principal building or structure;
2. Contributes to the comfort, convenience or necessity of occupants of the principal building or structure;
3. Is obviously subordinate in area, extent or purpose to the principal building or structure; and
4. Is located on the same lot as the principal building or structure served.

*(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Accessory Structure.")*

**Accessory Use** means a use of land, structure, or building, or portion thereof, that is commonly associated with, incidental, and subordinate to a principal use, and located on the same lot or parcel with such principal use.

**Active Recreation** means recreational uses, areas, and activities oriented toward potential competition or involving special equipment. Playgrounds, sports fields and courts, swimming pools, picnic areas, and golf courses are examples of active recreation uses.

**Addition** means any construction that adds to or enlarges the size of an existing building. Additions include any extension or increase in floor area or height of a building or structure.

**Adequate Public Infrastructure** means:

1. Water, sewer, and stormwater facilities that:
    a. Meet all construction requirements of this UDO and the Standards Manual; and
    b. Have sufficient capacity where the connection is made to the system, as well as in mains, interceptors, or other off-site facilities (including treatment facilities and storage facilities) to serve the development to which they are connected; and
2. Streets that meet all construction requirements of this UDO and the Standards Manual and have sufficient capacity to serve the development to which they are connected.

**Adult Arcade** means a commercial establishment that offers coin-operated (or operation by any other form of consideration) electronically-, electrically-, or mechanically-controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices to show images to 50 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of specified anatomical areas or specified sexual activities.

**Adult Bookstore or Supply Store** means an establishment having 25 percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, video tapes, DVDs, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, cribbing, or relating to specified sexual activities or specified anatomical areas. Such establishments or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

**Adult Cabaret, Lounge, Night Club** means an establishment which features any of the following:

1. Topless dancers, and/or bottomless dancers;
2. Go-go dancers;
3. Strippers;
4. Male and/or female impersonators or similar entertainers;



Exhibit "E"
Page E-000397

5. Topless and/or bottomless waitpersons or employees; or
6. Lingerie or bathing suit fashion shows, which not infrequently feature entertainers who:
   a. Display specified anatomical areas;
   b. By reason of their appearance or conduct, perform in a manner which is designed primarily to appeal to the prurient interest of the patron; or
   c. Engage in, or are engaged in, explicit simulation of specified sexual activities.

**Adult Health Spa or Sauna** means a health spa, sauna or massage parlor that excludes minors by reason of age and/or provides: steam baths, heat bathing, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, and is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas. This definition does not include health spas, salons or similar establishments that offer massage therapy or other manipulation of the human body by a certified massage therapist.

**Adult Hotel or Motel** means:

1. A hotel or motel, which rents rooms by the hour and presents visual displays, graphic materials, or activities that depict, describe or relate to specified sexual activities or specified anatomical areas.
2. A hotel, motel, or similar commercial establishment offering public accommodations for any form of consideration that provides patrons with closed-circuit television transmissions; films; motion pictures; video cassette recorders; DVD recorders; slides; or other photographic reproductions for viewing or recording; which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas and/or rents leases or lets any room for less than a six hour period; or
3. Rents, leases, or lets any single room more than twice in a 24 hour period.

**Adult Model Studio** means any place where models who display specified anatomical areas are present to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bona fide art school or similar educational institution, or a professional photographic studio.

**Adult Motion Picture Theater** means an establishment emphasizing or predominantly showing sexually oriented movies.

**Adult Novelty Business** means an establishment which:

1. Has as a principal activity the sale of devices which stimulate human genitals or devices designed for sexual stimulation; or
2. Has a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing novelties, lotions and other items distinguished or characterized by their on or use for specified sexual activities or specified anatomical areas; or
3. Holds itself out to the public as a purveyor of such materials based upon signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

**Adult Outdoor Motion Picture Theater** means a drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

**Adult Use.** See **Section 18.206, Recreation and Amusement Uses.**

**Alley** means a secondary means of access to abutting property that may be used for service vehicles and access to parking areas.

**Alter or Alteration** means a change in the appearance of a building, structure, site, or object, which is not otherwise



Exhibit "E"
Page E-000398

covered by the definition of demolition, or any other change for which a permit is required pursuant to this UDO or the building code.

**Antenna** means any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.

**Apartment** means a multi-family dwelling unit contained in a building that is comprised of three or more dwelling units, each having an entrance to a hallway, stairway, or balcony in common with at least one other dwelling unit.

**Appeal** means review of a decision, determination, order, or act of an administrative body pursuant to the terms of this UDO. *(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Appeal.")*

**Applicant** means any person or entity applying for development approval pursuant to this UDO.

**Approval** means final action granting approval of an application, by the appropriate administrative body specified in **Division 15.200, Permits and Approvals.**

**Architect** means an individual registered by the State to practice the profession of architecture.

**Arterial Street.** See Street, Arterial.

**Attic** means the area between roof framing and the ceiling of the rooms below and that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. The term does not include habitable areas.

**Automotive Disposal Facility** means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials. The phrase does not include a scrap metal processor. The phrase includes the following enterprises:

1. An automotive salvage recycler.
2. A hulk crusher.

Statutory Reference: IC 9-13-2-44

**Automotive Salvage Rebuilder** means a person, firm, limited liability company, corporation, or other legal entity engaged in the business:

1. Of acquiring salvage motor vehicles for the purpose of restoring, reconstructing, or rebuilding the vehicles; and
2. In the resale of these vehicles for use on the highway.

Statutory Reference: IC 9-13-2-9

**Automotive Salvage Recycler** means a business that:

1. Acquires damaged, inoperative, discarded, abandoned, or salvage motor vehicles, or their remains, as stock-in-trade;
2. Dismantles and processes such vehicles or remains for the reclamation and sale of reusable components and parts; and
3. Disposes of recyclable materials to a scrap metal processor or other appropriate facility.

Statutory Reference: IC 9-13-2-10

**Awning** means a roof-like cover, often of fabric of architectural metal, designed and intended for protection from the weather, or as a decorative embellishment, and which projects from a wall of a structure over a window, walk, door or the like.

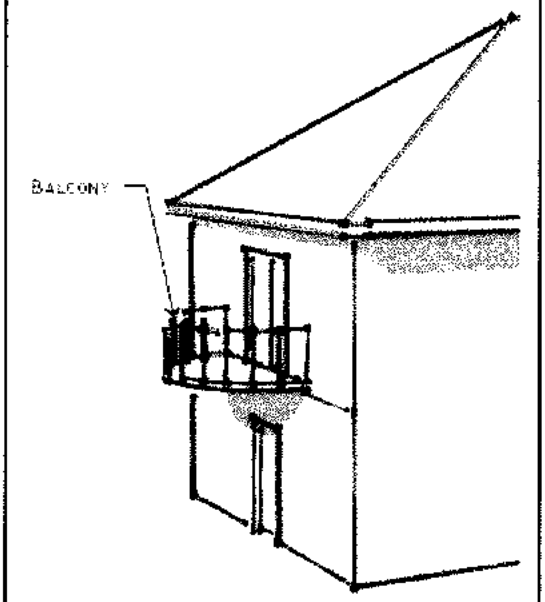


Exhibit "E"
Page E-000399

## B Terms

**Balcony** means a balustraded or railed elevated platform projecting from the wall of a building, which does not include supports that extend to the ground. See Figure B-1, Balcony.

Figure B-1:
Balcony




**Base Flood Elevation** (See Floodplain Management Definitions.)

**Basement** means the lowest floor of a building, provided that it is more than four feet below the average finished grade surrounding the building. If the lowest floor is less than four feet below the average finished grade surrounding the building, then it is the first story. *(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Basement.")*

**Base Site Area** means the area calculated according to the parameters of **Section 3.202, Base Site Area.**

**Bed and Breakfast.** See **Section Select SectionID from Zonetext1 where Index = 292, Commercial Uses.**

**Best Management Practices** means that combination of conservation measures, structures, vegetation, or management practices that reduces or avoids adverse impacts of development on adjoining land, wetlands, waterways, and water bodies.

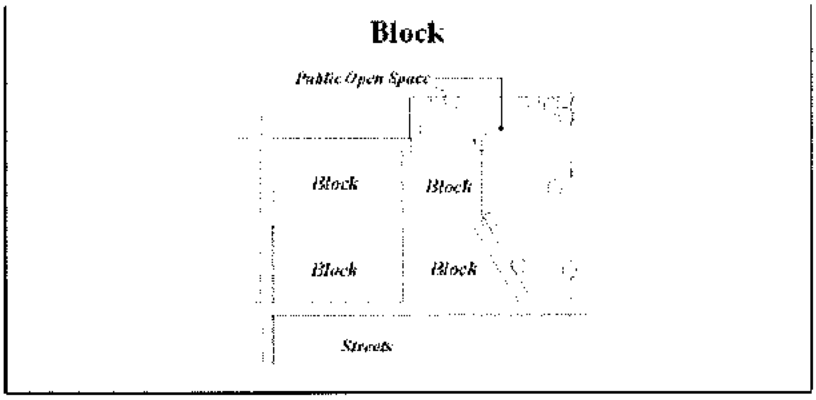
**Bicycle Lanes** are areas designated in the paved area of a street that are intended for use by bicycles. Bicycle lanes are one-way facilities that carry bicycle traffic in the same direction as motor vehicle traffic.

**Block** means an area of land surrounded on all sides by streets or other transportation rights-of-way or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots. See **Figure B-2, Block.**





Exhibit "E"
Page E-000400

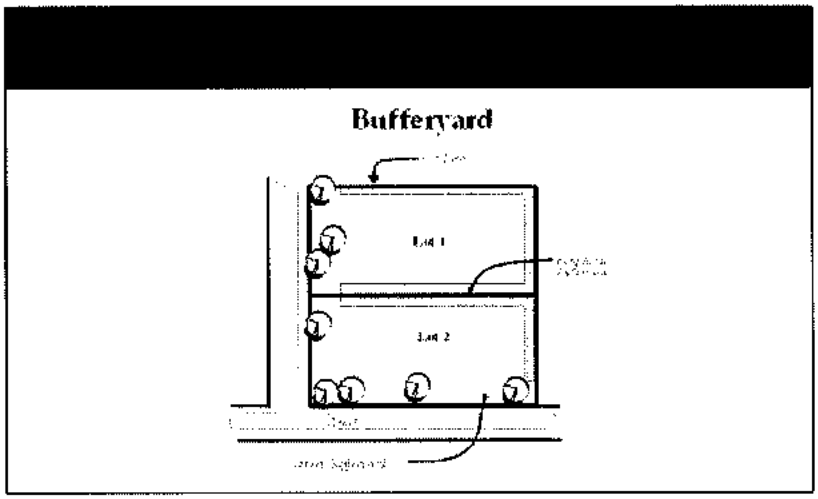



**Board of Zoning Appeals** means the City of Valparaiso Board of Zoning Appeals.

**Buffer** means a designated area that is designed to absorb, preclude, or mitigate the impacts of development on neighboring uses or natural areas by some combination of construction design, vegetative plantings, fences, and/or maintenance practices which will be permanently maintained. Buffers are planted or installed within bufferyards, located:

1. Between two uses that are relatively incompatible with each other;
2. Along the perimeter of a natural feature to be protected from an incompatible use; or
3. Along the perimeter of a proposed use.

**Bufferyard** means a strip of land on the periphery of a property, which is designated in order to separate one type of land use or zoning district from another, when they have potential to be incompatible or in conflict. Bufferyards also include strips of land along streets that protect the use from street-related nuisances or that screen undesirable uses from public view.



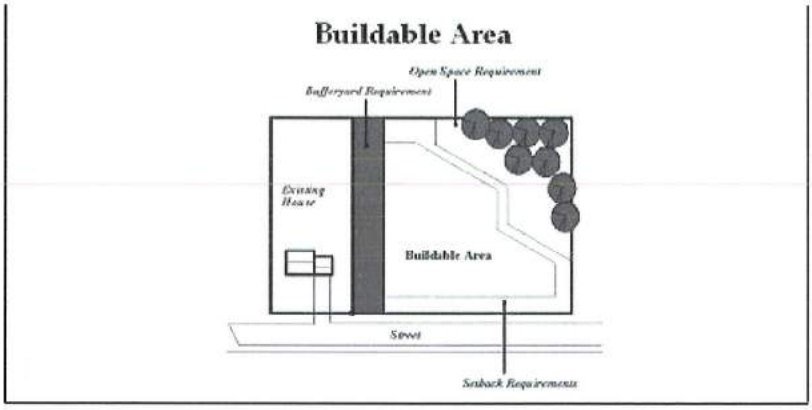

**Build-to Line** means a line to which a minimum of 70% of the front of the building on a property must be built.

**Buildable Area** means the space remaining on a lot after the minimum open space or landscape surface requirements, bufferyards, and setbacks have been met.

Figure B-4:
Buildable Area



Exhibit "E"
Page E-000401




**Building** means a structure that has a roof and walls, and which is intended to shelter people, animals, property, or business activity, and includes any structure used or intended to be used for supporting or sheltering a use or occupancy. The term "building" shall be construed as if it were followed by the words "or part or parts thereof and all equipment therein." *(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Structure.")*

**Building Code** means any code for construction of buildings and structures adopted from time to time by the City of Valparaiso.

**Building Commissioner** means the City official who is responsible for review and issuance of building permits.

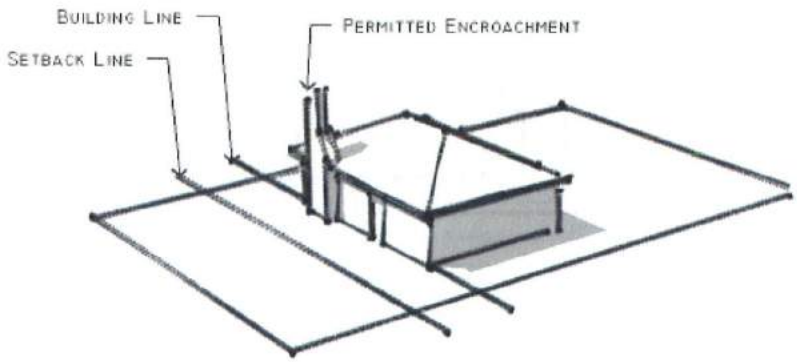
**Building Coverage** means the footprint of all buildings (area within exterior walls) on a parcel or lot divided by the total area of the parcel or lot.

**Building Frontage** means the width of a building along the street that the primary facade of the building faces.

**Building Height** means the height of a building, calculated according to the parameters of **Section 3.201, Height.**.

**Building Line** means a line that is parallel to a lot line, which runs through the point of the building that is closest to the lot line, excluding portions of the building that are permitted encroachments (see **Section 2.301, Exceptions to Yard Standards** and **Section 2.401, Exceptions to Yard Standards**). The building line may or may not be contiguous with the setback line. See **Figure B-5, Building Line.**

Figure B-5:
Building Line




**Bulk Regulations** means those regulations that control the maximum floor area, building coverage, height, setbacks, and other physical aspects of a building.



Exhibit "E"
Page E-000402

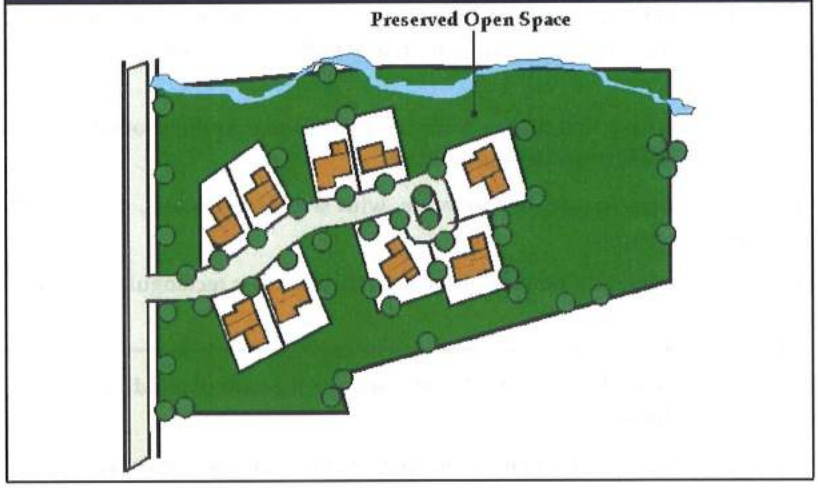
## C Terms

**Caliper** means the diameter of new landscape plantings, measured four inches above ground.

**Certificate of Occupancy** means a statement signed by the Building Commissioner, setting forth that a building or structure complies with this UDO, and that the building or structure may be used for the purposes stated therein.

**Cluster** means a development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel (as in conventional subdivision development). Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural resources. See **Figure C-1, Cluster.**

Figure C-1:
Cluster




**Collocation** means the locating of wireless communication equipment from more than one provider on a single mount or support structure.

**Commencement of Construction** means that a building permit or other written permit required to be issued by the City has been issued, and work has commenced under such permit. This is recognizable upon an inspection of the property and which work is of a nature and character that reflects a good faith intention to continue the work until completion, such as the clearing of rights-of-ways, rough-grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

**Commercial Vehicle** means any truck, van, or automobile with lettering or other painting that advertises a company or business. The phrase does not include police and emergency service vehicles that are taken home by employees who are on-call.

**Communications Tower.** A structure erected to support antennae.

**Comprehensive Plan** means the most current City of Valparaiso Comprehensive Plan, including all adopted maps, charts, and explanatory materials.

**Conservation** means the planned management of a natural feature to prevent its exploitation, destruction, or neglect.

**Conservation Area** means:

1. An area designated on a site plan, subdivision plat, or other legal instrument, that is established to preserve and protect natural resources; or
2. A public or private land use that preserves an area in a natural condition.

**Conservation Easement** means an easement, running in favor of the City or a non-profit agency, providing that the land that is subject to the easement will be left in a natural state or as open space, along with such other restrictions as



Exhibit "E"
Page E-000403

to use or development that are set forth in the easement.

**Contiguous**, with reference to the relative location of lots or parcels, means:

1. Parcels or lots that abut other parcels or lots along shared boundary lines; or
2. Parcels or lots that are separated only by:
   a. Streets or alleys;
   b. Easements or rights-of-way for pipelines, electric power lines, or conduits.

**Cottage Industry.** See **Section 18.203, Home Uses.**

**County** means Porter County, Indiana.

**Cut-off** means the point at which all light rays emitted by a lamp, light source, or luminaire are intercepted by a shield that prevents their continuation. For signs, the term "cut-off" refers to the use of shields to direct the light so light rays shine exclusively on the sign.

**Cut-off Angle** means the angle formed by a line drawn from the light source to the ground and a line perpendicular to the ground from the light source, above which no light is emitted.

**Cut-off Fixture** means an outdoor lighting fixture, or luminaire, with shields, reflectors, or panels that direct and cut off the light at an angle that is less than 90 degrees.

**Cutout** means an appendage to a sign extending outside of the regular square or rectangular sign area.

## D Terms

**Day Care Center** means a facility licensed by the State of Indiana for the care of children for less than 24 hours a day. The phrase does not include child care homes.

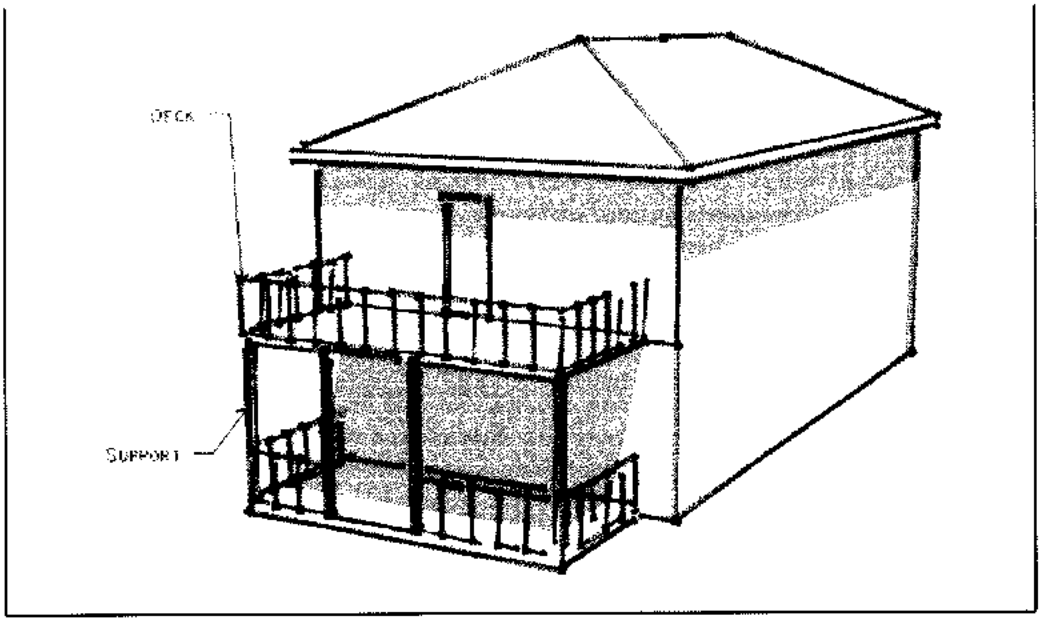
**Day-Night Level (DNL)** means a sound measurement scale that measures noise exposure over a 24-hour period. The scale accounts for nighttime noise levels by imposing a 10 a-weighted decibel (dB(A)) penalty against sounds that occur between 10:00 PM and 7:00 AM during the 24-hour period (this means that one nighttime event is considered equal to 10 daytime events at the same level). The scale also accounts for various weather patterns that may affect noise levels. Generally speaking, this measurement scale converts the a-weighted decibels of various noise events into sound exposure level (SEL), which measures the noise level of each individual event in a one-second period. These individual events are then computed over the 24 hour period to reflect a DNL.

**Deck** means an exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports. See **Figure D-1, Deck.**

Figure D-1:
Deck



Exhibit "E"
Page E-000404




**Dedication** means the transfer of private property to public or common ownership for a public purpose. The transfer may be in fee simple interest or less than fee simple interest, including easements. Dedication requires the acceptance of the interest to be complete.

**Demolish or Demolition** means to raze or destroy, whether entirely or in significant part, a building, structure, site, or object. Demolition includes the removal of a building, structure, or object from its site, the removal or destruction of the facade or surface, or the alteration to such an extent that repair is not feasible or is so costly so as to be prohibitive, rendering the property unfit for use. Demolition includes demolition by neglect.

**Density** means the average number of dwelling units allowed on an acre of land. It is calculated as provided in **Section 3.205, Density.**

**Density, Gross.** See **Section 3.205, Density.**

**Density, Net.** See **Section 3.205, Density.**

**Detention Basin.** A natural depression or man-made structure designed as a temporary holding basin for water. Water is detained to minimize flooding downstream and slow flow to increase the deposit of sediments within the basin.

**Developer** means a person who constructs buildings, structures, or improvements pursuant to the requirements of this UDO.

**Development.** See **Sec. 1.201 Applicability.** *(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Development.")*

**Diameter at Breast Height (DBH)** means a measurement of the size of tree that is equal to the diameter of its trunk, measured four and one-half feet above the adjacent natural grade.

**Disposal Field** means a system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

**Dormitory.** See **Section 18.202, Residential Uses.**

**Drainage** means the process by which surface water (usually from rainfall) moves across the land surface.

**Drainage Areas** means delineated areas that currently contribute or are proposed to contribute to drainage to a specific location or point.

**Drip-line** means a generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.



Exhibit "E"
Page E-000405

**Driveway** means a private accessway, primarily for vehicles, leading from a street to a parking or loading area.

**Duplex** means a form of multi-family dwelling with no more than two units per structure, located one over the other.

**Dwelling** means a building, or portion thereof, used as a place of residence, containing sleeping, cooking, and sanitary facilities, excluding commercial lodging facilities.

**Dwelling, Attached** means two or more dwelling units in a single structure or attached structures, each of which could have a single lot, which are separated from each other by a dividing wall. Such units may be side-by-side, back-to-back, or both. This includes twin homes and townhouses.

**Dwelling, Multi-Family** means a structure that contains more than two dwelling units, with either direct access to the outside or through a common hallway, with a separate kitchen facility and living quarters in each unit. The phrase includes multi-family buildings and multiplexes and does not include buildings configured as attached dwellings.

**Dwelling, Single-Family Detached** means a dwelling unit, designed for and occupied by not more than one family and having no roof, wall or floor in common with any other dwelling unit.

**Dwelling Unit** means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family, with separate facilities for all of the following: sanitation, living, sleeping, cooking, and eating.

## E Terms

**Earthen Berm** means a man-made mound of earth in excess of two feet in vertical height, used to shield or buffer properties from adjoining uses, highways, or noise or to control the direction of surface water flow.

**Easement** means any portion of a parcel that is subject to an agreement between the property owner and another party, which grants the other party the right to make limited use of that portion of the property for a specified purpose.

**Elevated Structure** *(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Elevated Structure.")*

**Endorsement** means any signature that is required by Indiana law to signify approval of a subdivision plat or development plat.

**End Use Plan.** means a plan for the use of a quarry or landfill or similar use that addresses the period after the primary use is closed.

**Engineer, Professional** means an individual who is technically and legally qualified to practice the profession of civil engineering and who is registered to do so in the State of Indiana.

**Entry Turnaround** means an esplanade opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to reenter the public street with a forward motion without unduly disturbing other vehicles at the entrance.

**Erosion** means the wearing away of soil or rock fragments by water, ice, rain, wind, earth gravity, or other geologic event.

**Erosion Control Measure** means a specific practice, or combination of practices, to control erosion and resulting sedimentation.

**Erosion Control Plan** means a written description of pertinent information, drawings, sketches, reports, and other appropriate data concerning erosion control measures designed to meet the requirements of this UDO for a specific site and activity, and submitted to the Board of Public Works and Safety for approval.

**Escort Agency** means a person or business who furnishes, offers to furnish, or advertises the furnishing of escorts for a fee, tip, or other consideration. In this context, and "escort" is a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie, or to privately perform a striptease for another person.

**Essential Access** means an access that must cross a resource restricted area, such as a wetland or steep slope, to reach an



Exhibit "E"
Page E-000406

area of the site that is otherwise buildable.

**Excess Stormwater Runoff** means all increases in the quantity of stormwater runoff that result from one or more of the following:

1. An increase in a site's impervious surface that results from any new buildings, roads, and/or parking lots;
2. Changes in soil absorption that are caused by compaction during development;
3. Contour modifications, including filling or draining small depressional areas, altering drainageways, or installing collection systems to intercept street flows or replace swales or other drainageways; or
4. Altering subsurface flows (compared to the site in its natural state).

**Existing Construction** means, for the purposes of determining flood insurance rates, structures for which the commencement of construction occurred before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**Existing Manufactured Home Park or Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the City's floodplain management regulations.

**Expansion to an Existing Manufactured Home Park or Subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Explosive** means a material synthesized or mixed deliberately to allow the very rapid release of chemical energy (*i.e.*, an explosion); or a chemical substance that is intrinsically unstable and liable to detonate under conditions that might reasonably be encountered.

## F Terms

**Facade** means the exterior elevation of a structure or building as viewed from a single vantage point.

**Family** means:

1. An individual;
2. Two or more persons related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or
3. Five or fewer persons who constitute a relatively permanent functioning group living as a single housekeeping unit.

**Farm.** See **Section 18.201, Agricultural Uses.**

**Farmstead.** See **Section 18.201, Agricultural Uses.**

**Filling** means the depositing on land, whether submerged or not, of sand, gravel, earth, or other materials. Deposit of biodegradable materials and other materials that are subject to decomposition or significant settling (such as garbage and other organic matter) shall not be considered filling.

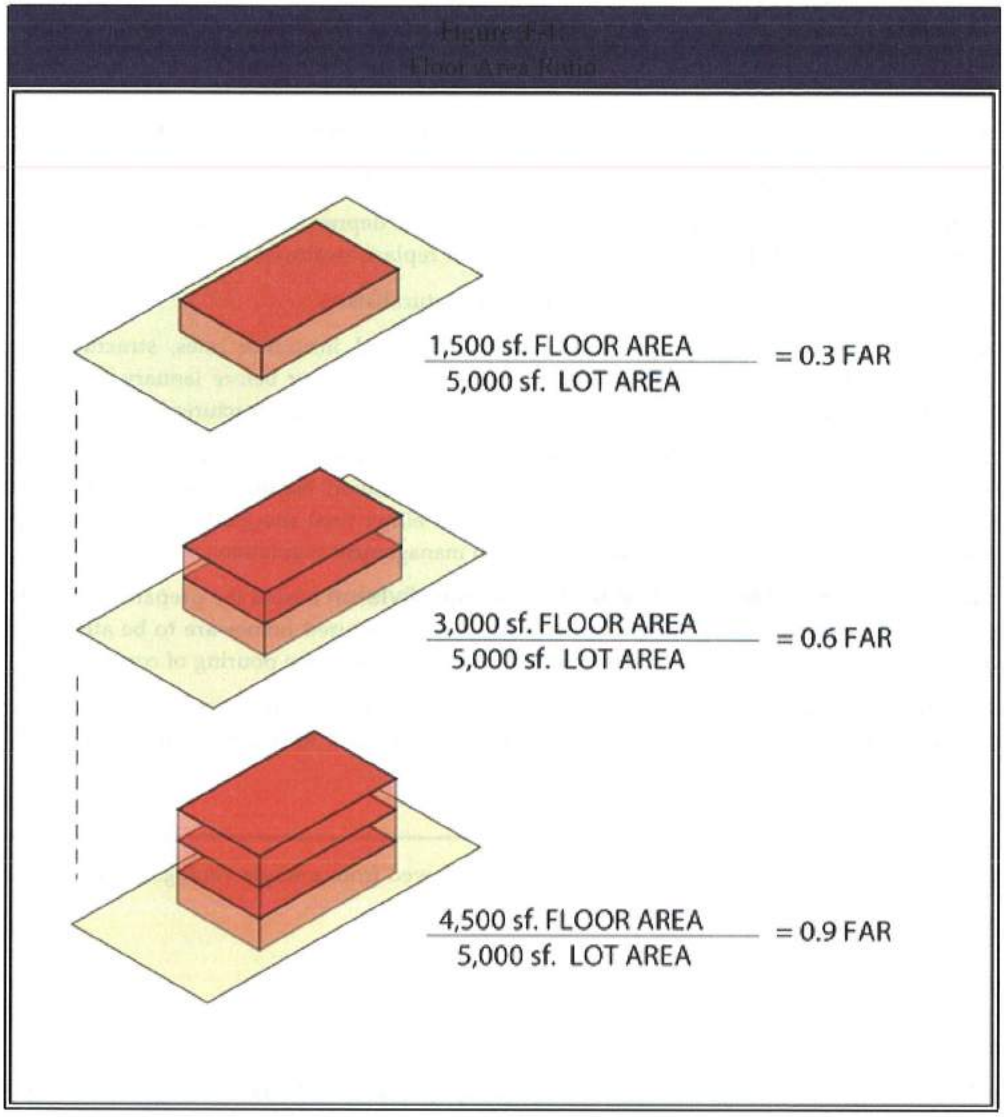
**Final Plat** means a complete and exact subdivision plan prepared in conformity with the provisions of this UDO, prepared in a manner that is suitable for recording.

**Flag.** means a flexible piece of fabric, normally rectangular and attached on one side to a pole or rope, generally with printed or embroidered insignia.

**Floor Area Ratio (FAR)** means a measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low building covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded. There are two types of floor area ratio: gross floor area ratio and net floor area ratio. They are calculated as set out in **Section 3.206, Intensity.**



Exhibit "E"
Page E-000407




**Footcandle** means a unit measuring the amount of illumination produced on a surface. One footcandle is the amount of illumination falling on all points which are one foot from a uniform point source of one candle.

**Frontage** means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

## G Terms

**Garage, Parking.** A garage that is available to the public for free or for fee, or to residents, tenants or guests of a building. Parking garage is also referred to as structured parking.

**Garage Sales.** See **Section 18.209, Temporary Uses.**

**Grade** means the average natural level of the ground adjoining a structure. Where grade refers to a street or road, it is the existing grade at that point.

**Grading** means the excavating, filling (including hydraulic fill), or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

**Greywater** means municipal wastewater that is treated to remove harmful components and then re-used for a purpose



Exhibit "E"
Page E-000408

other than domestic potable water.

**Gross Floor Area (GFA).** The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

A. The horizontal square footage is measured from the outside face of all exterior walls.

B. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures shall be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling.

C. No deduction shall apply for horizontal areas void of actual floor space (for example, elevator shafts and stairwells). The protected upper floors of open atriums and foyers shall not be included.

**Gross Site Area** means the total land and water surface area contained within the boundaries of a parcel proposed for development.

**Gross Vehicle Weight** means the weight of a vehicle without passengers or cargo.

**Groundwater** means that portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

**Guyed Tower** means any communications tower using wire guys connecting above-grade portions of a communications tower diagonally with the ground to provide support for tower, antennae, and connecting appurtenances.

## H Terms

**Hazardous Material.** Any substance as found in the federal regulation 40 CFR 116, Designation of Hazardous Substances.

**Height, Building.** See Building Height.

**Height, Sign** means the vertical distance measured from the highest of the adjacent sidewalk grade, adjacent street grade, or upper surface of the street curb to the highest point of the sign. Elevated roadways shall not be used to measure sign height.

**Highest Adjacent Grade** *(See Division 18.400, Floodplain Management Definitions, "Highest Adjacent Grade.")*

**Highway** means any road thoroughfare, street, boulevard, lane, court, trailway, right-of-way, or easement used for, or laid out and intended for, public passage of vehicles or persons.

**Home Business** See **Section 18.203, Home Uses.**

**Home Occupation.** See **Section 18.203, Home Uses.**

**Hotel.** See **Section Select SectionID from Zonetext1 where Index = 292, Commercial Uses.**

## I Terms

**Impervious Surfaces.** Areas that do not allow significant amounts of water to penetrate.

**Infill** means new development or redvelopment 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.

**Infiltration** means the passage or movement of water through the soil profile.

**Intermittent Stream** means a channel with banks and a bed within which concentrated water flows some of the time.

**Intensity** means the degree to which land is allowed to be used for development. Measures of intensity include density and floor area ratio.

## J Terms

**Junk** means any motor vehicles, machinery, appliances, products, merchandise with parts missing or scrap metals or other scrap metals that are damaged, deteriorated, or are in a condition which would preclude the product's use for its originally designed purpose.



Exhibit "E"
Page E-000409

**Junkyard** means a lot or part thereof which is used for storage, keeping or abandonment of junk, including scrap metal, vehicles, machinery or part thereof.

## L Terms

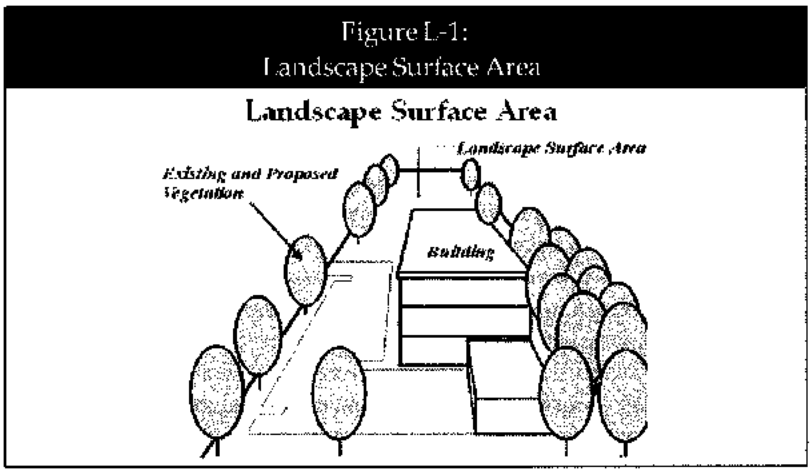
**Land Disturbing Activity** means any person-made change of the land surface, including removing vegetative cover, excavating, filling, and the related transport of excavated materials on City streets.

**Landowner** means the holder of legal title to land.

**Landscape Architect** means an individual registered by the State to practice the profession of landscape architecture.

**Landscape Surface Area** means the vegetated surface area of land (not covered by buildings, storage areas, pavement, or other impervious surface).

Figure L-1:
Landscape Surface Area




**Landscape Surface Ratio (LSR).** See **Section 3.207, Open Space Ratio and Landscape Surface Ratio.**

**Landscaping** means the design and installation of plant material such as lawns, groundcover, trees, bushes, etc., in formal, informal, or natural arrangements.

**Lattice Tower** means a structure which consists of vertical and horizontal supports and metal crossed strips or bars to support antennae and connecting appurtenances. Lattice towers may be freestanding or supported by wire guys.

**Lessee** means any person who leases all or a portion of a premises on a periodic basis.

**Levee** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Level of Service (LOS)** means:

1. A measure of traffic on a roadway segment or intersection being used during peak hours, as determined by the most current version of Report 209, the Highway Capacity Manual, prepared by the National Research Council's Transportation Research Board. Level of service is expressed on a scale of "A" to "F" with "A" indicating the best level of service and "F" indicating the worst. The definitions of levels of service "A" through "F" shall be those contained in the references cited in this definition.
2. A measure of the performance of other utilities, such as water pressure as a measure of performance for potable water service.

**Lingerie Modeling Studio** means an establishment or business that provides the services of live models modeling lingerie to individual, couples, or small groups in a room smaller than 600 square feet.

**Loading Space** means a durably paved, properly designed for drainage, off-street space used for the loading and



Exhibit "E"
Page E-000410

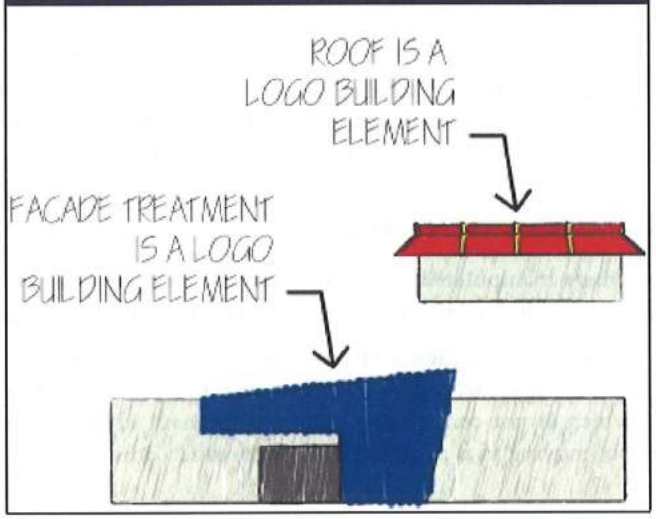
unloading of vehicles, except passenger vehicles, in connection with the use of the property on which such space is located.

**Local Street** means a street that is designed and constructed to provide access to individual lots.

**Logo Building** means a building that has a design that is obviously and readily associated with the brand image of a particular company.

**Logo Building Element** means a portion of a building, such as a roof structure, with a color scheme and architectural style or physical form that is obviously and readily associated with the brand image of a particular company.

Figure L-2:
Logo Building Element Examples




**Long-Term Lease** means a residential lease that has a term of six months or more.

**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 Coverage** means the proportion of a lot that is covered with impervious surfaces, such as buildings, concrete, impervious pavers, or asphalt surfaces.

**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.

**Lowest Floor** means the lowest of:

1. Top of the basement floor; or
2. Top of the garage floor if the garage is the lowest level of the building; or
3. The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or



Exhibit "E"
Page E-000411

4. The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters; unless:
    a. The enclosed space is useable only for the parking of vehicles and building access; and
    b. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) with the following characteristics:
        i. A total area of (1) square inch for every (1) square feet of enclosure area subject of flooding; and
        ii. The bottom of all the openings is no higher than one foot above grade.

## M Terms

**Major Change** means a change to a plan that increases density or floor area, decreases open space, bufferyards, or parking, or which alters the alignment or layout of streets by more than five feet. For conditional approvals that were granted prior to the effective date of this UDO, any use proposed not contained in the original advertisement is a major change.

**Major Subdivision Plat.** See **Section 15.801, Types of Plats.**

**Massage Parlor** means a place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques for prurient or sexual purposes.

**Manufactured Home** means a factory-built, single-family structure, which is manufactured or constructed under authority of **42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards,** and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved, other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

**Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for long-term lease (park) or sale (subdivision).

**Map Amendment** means a change of district boundaries as shown on the Official Zoning Map.

**Minor Subdivision Plat.** See **Section 15.801, Types of Plats.**

**Mitigation** means any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

**Mixed Use.** See **Section Select SectionID from Zonetext1 where Index = 292, Commercial Uses.**

**Mobile Home** means a building that is transportable in one or more sections, which in the traveling mode is eight feet wide or more in width or 40 feet or more in length or, when erected, is 320 or more square feet in area, and which is built on a permanent chassis.

**Monopole Tower** means a single, freestanding pole structure that supports antennae and connecting appurtenances.

**Monument** means a boundary marker, as required by this UDO, intended to fix the physical location of property lines.

**Motel.** See **Section Select SectionID from Zonetext1 where Index = 292, Commercial Uses.**

**Multi-family Dwelling** means a building arranged, intended, or designed to be occupied by three or more families living independently of each other. The phrase includes apartments and multiplex units.

**Multiplex** means a multi-family building type that is designed to resemble a large single-family home. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under. Multiplex buildings contain three to five dwelling units per building.

## N Terms



Exhibit "E"
Page E-000412

**Natural Areas** means areas of private lots or public land that have been created, recreated, restored, or preserved with locally indigenous plant species and are being maintained through the encouragement of locally indigenous plant species and elimination of noxious weeds.

**New Construction** *(See Division 18.400, Floodplain Management Definitions, "New Construction.")*

**Nonconforming Building.** See **Section 13.201 Types of Nonconformities.**

**Nonconforming Lot.** See **Section 13.201 Types of Nonconformities.**

**Nonconforming Situation** means a nonconforming building, nonconforming structure, nonconforming lot, nonconforming use, or nonconforming sign. See **Section 13.201 Types of Nonconformities.**

**Nonconforming Use.** A use of land or use of a building or structure lawfully existing at the time this Ordinance or a subsequent amendment to this Ordinance became effective which does not conform to the use requirements of the district in which it is located.

**Nudity**, or a state of nudity, means:

1. The appearance of a human anus or genitals, or female breast; or
2. A state of dress, which fails to opaquely cover a human anus or genitals, or female breast.

## O Terms

**Occupancy** means the use of land, buildings, or structures.

**Official Intermodal Transportation Plan** means the City's adopted Thoroughfare Plan (Figure 13, Proposed Thoroughfare Plan, of the City of Valparaiso Comprehensive Plan) and the adopted Pathways and Greenways Master Plan, as each may be amended from time to time.

**Official Zoning Map** means the map(s) showing the location and boundaries of the zoning districts established by this UDO. These maps are entitled "Official Zoning Map of the City of Valparaiso, Indiana."

**Opacity.** The measurement of the screening effectiveness of a bufferyard or fence, expressed as the percent of vision that the screen blocks.

**Open Space** means land area that will be left undeveloped as part of a natural resource preservation, recreation, bufferyard, or other open space provision of this UDO. Open space excludes areas in lots, street rights-of-way, or parking. Private open space is designed and intended for common use and the enjoyment of the residents of a subdivision or other residential development. Public open space is designed and intended for common use and the enjoyment of the residents of the City of Valparaiso. Open space is sometimes referred to as "green space," however, such phrase shall have no effect on the way open space is regulated pursuant to this Code.

**Open Space Ratio (OSR).** See **Section 3.207, Open Space Ratio and Landscape Surface Ratio.**

**Outdoor Storage** means the storage outside of a building of any material, personal or business property, or motor vehicles for a period greater than 24 consecutive hours. The phrase includes items for sale, lease, processing, and repair. It does not include personal automobiles and light trucks that are parked in a residential driveway or parking lot.

**Outparcel** means a lot that is part of a commercial subdivision, which is subordinate in size to the lot used by the principal use of the parcel proposed for development.

## P Terms

**Parcel Proposed for Development** means any parcel of land which is the subject of an application for:

1. Subdivision approval;
2. Approval of more than two dwelling units; or
3. Approval of any nonresidential development.

**Park** means an area that is open to the general public or residents of a subdivision, and reserved for recreational,



Exhibit "E"
Page E-000413

educational, or scenic purposes.

**Parking Space** means an area of land designated for the parking of motor vehicles, and connected to a street, access aisle, or other accessway.

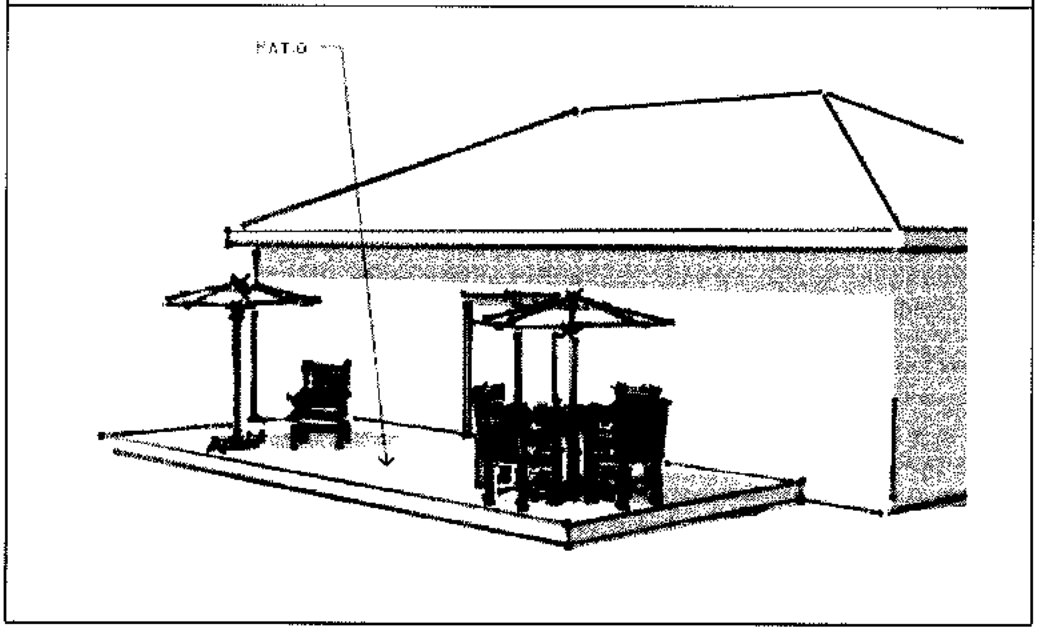
**Parking Structure** means a structure designed to accommodate parking spaces that are fully or partially enclosed or located on the deck surface of a building. The phrase includes parking garages, deck parking, and underground or under-building parking areas.

**Passive Recreation** means recreational uses, areas, or activities oriented to noncompetitive activities that either require no special equipment or are located in natural areas. The phrase includes, among other things, bicycle riding, hiking, picnicking, and bird watching.

**Pastures** means open areas used for the grazing of livestock, or for horseback riding.

**Patio** means a ground level area, usually paved, adjoining a home, which is designed for use as an area for outdoor lounging, dining, or other comparable leisure activities. See **Figure P-1, Patio.**

Figure P-1:
Patio




**Patio House** means a dwelling type that is a detached or semi-detached unit (i.e. attached by a common wall to another dwelling unit) for a single family, with one dwelling unit from ground to roof. Each dwelling unit's lot is fully enclosed by a wall located at the lot line, creating a private yard, referred to as a patio, between the house and the wall. All living spaces, such as living rooms, dens, and bedrooms, face into the yard or patio.

**Pattern Book** means a guide for the development of buildings that establishes standards for the form, proportion, massing, architectural styles, color, materials, and detail requirements of buildings.

**Pavement Width or Width of Pavement** means the portion of a street that is available for vehicular traffic; or, where curbs are installed, it is the portion between the face of curbs.

**Peak Hours** means, in general, periods from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. on weekdays. A peak hour is a 60-minute period occurring within a peak period of use of a street. Different peak hours may be established based on the type of development or traffic counts on a street.

**Pedestrian Way** means a publicly or privately owned right-of-way or easement for pedestrian or bicycle use.

**Perennial Stream** means a channel with banks and a bed within which concentrated water flows all of the time.



Exhibit "E"
Page E-000414

**Performance Guarantee.** See Surety.

**Permit** means one or more documents issued by the City allowing a person to begin an activity provided for in this UDO or other codes, ordinances, and regulatory provisions administered by the City. A permit allows only the work or development specified in the permit.

**Permitted Use** means a use allowed by right in a zoning district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this UDO.

**Petition** means a written request for City action or appellate review pursuant to this UDO.

**Places of Public Assembly.** See **Section 18.204, Institutional Uses.**

**Plan, Final** means a complete subdivision or other plan of development, which includes all required supplementary data.

**Planned Development** means a form of cluster development in which a mix of housing types is provided.

**Planning Department** means the City of Valparaiso Department of City Planning.

**Planning Director** means the Director of the Planning Department.

**Plans, Construction** means the architectural or engineering drawings showing the construction details and the types of material for the physical structures and facilities to be installed in conjunction with the development of the project.

**Plat** means a document prepared by a registered land surveyor or engineer, which, at a minimum, delineates property lines and shows monuments and other landmarks for the purpose of identifying property by reference to the plat.

**Plat, Primary** means a plan of a subdivision, including all required supplementary data, showing the proposed street and lot or site layout, or a plan of existing private streets to be dedicated to public use, used as a basis for consideration by the Planning Director, Plat Committee, or Planning Commission prior to the preparation of a Secondary Plat.

**Plat, Secondary.** A plan of a subdivision that is prepared pursuant to the requirements of this UDO and in conformance to an approved primary plat, which is suitable for recording.

**Primary Access** means the point at which a lot or parcel takes access to the public street system, ordinarily by a drive that connects to the street. Where there are several possible accesses, the one located or configured to have the most traffic is the primary access.

**Principal Building** means the main building on a property in terms of size, area, and function.

**Principal Structure** means a structure in which the principal use of the lot on which it is located is conducted.

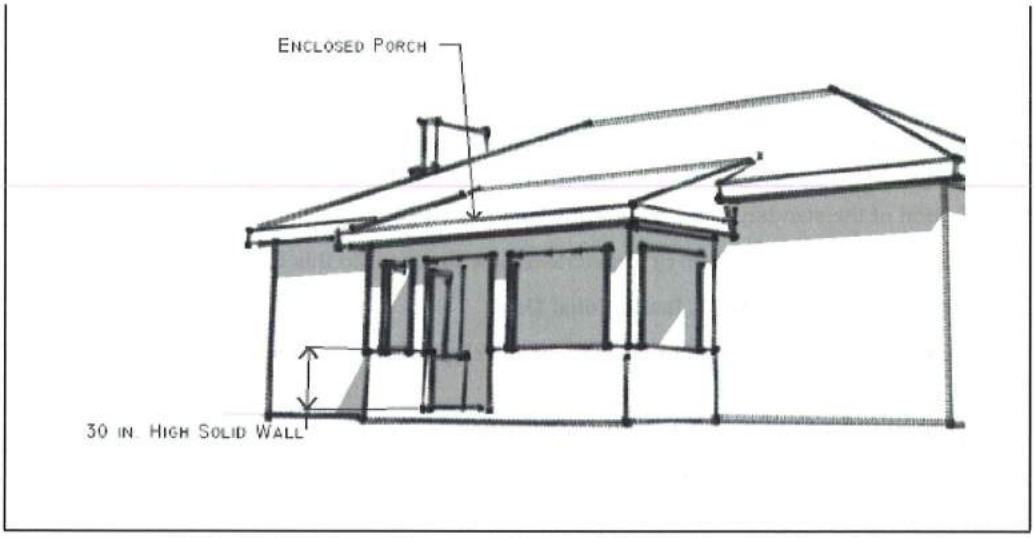
**Principal Use** means the main (predominant) use of a lot or parcel.

**Porch, Enclosed** means a covered entrance to a building or structure which is enclosed by walls or windows. Porches generally project out from the main wall of the building, and may have a separate roof or a roof that is integrated with the building to which it is attached. This definition includes porches that are enclosed by solid walls that are at least 30 inches in height, used in conjunction with or instead of balustrades or railings. See **Figure P-2, Enclosed Porch.**

Figure P-2:
Enclosed Porch

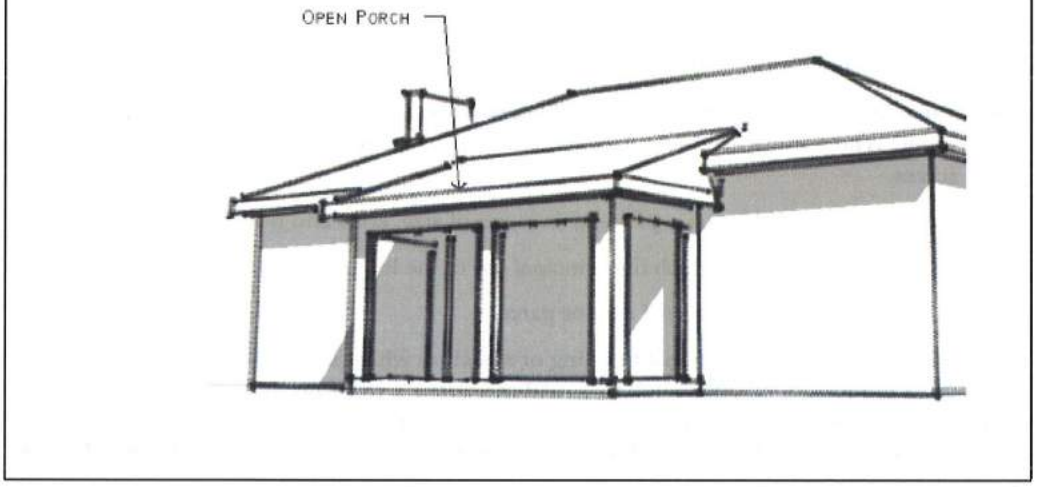


Exhibit "E"
Page E-000415




**Porch, Open** means a covered entrance to a building or structure which is not enclosed by walls or windows, but may have columns that support the porch roof and railing. Porches generally project out from the main wall of the building, and may have a separate roof or a roof that is integrated with the building to which it is attached. See **Figure P-3, Open Porch.**

Figure P-3:
Open Porch




**Private Restrictions** means restrictive covenants, conditions, restrictions, servitudes, easements, and other like arrangements between property owners, whether recorded in the public records or not, to which the City is not a direct party or a third party with a right of enforcement.

**Private Subdivision** means a subdivision that has restricted access to the general public, and where the internal streets, street lights, traffic control devices and sidewalks are not dedicated to the public, but are maintained by the lot owners through a homeowners' association or similar entity.

**Property Line** means a boundary line of a parcel or lot.

**Property Owner** means a person or persons having an ownership interest in real property located within the geographic boundaries of Valparaiso, Indiana.

**Public Improvement** means any improvement, facility or service, together with customary improvements and

appurtenances thereto, necessary to provide for public needs. The phrase includes streets, alleys, pedestrian ways or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, and public utility and energy services.

**Public Utilities** means publicly-owned or investor-owned or regulated entities which provide services to the general public (e.g., water, sewer, telephone, solid waste, cable, gas, and electric).

## R Terms

**Rational Method.** An engineering method of predicting peak runoff rates.

**Recreational Vehicle** *(See Division 18.400, Floodplain Management Definitions, "Recreational Vehicle.")*

**Recreational Vehicle Park.** A recreational vehicle park is a use wherein recreational vehicles are provided a parking space with water, sewer and electrical connections for transient use.

**Registered Family Home (RFH).** A home that regularly provides care in the caretaker's own residence for not more than 6 children under age 14 and that provides care after school hours for not more than 6 additional elementary school children, including the caretaker's own, does not exceed 12 at any given time.

**Remedy a Violation.**

A. To take action to correct a violation. This could entail stopping or discontinuing an illegal use, tearing down or altering a structure, or seeking a variation or other action to make the use legal.

B. To bring the violating structure or other development into compliance with state or local floodplain management regulations or move the use or demolish the structure.

**Required Street Yard.** The street yard required by this Ordinance that lies between the street and the setback line from any street -- front, side, or rear.

**Reserve Strip.** A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

**Resource** means a natural area or physical feature that is protected.

**Responsible Official** means a member of the City Staff who is ultimately responsible for processing an application to decision (in the case of administrative approvals) or recommendation to an approving body (in the case of discretionary approvals).

**Restoration.** The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area, including surface water and groundwater.

**Reverse Frontage Lot.** A lot extending between and having frontage on two generally parallel streets.

**Rezoning.** An amendment to the Zoning Map.

**Right-of-Way.** An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system. In no case shall a right-of-way be construed to mean an easement.

**Riparian Buffer.** An area on either side of a stream or around a body of water. The riparian buffer width is generally 50 feet.

**Roadway.** The portion of a highway including the cartway and shoulders within a right-of-way.

**Roof, Butterfly** means a roof that is composed of two shed roofs that slope inward toward the middle of the building. See **Figure R-1, Butterfly Roof.**

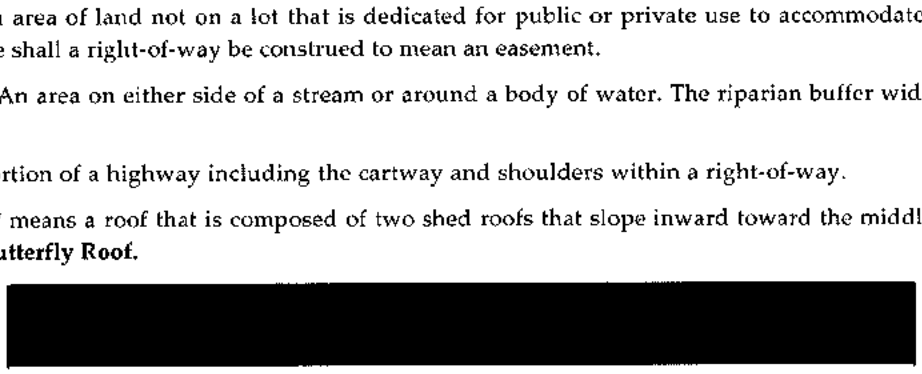
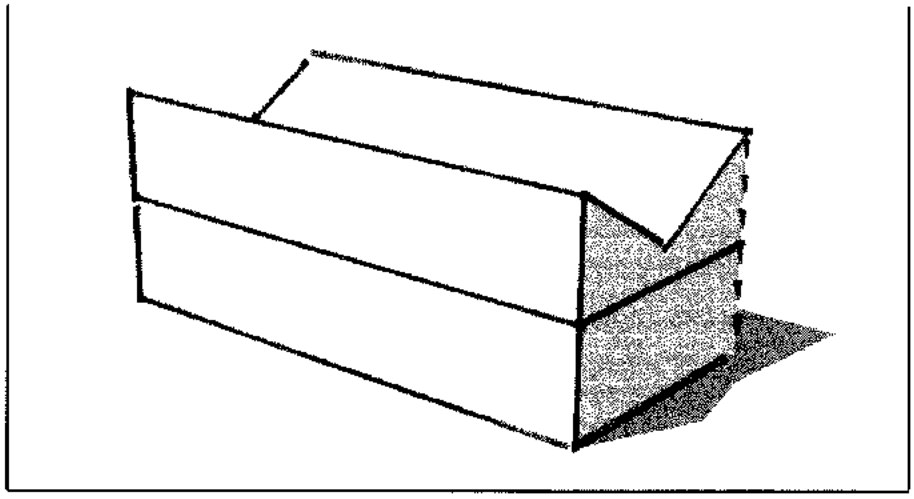


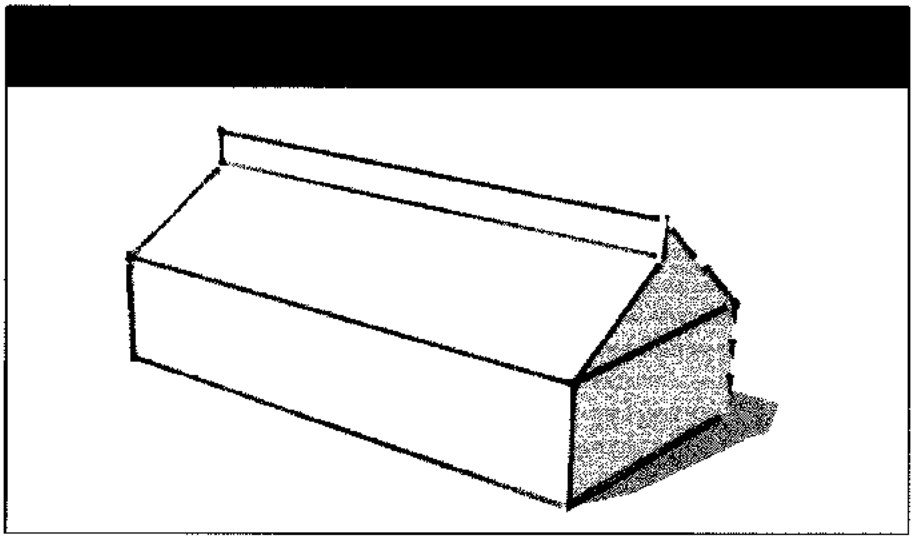


Exhibit "E"
Page E-000417



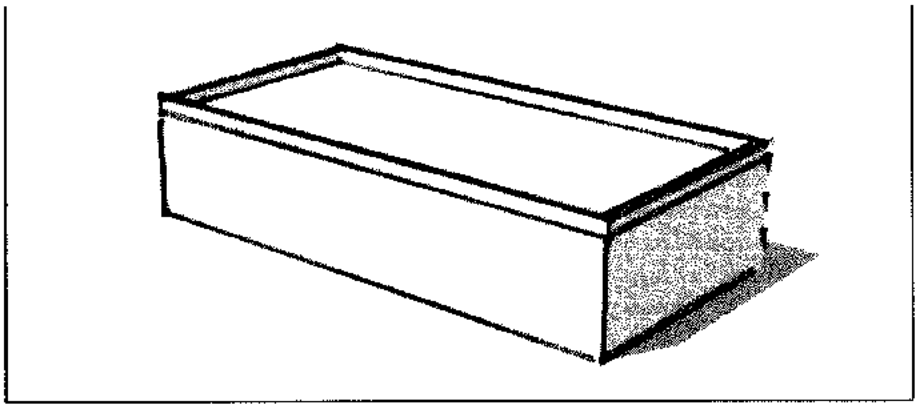
**Roof Deck Townhouse** means a townhouse with a flat roof that is available to the resident as outdoor space.

**Roof, Double Shed** means a roof that is similar to a gable roof, except that the roof planes do not meet at a ridge line. See **Figure R-2, Double Shed Roof.**

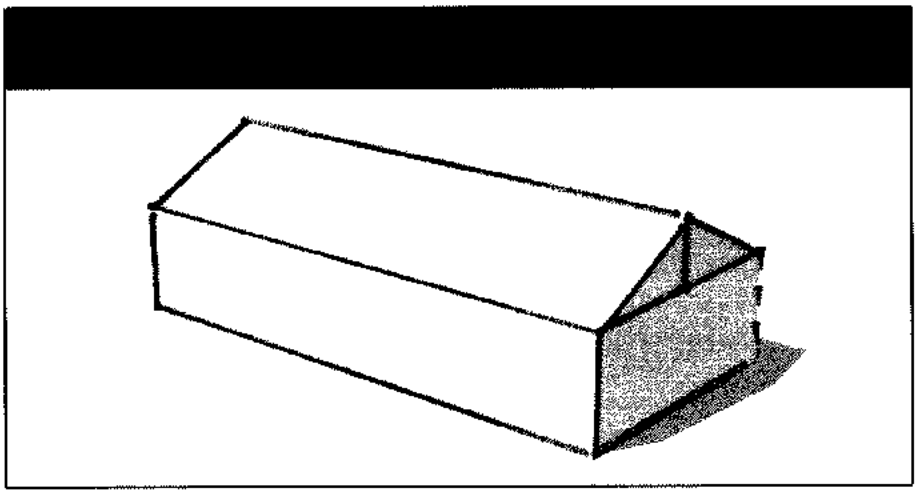


**Roof, Flat** means a roof that has no pitch, or is inclined by no more than one-half inch per foot. See **Figure R-3, Flat Roof.**





**Roof, Gabled** means a roof with planes that incline upward from two sides of the building. See **Figure R-4, Gabled Roof.**



**Roof, Gambrel.** means a roof that is a modification of the gable roof in that the planes of the roof are broken into sections. The upper sections slope gradually from the ridge, while the lower sections drop off sharply. See **Figure R-5, Gambrel Roof.**

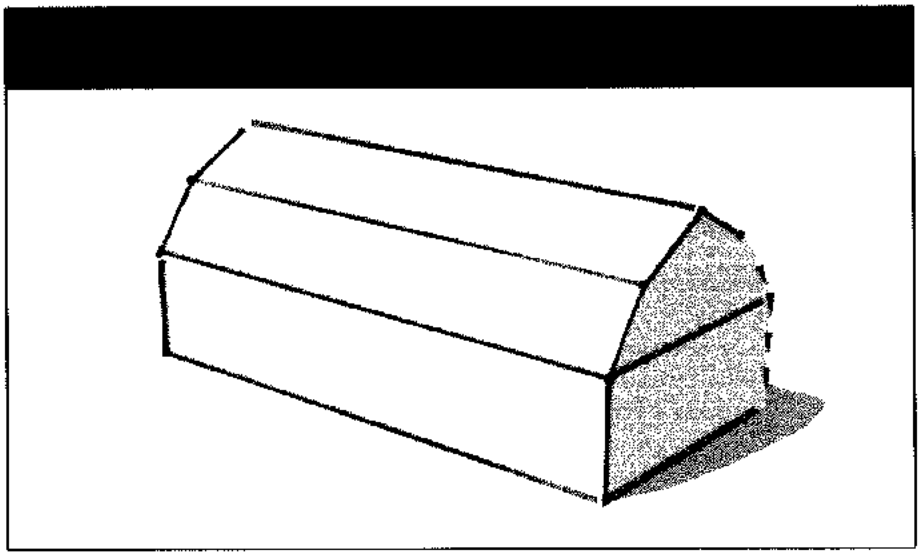
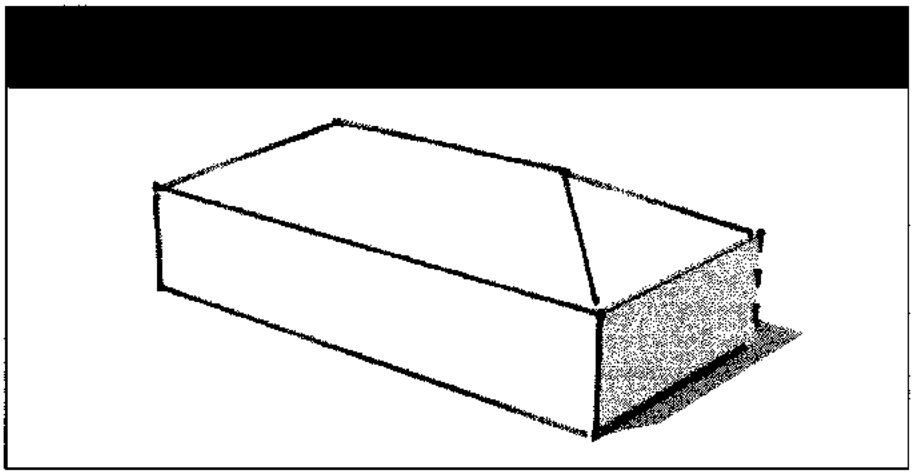


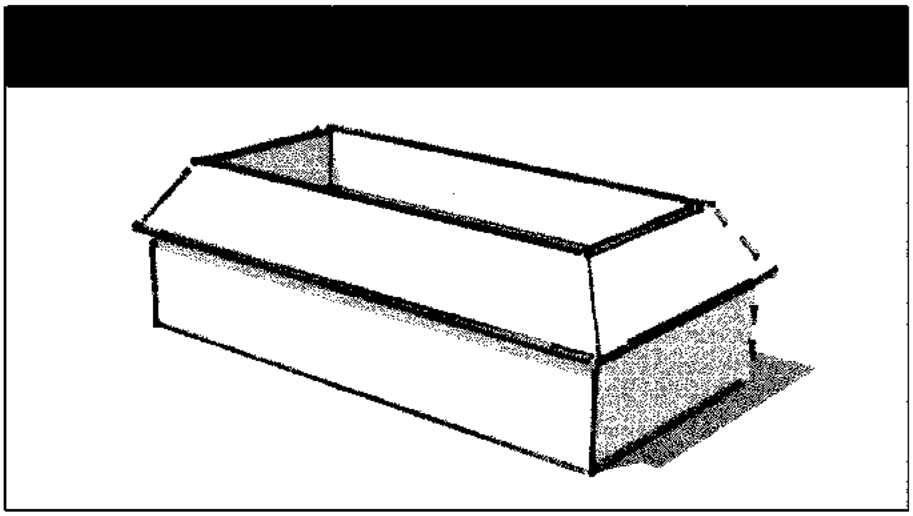


Exhibit "E"
Page E-000419

**Roof, Hipped** means a roof with pitched planes that rise from all sides of the building. See **Figure R-6, Hipped Roof.**



**Roof, Mansard.** The mansard roof is a modification of the hipped roof. The slope of a mansard roof is broken into two sections. The upper sections are flat or gently sloped, while the lower sections drop off sharply. See **Figure R-7, Mansard Roof.**

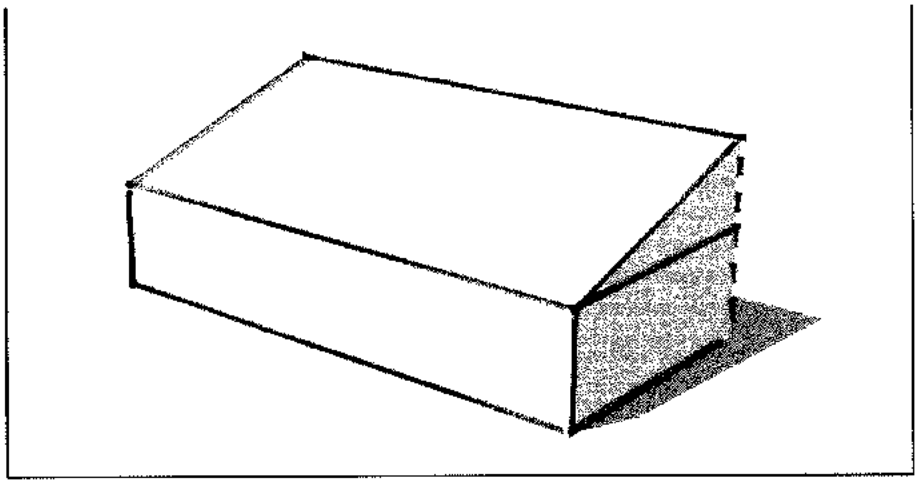


**Roof, Shed** means a roof that is a simple pitched roof, having only one slope. See **Figure R-8, Shed Roof.**

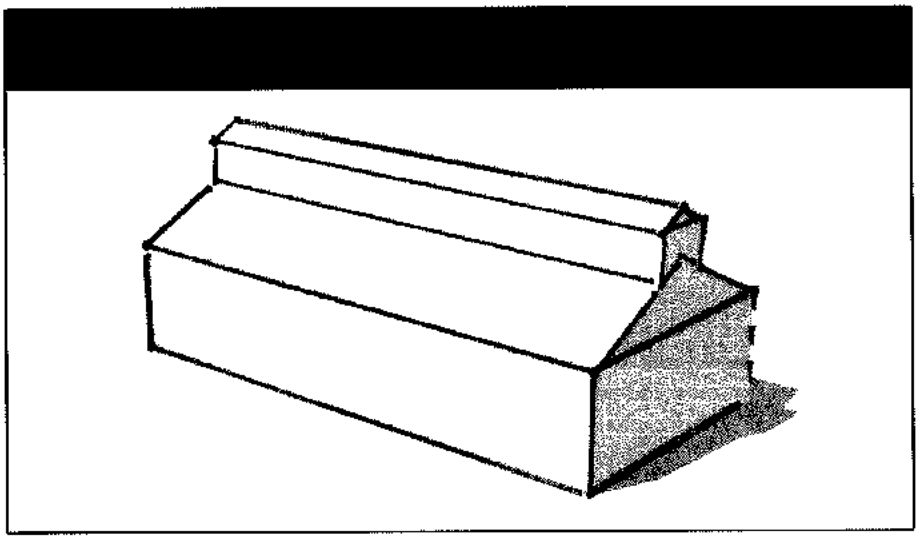




Exhibit "E"
Page E-000420



**Roof, Western** means a roof that is compound in style, characterized by a gable roof at the top, with shed roofs on either side. See **Figure R-9, Western Roof.**



**Roofline** means the top of a roof or building parapet, excluding any cupolas, pylons, chimneys, or other minor projections.

**Runoff** means that portion of precipitation, snowmelt, or irrigation that has not evaporated or infiltrated into the soil, but instead flows on the land surface.

## S Terms

**Sanitary Setback Area** means an area established around a production well to protect ground water from direct contamination, which applies to public water supplies that:

1. Serve t least 15 service connections used by year-round residents; or
2. Regularly services at least 25 year-round residents,.

**Sanitary Sewage** means any liquid discharge from a structure or animal containment area, except roof drains.

**Sanitary Sewage Disposal, Public** means a system in which sanitary sewage and wastewater is collected from multiple uses or dwelling units, by a system of pipes, and carried to a central disposal facility, generally serving a region.

**Sanitary Sewer Line** means a sanitary sewer collection system in which sewage is carried from individual lots, by a



Exhibit "E"
Page E-000421

system of pipes, to a central treatment and disposal plant, or to other pipes that run to a central treatment and disposal plant.

**Sanitary Sewer System** means a central treatment and disposal plant and related systems and pipes including, but not limited to, sanitary sewer lines.

**Satellite Dish** means a type of antenna for receiving communications via satellite relay.

**Scale** means:

1. For uses, traffic volumes associated with the use, and for some uses, the distance people will travel to the use (e.g., a regional shopping center).
2. In the context of design, scale refers to the size of the building in relation to nearby buildings, and the appearance of building mass from the street.

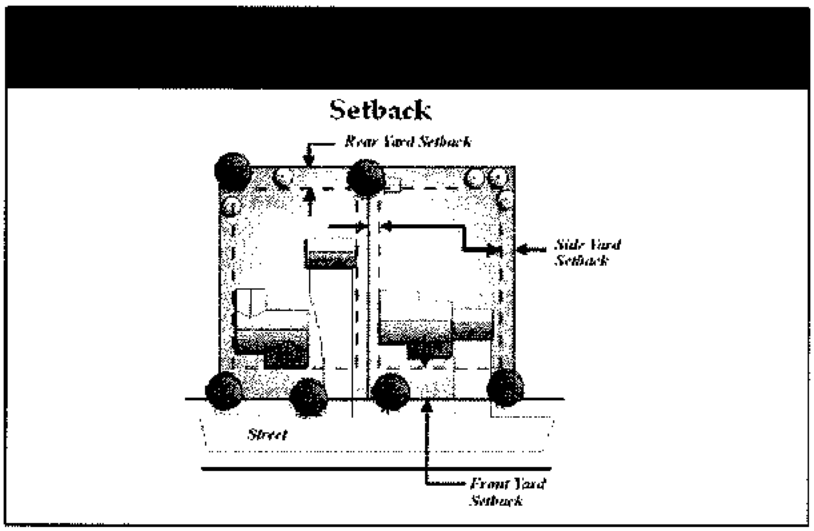
**Scrap Metal Processor** means a private, commercial, or governmental enterprise having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes. A scrap metal processor is not a disposal facility or a used parts dealer.

**Sediment** means soils or other surface materials transported and/or deposited by the action of wind, water, ice, or gravity as a product of erosion.

**Septic Tank.** A multiple compartment, watertight receptacle which receives sewage from a building and is designed and constructed so as to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

**Septic System, Individual** means a system in which sanitary sewage and wastewater is collected from a single use or dwelling unit, by a system of pipes, and carried to a septic tank and tile disposal field located within the boundaries of an individual lot.

**Setback** means a stated minimum distance from a lot line to a building, structure, or use.




**Sexual Encounter Center** means a commercial establishment that, as one of its principal business purposes, offers for any from of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in the state of nudity.

**Sheltered Care.** See **Section 18.204, Institutional Uses.**



Exhibit "E"
Page E-000422

**Shopping Center.** See **Section Select SectionID from Zonetext1 where Index = 292, Commercial Uses.**

**Shrub** means:

1. A woody plant of less size than a tree, and usually with several stems from the same root;
2. Perennial plants that reach at least three feet in height; and
3. Ornamental grasses that reach at least three feet in height.

**Sidewalk** means a pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street.

**Sight Triangle.** See **Section 8.215 Sight Distance Requirements.**

**Sign Definitions.** The following sign-related definitions shall apply to all provisions of this Ordinance

**Animated Sign.** Any sign that includes action, motion, or color changes on all or any part of the sign facing, requiring electrical energy, or set in motion mechanically or by movement of the atmosphere. This definition includes signs commonly called bi-view, tri-view, or multi-view signs which alternate or otherwise change displays whether through mechanical or electrical means. An animated sign does not include a clock and/or thermometer display.

**Area of Sign.** The area or "surface area" of a sign is defined by the smallest perimeter fully enclosing the total surface devoted to the sign's message, together with any ornamentation, embellishment, cutouts, and associated background, excluding any necessary supports or uprights on which the message is placed and excluding any architectural ornamentation. As an aid to interpreting this formulation, the following is to be employed:

1. if the message is on a surface, structure or frame specifically employed for holding signage, the entire surface area within the frame's border is counted;
2. if the message is on a door, wall, or other structural part of a building, only that portion of the door, wall, or structure actually devoted to the message and associated symbols and background, if any, is counted.
3. If a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that if two faces are placed back-to-back and are at no point more than three feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or the area of the larger face if the two faces are of unequal area.

**Artisan Sign.** An non-illuminated sign not exceeding 8 square feet in area placed on a site during the period that the work is being engaged in, with the permission of the site's owner, displaying the name of the contractor or artisan improving the site or structure on the site.

**Campaign Sign.** Any sign, poster, billboard, or other outdoor advertisement advocating the election or defeat of a particular candidate for public office, or group of candidates, or political party.

**Changeable Copy Sign.** A sign wherein provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message. Such message may not be changed more often than daily, except for time and/or temperature displays. A changeable copy sign does not include any sign that meets the definition of a flashing sign.

**Chaser Sign.** A sign that creates a running effect in a bank of lamps or tubes.

**Construction Sign.** An non-illuminated sign giving the name or names of principal contractors, architects, and lending institutions responsible for new construction or major renovation on the site where the sign is placed together with other information included thereon authorized by the Building Commissioner in connection with construction operating for a specific project not to exceed 36 square feet in area beginning with the commencement of construction and extending to a date 15 days after the completion of construction operations.

**Financier's Sign.** An non-illuminated sign not exceeding 8 square feet in area placed on a site during the period of construction or renovation and for 7 days after the completion of the project, with the permission of the site's owner, displaying the name of the person, firm, or financial institution providing the financing for the project.



Exhibit "E"
Page E-000423

**Flashing Sign.** Any sign which contains a continually intermittent light or sequential flashing light source. This definition specifically includes signs that use intermittent lighting changes for the purpose of changing the graphics or copy within the copy area of a sign more often than daily as in an electronic reader board (as herein defined) or message center (as herein defined), except that such reader boards or message centers may display time and/or temperature readings which change more often than daily.

**Message Center.** A sign that contains a changing message within the copy area that remains on for a specified minimum period of time and blacks out for a specified minimum period of time between messages. Messages contained on the sign do not travel or appear to travel in any direction.

**Electronic Reader Board.** A sign which contains a traveling message or a message which appears to be traveling, and usually in a horizontal direction.

**Ground Sign.** Any sign supported by uprights or braces in or upon the ground and not attached to any building.

**Home Occupation Sign.** A sign directing attention to a business or professional activity conducted on the same zoning lot in a residential district, containing only the name and occupation of the resident, not to exceed 2 square feet in area, and only as approved by the Board of Zoning Appeals.

**Illuminated Sign.** A sign designed to give forth artificial light or reflect it from another source. A sign designed to give forth artificial light is an "internally illuminated sign."

**Inflatable Display.** Any three-dimensional, ambient air-filled object depicting a container, figure, product or product tradedress, whether or not such object contains a message.

**Institution Sign.** A sign containing information about an on-site institution, such as churches, schools, hospitals, rest homes, private clubs and similar institutions or organizations.

**Integral Sign.** Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface on the wall of a building, or when constructed of bronze or other incombustible materials mounted on the wall of a building.

**Off-Premise Sign.** A sign attached to a building, the ground, or structure advertising a business, product, service or event conducted, sold, or offered elsewhere than upon the same zoning lot. This definition includes structures commonly called billboards, posterboards, or panels.

**Message.** A sign's message includes its text, drawings, figures, logo, and any associated background.

**Permanent Sign.** Any sign which is not a portable sign.

**Portable Signs.** Any sign not permanently affixed to a building, structure, or the ground such as a sign designed to be moved from place to place, or designed to be removed and re-erected from time to time, or attached directly or through a structure to a chassis equipped with wheel and axle or other means of mobility.

**Projecting Sign.** Any sign supported by a building or other structure which projects over any street, sidewalk, alley, public way, or public easement more than 12 inches from the face of the building or structure.

**Real Estate Sign.** A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land, during the pending of such sale or lease and for seven days after closing.

**Roof Line.** The upper edge of any building wall or parapet, exclusive of any tower, chimney, ventilation equipment or utility equipment.

**Sign.** A name, display, identification, device, notice, figure, painting, drawing, message, placard, poster, word, bulletin board, symbol, letter, numeral, emblem, trademark, flag, or banner, pennant, or other illustration which is affixed to or painted or represented directly or indirectly upon a building, or other outdoor surface, or parcel of land and which directs attention to an object, product, place, activity, person, institution, organization, or business, and is visible from any alley, street, highway, sidewalk, or other public way, whether such is placed out of doors or in windows. The term sign does not include any display of official notices of courts or other public



Exhibit "E"
Page E-000424

offices, nor the flag, emblem or insignia of a nation, political unit, school, or religious group. The term "sign" shall not include the merchandise, which is for sale on the premises, the packaging or container for such merchandise, or any writings or other symbols on such merchandise, container, or packaging.

**Snipe Sign.** Any sign (whether attached in any way to a utility pole, tree, traffic control device, or any object, or the ground, or otherwise situated) on

1. Public property without the consent of the appropriate public body or
2. Private property without the consent of the owner or occupier thereof.

**Wall Sign.** A sign mounted on, attached to, or painted or applied on the exterior wall of a building or structure in a plane parallel to that of the supporting wall or structure. Any sign meeting this definition is not a projecting sign.

**Wind Sign.** Any attention-arresting device, with or without message, or a series of devices such as streamers, and/or pennants, with or without message, designed and fastened in such a manner as to move upon being subjected to pressure by the atmosphere; except that such definition shall not include,

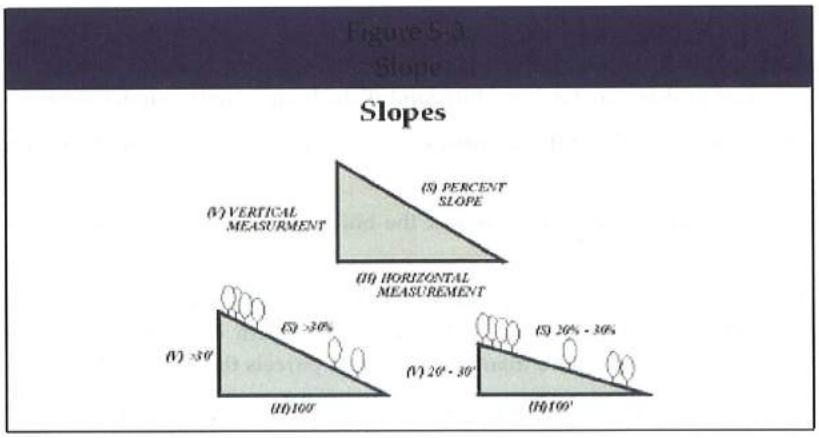
1. On each building, up to four banners, flags, or pennants, and
2. On each light standard, one banner, flag, or pennant.

**Window Sign.** A sign installed on the exterior or on or near the interior of a window for the purpose of viewing from outside the premises.

**Site Plan** means a plan or drawing showing the location of buildings, parking, or other elements that is used for the issuing of approvals other than subdivision plans or land developments. The drawings show sufficient detail to enable the City to determine whether the applicable standards under review have been met.

**Slope** means the change in the vertical measurement divided by the change in the horizontal measurement. The figure is written as a ratio or a percentage.

Figure 5-3
Slope




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

**Specified Anatomical Areas** means

1. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below the point immediately above the top of the areola, and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities** means:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or Masturbation, actual or simulated; or



Exhibit "E"
Page E-000425

2. Excretory functions as part of or in connection with any of the adult use activities set forth in **Section 18.206, Recreation and Amusement Uses.**

**Stabilization** means the prevention of soil erosion by surface runoff or wind through the establishment of vegetative or structural soil coverage measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips, and stone or gravel groundcover.

**Staff** means the Planning Director and such other employees or consultants designated by the City Administrator.

**Standards Manual** means the most current version of the technical standards promulgated by the City Engineer, however titled, for the development of infrastructure such as streets, pathways, sidewalks, potable water, sanitary sewer, and stormwater treatment facilities.

**Start of Construction.** *(See floodplain definitions, "Start of Construction.")*

**State** means the State of Indiana.

**Stealthed Facility** means a facility which is either:

1. Virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure, or
2. Camouflaged with stealth design so as to blend in with its surroundings to such an extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as a flagpole serving as an antenna or a light pole. Artificial trees are not stealthed facilities.

**Stormwater Management** means the mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.

1. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land; and
2. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

**Story, First** means the ground floor story of a building, provided its floor level is not more than four feet below the mean lot level adjacent to the foundation.

**Story, Half** means a story under a sloping roof at the top of the building, the floor of which is not more than two feet below the wall plate.

**Street** means a strip of land, comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The term does not include the establishment of a common driveway for access purposes for no more than three separate parcels that are contiguous to one another.

**Street, Arterial** means a street that serves, or is designed to serve, as a connection between uses which generate heavy traffic volumes or between other arterial streets.

**Street, Collector** means a street that serves or is designed to serve as the connection from minor streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

**Street, Cul-de-sac** means a short, independent, minor street having only one point of ingress and egress, terminating in a circular turn-around or other approved termination.

**Street Frontage** means the linear measurement of a parcel along a street line, private road, or right-of-way to which the parcel abuts.

**Street, Half (Partial)** means a street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.



Exhibit "E"
Page E-000426

**Street Line** means a property line of a lot which coincides with a line indicating the limits of an existing or proposed right-of-way.

**Street, Local** means a street which serves or is designed to serve primarily as access to abutting properties.

**Street, Marginal Access** means a local street, parallel and adjacent to an arterial street, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the arterial street.

**Street, Private** means any street right-of-way that is not dedicated to public use.

**Street, Public** means any street right-of-way dedicated to public use or maintained by a federal, state, or local unit of government.

**Street, Residential Collector** means a street that is designed and intended to gather traffic from local streets and convey it to higher level streets. Residential collectors do not generally provide access to individual residential lots. These streets are located in residential areas or developments that generally include 240 or more dwelling units.

**Street Right-of-Way** means the area of right-of-way that includes an existing or future public street, which may be represented on a plat, deed, or other conveyance, or acquired by prescription. The street right-of-way may also include areas for sidewalks, utilities, parkways, medians, and drainage.

**Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders and floor joists, ceiling joists, roof rafters, or stairways.

**Structure.** Any man-made object having an ascertainable stationary location on land or in water, whether or not affixed to the land. *(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Structure.")*

**Structure, Permanent.** A structure placed on or in the ground or attached to another structure in a fixed position.

**Structure, Temporary.** A structure that is designed to be repeatedly erected or inflated (tents and inflatable structures) or buildings that are picked up and moved.

**Subdivision** means the division or redivision of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels, or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership, or of building development.

**Subdivision Regulations** means the regulations that control the approval of subdivision plats, which include **Article 6, Article 7, Article 8, Article 10,** and **Article 12** of this UDO.

**Substantial Damage.** *(See Division 18.400, Floodplain Management Definitions, "Substantial Damage.")*

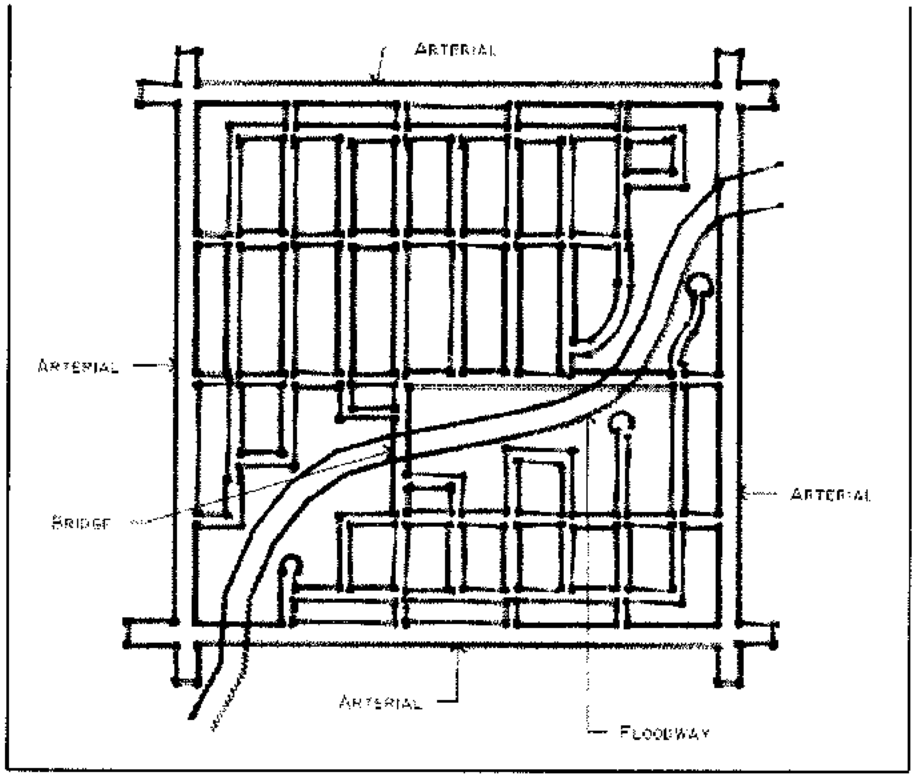
**Substantial Improvement.** *(See Division 18.400, Floodplain Management Definitions, "Substantial Improvement.")*

**Superblock** means an area bounded by arterial or collector streets or cut off by a body of water or permanent open space.

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Exhibit "E"
Page E-000427

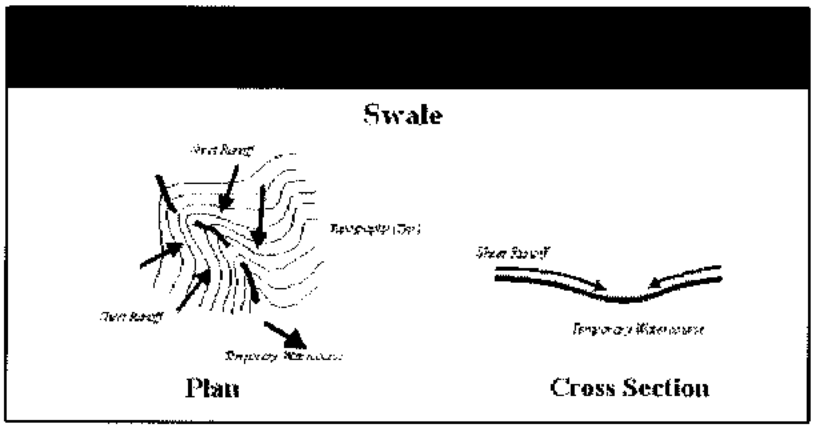



**Surety** means a form of financial guarantee that public improvements will be made or landscaping will be maintained. The term includes bonds, cash, letters of credit, or other financial instruments approved by the City.

**Surface Water** means natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as depicted on USGS topographic quadrangles and/or as determined by on-site surveys by a surveyor, landscape architect, or professional engineer. The phrase does not include retention basins or other stormwater management facilities, farm ponds, or other facilities associated with agricultural operations, sewage lagoons, and other facilities for which normal maintenance and repair is necessary.

**Surveyor** means a land surveyor registered by and licensed to practice in the State of Indiana.

**Swale** means a linear depression in the land's surface in which sheet runoff would collect and form a temporary watercourse.



**Swimming Pool** means a basin that is capable of holding water to a depth or two feet or more, constructed for the purposes of swimming, bathing, or wading. Swimming pools include in-ground, above ground, inflatable, and temporary pools.

## T Terms

**Text Amendment** means changes to the text of this UDO. The phrase includes changes that supplement, modify, or repeal any of its present or future provisions. The phrase does not include map amendments.

**Top of Bank** means a point above the mean high water mark of a watercourse, which defines the maximum depth of channel flow in the watercourse. It is either determined visually or computed as an elevation using the peak rate of runoff from a two-year storm event.

**Topography** means the characteristics of a parcel with respect to elevation.

**Townhouse** means a single-family attached dwelling unit, with a single unit going from ground to roof and with individual outside access.

**Townhouse, Duplex** means a townhouse that includes two dwelling units in an "over-under" format (each townhouse lot includes two units).

**Townhouse, Weak-Link** means a single-family attached dwelling unit, with a single unit from ground to roof and with individual outside access. Each unit has a one-story and a two-story section.

**Travel Trailer** means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle.

**Tree, Large** means a tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are also called shade trees or canopy trees, and typically reach heights of 50 to 100 feet at maturity.

**Tree, Non-Exempt** means a tree that is not on the exempt tree list.

**Tree, Small** means a tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation. These trees are also called understory or ornamental trees.

**Twin House** means a single-family dwelling that is attached by one common wall to one other dwelling unit.

## V Terms

**Variance** means relief from the standards of this UDO, granted by the Board of Zoning Appeals or the Hearing Officer. There are two types of variances:

1. Use variances, which allow uses that are otherwise not allowed in the zoning district; and
2. Development standards variances, which allow development that does not comply with the physical requirements of this UDO.

*(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Variance.")*

**Village House** means a single-family detached dwelling unit with a small front yard and alley access for parking or a detached garage located behind the unit. Village houses commonly have a covered front porch that is slightly elevated from the sidewalk.

**Violation** means an instance of noncompliance with this Code. The term does not include any type of lawful nonconforming situation. *(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Violation.")*

## W Terms

**Water Quality** means those characteristics of stormwater runoff, usually from a land disturbing activity, that relate to the chemical, physical, biological, or radiological integrity of water.

**Water Body** means any watercourse or lake defined by a bank or shore in which water can be found.



Exhibit "E"
Page E-000429

**Watercourse** means a stream channel (perennial, intermittent, mapped, or unmapped) with banks and a bed within which concentrated water flows; or a storm sewer, culvert, ditch, swale, ravine, cunette, or other means (natural or person-made) which conveys water from one location to another. *(For floodplain regulations applicability, see Division 18.400, Floodplain Management Definitions, "Watercourse.")*

**Watershed** means a land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

**Water Table** means the level below the surface at which the ground is saturated by water.

**Weeds** means a plant growing in cultivated ground to the injury of the crop or desired vegetation, or to the disfigurement of the place; or an unsightly, useless, or injurious plant.

**Wellhead Protection Area** means the surface and subsurface area, delineated by the City of Valparaiso City Utility Board (or a Community Public Water Supply System in Porter County) and approved by the Indiana Department of Environmental Management pursuant to **IC 8-4.1-1, et seq.**, which contributes water to a Community Public Water Supply System production well or wellfield, and through which contaminants (if present) would be likely to infiltrate and reach the well within a specified period.

**Wetland** means those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands" dated January 10, 1989, as may be amended from time to time; or as further defined and delineated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the Indiana Department of Natural Resources.

**Wetland Delineation and Report** means an on-site method or process for identifying wetlands as described in the Corps of Engineers Wetland Delineation Manual, Technical Report: Y-87-1, from 1987, as may be amended from time to time. The report is prepared by a person with professional experience and knowledge in wetlands identification, and analyzes a site for the existence and extent of wetlands.

**Woodland** means an area covered by a canopy of woody plants (trees). It may be a forest, woodlot, grove, or stand of trees.

## Y Terms

**Yard** means an unoccupied space open to the sky on the same lot with a building or structure. A required yard is the distance between the lot line and the setback that is required from that lot line.

**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.

**Yard, Street** 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.

**Yard, Rear** means a yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

**Yard, Side** means a yard between the principal building and the side line of the lot, extending from the front yard to the rear yard.

## Z Terms

**Zoning District** means a designation shown on the Official Zoning Map as being in a district enumerated in **Article 1, Jurisdiction and Zoning Districts**, in which a specific set of zoning standards apply. The phrase may refer to the standards or an area so mapped. The phrase includes "zoning classification" or "zoning designation."



Exhibit "E"
Page E-000430




## Residential Site Capacity

### Example Residential Site Capacity Analysis

A. **Sample Parcel Characteristics.** The example in the table below makes the following assumptions:

1. Area of parcel proposed for development: 100 acres
2. Land within ultimate rights-of-way: 2.80 acres
3. Zoning: Suburban Residential (SR)
4. Proposed Use: Single-family homes (standard development).
5. Open Space Ratio (from Table ____.A.):
6. Gross Density (from Table ____.A.):
7. Net Density (from Table _____.A.):
8. Resources:
    a. Water Body: 1.20 acres
    b. Riparian Buffers: 3.10 acres
    c. Floodplain: 3.44 acres
    d. Wetlands: 1.70 acres
    e. Woodlands: 6.03 acres
    f. Steep Slopes (15 to 25%): 3.44 acres

B. **Calculation.** The table below shows the site capacity calculation based on the data set out above:

| Example of a Residential Site Capacity Calculation | | |
|---|---|---|
| **Step 1** | Enter gross site area as determined by actual survey. | ***100.00*** **ac.** |
| | Subtract land within existing roads' ultimate rights-of-way or land within major utilities' rights-of-way (minimum 50-foot width for entire R.O.W.). | **-*2.80* ac.** |
| | Subtract land cut off from use by railroad, highway, or water body. | - ac. |
| | Subtract all water bodies. | - ac. |
| | Subtract land previously dedicated as open space. | - ac. |
| | Equals Base Site Area. | **= *97.20* ac.** |
| | Measure all natural resources in the base site area and enter in Acres Measured (Column 2). If resources overlap, measure only that resource with the highest resource protection ratio. These numbers provide each resource's area of land. Multiply by Resource Protection Ratio for the district (Column 3, 4, or 5 for the appropriate zoning) and insert result in Column 6. | |



Exhibit "E"
Page E-000431

| | Natural Resource | Acres Measured (Column 2) | Open Space Ratio (OS) (Column 3) | Open Space Ratio (ER, SR, AR districts) (Column 4) | Open Space Ratio (All other districts) (Column 5) | Protected Land (Column 6) |
|---|---|---|---|---|---|---|
| Step 2 | Water Bodies | *1.20 ac.* | 1.00 | 1.00 | 1.00 | *1.20 ac.* |
| | Riparian Buffers | *3.10 ac.* | 1.00 | 0.90 | 0.70 | *2.79 ac.* |
| | Floodways | | 1.00 | 1.00 | 1.00 | |
| | Floodplain | *3.44 ac.* | 1.00 | 1.00 | 0.20 | *3.44 ac.* |
| | Wetlands | *1.70 ac.* | 1.00 | 1.00 | 1.00 | *1.70 ac.* |
| | Woodlands | *6.03 ac.* | 0.95 | 0.70 | 0.20 | *4.22 ac.* |
| | Steep Slopes more than 25% | | 1.00 | 0.90 | 0.55 | |
| | Steep Slopes 15-25% | *5.65* | 0.90 | 0.60 | 0.20 | *3.39 ac.* |
| | Wellhead Protection | | 1.00 | 0.90 | 0.50 | |
| Step 3 | Sum of Column 2 equals Total Resource Land. | *21.12 ac.* | | | | |
| Step 4 | Protected Resource Land equals sum of Protected Land (Column 5). | | | | | *16.74 ac.* |
| Step 5 | Enter Base Site Area (Step 1). | | | | | *97.20 ac.* |
| | Multiply by Gross Density for use and district from Table 3.201A. | | | | | *1.572* |
| | Equals District Yield (round down to whole number). | | | | | *152* |
| Step 6 | Enter Base Site Area (Step 1). | | | | | *97.20 ac.* |
| | Multiply by Open Space Ratio for use and district, Table 3.201A. | | | | | *0.10* |
| | Equals District Open Space. | | | | | *9.72 ac.* |
| Step 7 | Enter Base Site Area (Step 1). | | | | | *97.20 ac.* |
| | Subtract District Open Space (Step 6) or Protected Resource Land (Step 4), whichever is greater. | | | | | *16.74 ac.* |
| | Equals Buildable Land. | | | | | *80.46 ac.* |
| | Times Net Density for use and district (Table 3.201A). | | | | | *1.965* |
| | Equals Site Specific Yield (round down to whole number). | | | | | *158* |
| Step 8 | Select District Yield (Step 5) or Site Specific Yield (Step 7), whichever is less. | | | | | *152* |

## Residential Site Capacity Analysis Worksheet

**On Line Site Capacity Spreadsheet:** An on line version of the Site Capacity calculation is available at the following link:

webtools/SiteCapacityCalc.aspx.

It is placed here for illustrative purposes and can be used for evaluation of alternative forms of development.



Exhibit "E"
Page E-000432

## Nonresidential Site Capacity Analysis

### Example Nonresidential Site Capacity Calculation

The table below is an example of a completed nonresidential site capacity calculation form. Applicants are required to complete the required data for all steps and submit the calculations. This form shall be presented with preliminary and final plats of all nonresidential developments and any zoning change requests.

**Commentary:** The form must be filled out with actual site data. The ***bold italic*** numbers in the table illustrate the calculation. These numbers represent data for a hypothetical 20-acre tract of land zoned for CG and intended for commercial retail use. Commercial retail in the CG district has a minimum landscaped surface ratio of 0.15, gross FAR of 0.28 and net FAR of 0.329. The example is based on a site having:

| | |
|---|---|
| Floodway | 1.54 acres |
| Floodplain | 3.03 acres |

**Example of a Nonresidential Site Capacity Calculation**

| | | |
|---|---|---|
| **Step 1** | Enter gross site area as determined by actual survey. | ***20.00*** ac. |
| | Subtract land within existing roads' ultimate rights-of-way or land within major utilities' rights-of-way (minimum 50-foot width for entire R.O.W.). | - ***.50*** ac. |
| | Subtract land cut off from use by railroad, highway, or water body. | - ac. |
| | Subtract all water bodies. | - ac. |
| | Subtract land previously dedicated as open space. | - ac. |
| | Equals Base Site Area. | =***19.50 ac.*** |

**Step 2** — Measure all natural resources in the base site area and enter in Acres Measured (Column 2). If resources overlap, measure only that resource with the highest resource protection ratio. These numbers provide each resource's area of land. Multiply by Resource Protection Ratio for the district (Columns 3, 4, or 5 for the appropriate zoning) and insert result in Column 6.

| Natural Resource | Acres Measured (Column 2) | Open Space Ratio (RU district) (Column 3) | Open Space Ratio (ER, SR, AR districts) (Column 4) | Open Space Ratio (all other districts) (Column 5) | Protected Land (Column 6) |
|---|---|---|---|---|---|
| Water Bodies | | 1.00 | 1.00 | 1.00 | |
| Riparian Buffers | | 1.00 | 0.90 | 0.70 | |
| Floodways | ***1.54*** | 1.00 | 1.00 | 1.00 | ***1.54*** |
| Floodplain | ***3.03*** | 1.00 | 1.00 | 0.20 | ***0.61*** |
| Wetlands | | 1.00 | 1.00 | 1.00 | |
| Woodlands | | 0.95 | 0.70 | 0.20 | |
| Steep Slopes more than 25% | | 1.00 | 0.90 | 0.55 | |
| Steep Slopes 15-25% | | 0.90 | 0.60 | 0.20 | |
| Wellhead Protection | | 1.00 | 0.60 | 0.70 | |

| | | | | | | |
|---|---|---|---|---|---|---|
| **Step 3** | Sum of Column 2 equals Total Resource Land. | ***4.57*** | | | | |



Exhibit "E"
Page E-000433

| | | |
|---|---|---|
| **Step 4** | Protected Resource Land equals sum of Protected Land (Column 5). | *2.15 ac.* |
| **Step 5** | Enter Base Site Area (Step 1). | *19.50 ac.* |
| | Multiply by Gross FAR for use and district from Table 3.201B. | *0.28 ac.* |
| | Equals District Yield (round to two decimal places). | *5.46 ac.* |
| **Step 6** | Enter Base Site Area (Step 1). | *19.50 ac.* |
| | Multiply by Landscaped Surface Ratio for use and district, Table 3.201B | *0.15* |
| | Equals District Open Space. | 2.93 ac. |
| **Step 7** | Enter Base Site Area (Step 1). | *19.50 ac.* |
| | Subtract District Open Space (Step 6) or Protected Resource Land (Step 4), whichever is greater. | *2.93* ac. |
| | Equals Buildable Land. | *16.58* ac. |
| | Times Net FAR for use and district (Table 3.201B). | *0.329* |
| | Equals Site Specific Yield. | *5.45* ac. |
| **Step 8** | Select District Yield (Step 5) or Site Specific Yield (Step 7), whichever is less. | *5.45 ac.* |
| | Convert to square feet by multiplying by 43,560. | *237,540 sf.* |
| | Minimum Landscaped Surface (Step 4 or Step 6, whichever is greatest). | *2.93 ac.* |

## Nonresidential Site Capacity Worksheet

**On Line Site Capacity Spreadsheet:** An on line version of the Nonresidential Site Capacity calculation is available at the following link:

webtools/SiteCapacityCalcNR.aspx.

It is placed here for illustrative purposes and can be used for evaluation of alternative forms of development.




**CORRIDOR PLANTS:**

## 1.Deciduous Trees

| Common Name | Latin Name | Mature Tree Height |
|---|---|---|
| **Tulip Tree** | *Liriodendron tulipeifera* | Mature height 90 feet |
| **Chinquapin Oak** | *Quercus muehlenbergii* | Mature height 80 feet |
| **Burr Oak** | *Quercus macrocarpa* | Mature height 80 feet |
| **American Elm (resistant selections** | *Ulmus Americana* | Mature height 70 feet |
| **Sweetgum** | *Liquidambar styraciflua* | Mature Height 75 feet |
| **Hackberry** | *Celtis occidentalis* | Mature Height 60 feet |
| **Kentucky Coffee Tree** | *Gymnocladus dioica* | Mature Height 60 feet |
| **American Linden** | *Tilia Americana* | Mature Height 60 feet |
| **Shingle Oak** | *Quercus imbarcaria* | Mature Height 50 feet |
| **Hills Oak** | *Quercus ellipsoidallis* | Mature Height 50 feet |
| **Scarlet Oak** | *Quercus coccinea* | Mature Height 50 feet |
| **Sugar Maple** | *Acer Saccharum* | Mature Height 50 feet |
| **Swamp White Oak** | *Quercus bicolor* | Mature Height 50 feet |
| **Gingko (male)** | *Ginkgo biloba* | Mature Height 50 feet |
| **Honey Locust** | *Gledituia triacanthos* | Mature Height 40 feet |
| **Sour Gum (Black Gum)** | *Nyssa sylvatica* | Mature Height 40 feet |
| **Bald Cypress** | *Taxodium distichum* | Mature Height 40 feet |
| **Littleleaf Linden** | *Tilia cordata* | Mature Height 30 feet |
| **Ironwood** | *Ostrya virginiana* | Mature Height 30 feet |

**2. Evergreen Trees**



Exhibit "E"
Page E-000435

| Common Name | Latin Name | |
|---|---|---|
| **Norway Spruce** | *Picea abies* | Mature Height 90 feet |
| **White Pine** | *Pinus Strobus* | Mature Height 70 feet |
| **Eastern Hemlock** | *Tsuga Canadensis* | Mature Height 60 feet |
| **Jack Pine** | *Pinus banksiana* | Mature Height 45 feet |
| **Eastern Red Cedar** | *Junperus virginiana* | Mature Height 50 feet |
| **Colorado Spruce** | *Picea pungens* | Mature Height 60 feet |

**3. Ornamental Trees**

| Common Name | Latin Name | |
|---|---|---|
| **Sassafrass** | *Sassafrass albidum* | Mature Height 30 feet |
| **Ohio Buckeye** | *Aesculus glabra* | Mature Height 30 feet |
| **Flowering Dogwood** | *Cornus florida* | Mature Height 25 feet |
| **Blue Beech/American Hornbeam** | *Carpinus caroliniana* | Mature Height 20 feet |
| **Hawthorn species** | *Crataegus sp.* | Mature Height 20 feet |
| **Serviceberry** | *Amelanchier sp.* | Mature Height 20 feet |
| **Paw Paw** | *Asimina triloba* | Mature Height 20 feet |
| **Flowering Crabapples** | *Malus sp.* | Mature Height 20 feet |
| **Tree Lilac** | *Syringa reticulate* | Mature Height 20 feet |
| **Red Buckeye** | *Aesculus pavia* | Mature Height 20 feet |
| **Speckled Alder** | *Almus rugosa* | Mature Height 20 feet |
| **Nannyberry Viburnum** | *Viburnum lentago* | Mature Height 18 feet |
| **Redbud** | *Cercis Canadensis* | Mature Height 15 feet |
| **Fringe Tree** | *Chionanthus virginicus* | Mature Height 15 feet |
| **Pagoda Dogwood** | *Cornus alternifolia* | Mature Height 15 feet |
| **Magnolia varieties** | *Magnolias var.* | Mature Height 15 feet |
| **Wafer Ash** | *Ptelea trifoliate* | Mature Height 15 feet |
| **Common Witch Hazel** | *Hamamelis Virginiana* | Mature Height 15 feet |

**4. Shrubs:**

| Common Name | Latin Name | |
|---|---|---|
| **Bottlebrush Buckeye** | *Aesculus parviflora* | July White Flowers-8 ' |

| | | |
|---|---|---|
| **Indigo Bush** | *Amorpha fruiticosa* | June Purple/Blue Flowers-6' |
| **Chokeberry** | *Aronia sp.* | May White Flowers-5' |
| **Caryopteris** | *Aryopteris sp.* | Blue Flowers-3' |
| **Clethera** | *Slethera alnifolia* | July/August Pink Flowers-4' |
| **Deutzia** | *Duetzia gracalis* | May White Flowers-3' |
| **New Jersey Tea** | *Ceanothus americanus* | July White Flowers-2' |
| **Dwarf Honeysuckle** | *Diervillalonicera* | June Yellow Flowers-2.5' |
| **Vernal Witch Hazel** | *Hammelis vernalis* | Mar. Orange/Red Flowers-12' |
| **Common Witch Hazel** | *Hamamelis vernalis* | October Yellow Flowers-10' |
| **Smooth Hydrangea** | *Hydrangea arborescens* | June/July White Flowers-3' |
| **Oak Leaf Hydrangea** | *Hydrangea quercifolia* | June/July White Flowers-5' |
| **St. John's Wort** | *Hypericum sp.* | July-August Yellow Flowers-3' |
| **Winter berry** | *Ilex verticillata* | Native Holly |
| **Junipers various** | *Juniperus sp.* | Hardy Evergreen |
| **Northern Bayberry** | *Myrica pennsylvanica* | Semi Evergreen-4' |
| **Ninebark** | *Physocarpus opulifolius* | June Pink Flowers-8' |
| **Gro-low Sumac** | *Rhusaromatic* | Orange/Red Fall-2' |
| **Elderberry varieties** | *Sambucus sp.* | June White Flowers |
| **Stephanandra** | *Stephanandra incisa* | May/June Yellow/White Flowers-3' |
| **Lilacs various** | *Syringa var.* | May/June Flowers-4-12' |
| **Blueberry Ornamental** | *Vacccinium corymbosum* | Red Fall Color |
| **Viburnums various** | *Viburnum* | Several Flowering Shrubs |

**5.Perennials and Groundcover:**

**Perennials:**

Allium

Asclepias

Astilbe

Columbine

Penstemon

Echinacea

Aster



Exhibit "E"
Page E-000437

Rudbeckia various

Baptisia australis

Liatris

Lavender

Hardy Salvias

Iris

Lupine

Liriope

Sedum various

Coreopsis

Dianthus

Gaillardia

Hibiscus

Monarda

Phlox

Platycodon

Russian Sage

Solidago

Tulips

Daffodils

Lilies (true hardy lilies rather than all daylilies)

Tradescantia

Verbena

Virginia Creeper

**Landscape Grasses for Sun:**

| | |
|---|---|
| Switchgrass | Panicum virgatum |
| Little Bluestem | Schizachyrium scoparium |
| Big Bluestem | Andropogon gerardii |
| Northern Dropseed | Sporobolus heterolepsis |
| June Grass | Koeleria cristata |
| Calamagrostis | Calamagrostis Canadensis |

6. **Native Prairie and Wetland Plants:**

**Herbaceous Plants for Wet to Mesic Ground:**

Asclepias incarnata

Iris virginica

Chelone glabra

Eupatoruum maculatum

Lobelia cardinalis

Lobelia siphilitica

Trandescantia ohiensis

Veronicastrum virginicum

Rudbeckia submentosa

Liatris pychnostachyea

Silphium terebinthinaccum

Zizia aurea

Lilium michiganese

Physostegia virginica

Carex stipata

Carex hystericina

Elymus virginicus

Panicum virgatum

Juncus effusus

Calamagrostis Canadensis

Spartina pectinata

**Herbaceous Plants for Mesic to Dry Ground:**

Allium cernuum

Aster laevis

Aster nova anglicae

Baptisia leucantha

Echinaccea purpurea

Rudbeckia hirta

Penstemon digitalis

Parthenium integrifolium

Ratibida pinnata

Silphium perfoliatum

Liatris sacariosa

Aquilegia Canadensis

Carex bicknellii

Schzachyrium scoparium

Sporobolus heterolepsis

Andropogon gerardii

Sorghastrum nutans

**SUITABLE TREES FOR DIFFICULT SITES:**

| Common Name | Latin Name | | |
|---|---|---|---|
| **Chinquapin Oak** | *Quercus muehlenbergii* | Mature Height 80 feet | FS/very tolerant |
| **Hackberry** | *Celtisoccidentalis* | Mature Height 60 feet | FS/elm substitute |
| **Kentucky Coffee Tree** | *Gymnocladus dioica* | Mature Height 60 feet | FS |
| **Shingle Oak** | *Quercus imbarcaria* | Mature Height 50 feet | FS/tolerates poor soils |
| **Swamp White Oak** | *Quercus bicolor* | Mature Height 50 feet | FS/variable soils |
| **Gingko (Male)** | *Gingko biloba* | Mature Height 50 feet | FS/tolerates poor soils |
| **Honey Locust** | *Gleditsia triacanthos* | Mature Height 40 feet | FS/D/tolerates poor soils |
| **River Birch** | *Betula nigra* | Mature Height 40 feet | S/W/low pH soil |
| **Ironwood** | *Ostryavirginiana* | Mature Height 30 feet | S/PS |
| **Blue Beech/American Hornbeam** | *Carpinus caroliniana* | Mature Height 20 feet | S/PS |
| **Speckled Alder** | *Alnus rugosa* | Mature Height 20 feet | W/FS |
| **Wafer Ash** | Ptelea trifoliate | Mature Height 15 feet | FS/PS/poor soils |

S = Shade; PS = Partial Shade; FS = Full Sun; W = Wet Areas; PW = Partial Wet; D = Dry Areas

**RAIN GARDEN PLANT LIST:**

| Herbaceous Plants For Wet to Mesic Ground | Herbaceous Plants for Mesic to Dry Ground |
|---|---|
| **Forbs:** | **Forbs:** |
| Asclepias incarnate | Allium cernuum |
| Chelone glabra | Amorpha canescens |
| Eupatorium masculatum | Aster laevis |
| Hibiscus laevis | Baptisia leucantha |
| Hibiscus moscheutos | Carex bicknellii |
| Iris virginica | Coreopsis palmatum |
| Liatris pychnostachyea | Echinacea purpurea |
| Liatris spicata | Eryngium yuccafolium |
| Lilium michiganese | Liatris scariosa |
| Lobelia cardinalis | Parthenium integrifolium |
| Lobelia siphilitca | Penstemon digitalis |



Exhibit "E"
Page E-000440

| | |
|---|---|
| Mimulus ringens | Petalostemum purpureum |
| Physostegia virgnica | Rudbeckia hirta |
| Pycnanthemum virginicum | Schizachyrium scoparium |
| Rudbeckia submentosa | Sporobolus heterolepis |
| Solidago riddellii | |
| Trandescantia ohiensis | **Shrubs:** |
| Verbena hastate | Aronia melanocarpa |
| Veronia fasciculate | Rosa palustris |
| Veronicastrum virginicum | Spirea tomentosa |
| Zizia aurea | Sambucus |
| **Grasses/Sedges:** | Salix discolor |
| Carex hystericina | Salix nigra |
| Carex stipata | **Trees:** |
| Elymus virginicus | Platanus occidenalis (Sycamore) |
| Panicum virgatum | Betula nigra (River Birch) |
| Juncus effuses | Taxodium distichum (Bald Cypress) |
| Scripus various | Ilex verticillata (Winterberry) |

**SALT TOLERANT RAIN GARDEN PLANTS:**

| Common Name | Latin Name |
|---|---|
| Wild Blue Indigo | Baptisia australis |
| Sneezeweed | Helenium autumnalie |
| Swamp Rose Mallow | Hibiscus palustrus |
| Golden Alexanders | Zizia aurea |
| Swamp Aster | Aster puniceus |
| Blue Flag Iris | Iris virginica shrevei |
| Great Bulrush | Scripus validus |
| Northern Dropseed | Sporobolus heterolepsis |
| Butterfly Weed | Asclepias tuberose |
| Hairy Rose Mallow | Hibiscus lasiocarpis |
| Mist Flower | Eupatorium coelestinum |



Exhibit "E"
Page E-000441

**RAIN GARDENS FOR FLOWER DISPLAYS:**

| Common Name | Latin Name | | |
|---|---|---|---|
| Swamp Milkweed | *Asclepias incarnate* | Wet Areas | Summer/Fall Flowers |
| Butterfly Weed | *Asclepias tuberose* | Edges | Summer Flowers |
| Wild Blue Indigo | *Baptisia australis* | Edges | Spring Flowers |
| Spring Bulb | *Camassia* | Wet Areas | Spring Flowers |
| Palm Sedge | *Carex muskingurmensis* | Wet Areas | Green Background |
| Mist Flower | *Eupatorium coelestinum* | Edges | Fall Flowers |
| Sneezeweed | *Helenium autumnalie* | Edges | Summer /Fall Flowers |
| Hibicus varieties:<br>Fantasia<br>Kopper King<br>Old Yella<br>Peppermint Schnapps<br>Plumb Crazy<br>Disco Belle<br>Luna series | *Hairy Rose Mallow* | Wet Areas | Summer/Fall Flowers |
| Blue Flag Iris | *Iris virginica* | Wet Areas | Summer Flowers |
| Cardinal Flower | *Lobelia cardinalis* | Wet Areas | Summer/Fall Flowers |
| Swamp Rose | *Rosa palustris* | Wet Areas | Summer/Fall Flowers |
| Northern Dropseed | *Sporobolus heterolepsis* | Edges | Short Grass Clumps |
| Golden Alexanders | *Zizia aurea* | Edges/Wet | Spring Flowers |

**INVASIVE SPECIES TO BE AVOIDED:**

| | | |
|---|---|---|
| Tree of Heaven | *Ailanthus altissima* | Tree |
| Norway Maple | *Acer platanoides* | Tree |
| Garlic Mustard | *Alliaria petiolata* | Herb |
| Oriental Bittersweet | *Celastrus orbiculatus* | Vine |
| Autumn Olive | *Elaeagnus umbellate* | Small Tree |
| Burning Bush | *Euonymus alatus* | Shrub |
| Winter Creeper Euonymus | *Euonymus fortune* | Vine/Groundcover |
| English Ivy | *Hedera helix* | Vine/Groundcover |



Exhibit "E"
Page E-000442

| | | |
|---|---|---|
| **Rose of Sharon** | *Hibiscus syriacus* | Shrub/Small Tree |
| **Exotic Bush Honeysuckles** | *Lonicera maackii, L. morrowii; L tatarica* | Shrubs |
| **Silvergrass** | *Miscanthus sinensis* | Ornamental Grasses |
| **White Mulberry** | *Morus alba* | Tree |
| **Fountain Grass** | *Pennisetum sp.* | Ornamental Grasses |
| **Callery/Bradford Pear** | *Pyrus calleryana* | Tree |
| **Sawtooth Oak** | *Quercus acutissima* | Tree |
| **Black Locust** | *Robinia pseudoacacia* | Tree |
| **Japanese Spirea** | *Spirea japonica* | Shrub |
| **Siberian Elm** | *Ulmus pumila* | Tree |

## General Landscaping

### Approved Street Trees

A. **Planting within Parkways.** The trees that are approved for planting within parkways are set out in **Table B.1., Trees f**

Table B.1.
Trees for Parkway Planting

| Common Name | Latin Name | Mature Height |
|---|---|---|
| Chinquapin Oak | *Quercus muehlenbergii* | 80 feet |
| Burr Oak | *Quercus macrocarpa* | 80 feet |
| American Elm (resistant selections) | *Ulmus Americana* | 70 feet |
| Hackberry | *Celtis occidentalis* | 60 feet |
| Kentucky Coffee Tree | *Gymnocladus dioica* | 60 feet |
| American Linden | *Tilia Americana* | 60 feet |
| Shingle Oak | *Quercus imbarcaria* | 50 feet |
| Hills Oak | *Quercus ellipsoidallis* | 50 feet |
| Scarlet Oak | *Quercus coccinea* | 50 feet |
| Sugar Maple | *Acer Saccharum* | 50 feet |
| Swamp White Oak | *Quercus bicolor* | 50 feet |
| Ginkgo (male) | *Ginkgo biloba* | 50 feet |
| Honeylocust | *Gleditsia triacanthos* | 40 feet |
| Sour Gum | *Nyssa sylvatica* | 40 feet |
| Littleleaf linden | *Tilia cordata* | 40 feet |
| Ironwood | *Ostrya virginiana* | 30 feet |
| Blue Beech/American hornbeam | *Carpinus caroliniana* | 20 feet |
| Serviceberry | *Amelanchier sp.* | 20 feet |
| Tree lilac | *Syringa reticulate* | 20 feet |
| Nannyberry Viburnum | *Viburnum lentago* | 18 feet |

B. **Planting within Tree Grates.** The trees that are approved for planting within tree grates are set out in **Table B.2., Tree**



Exhibit "E"
Page E-000443

| Table B.2. Trees for Tree Grate Planting | | |
|---|---|---|
| Common Name | Latin Name | Mature Height |
| Chinquapin Oak | *Quercus muehlenbergii* | 80 feet |
| Hackberry | *Celtis occidentalis* | 60 feet |
| Kentucky Coffee Tree | *Gymnocladus dioica* | 60 feet |
| Shingle Oak | *Quercus imbarcaria* | 50 feet |
| Swamp White Oak | *Quercus bicolor* | 50 feet |
| Ginkgo (male) | *Ginkgo biloba* | 50 feet |
| Honeylocust | *Gleditsia triacanthos* | 40 feet |
| Sour Gum | *Nyssa sylvatica* | 40 feet |
| Ironwood | *Ostrya virginiana* | 30 feet |
| Blue Beech/American hornbeam | *Carpinus caroliniana* | 20 feet |

## Approved Landscaping Trees

The trees that are approved for general landscape planting are set out in **Table B.3., Trees for General Landscaping.**

| Table B.3. Trees for General Landscaping | | | | | |
|---|---|---|---|---|---|
| Common Name | Latin Name | Mature Height | Sun[1] | Soil[2] | Notes |
| Tulip Tree | *Liriodendron tulipeifera* | 90 feet | S / PS | PW / well drained | |
| Norway Spruce | *Picea abies* | 90 feet | FS | well drained | |
| Chinquapin Oak | *Quercus muehlenbergii* | 80 feet | FS / very tolerant | | |
| Burr Oak | *Quercus macrocarpa* | 80 feet | FS | tolerates poor soils | |
| Red Oak | *Quercus rubra* | 80 feet | S / PS | | |
| White Oak | *Quercus alba* | 80 feet | FS / PS | sand / clay | |
| Sycamore | *Platanus occidentalis* | 75 feet | FS | W | |
| Sweetgum | *Liquidambar styraciflua* | 75 feet | FS | PW | |
| Cottonwood (seedless varieties) | *Populus deltoids* | 70 feet | FS | W | |
| American Elm (resistant selections) | *Ulmus Americana* | 70 feet | FS | | |
| White Pine | *Pinus Strobus* | 70 feet | FS / PS | well drained | |
| Hackberry | *Celtis occidentalis* | 60 feet | FS | | elm substitute |
| Kentucky Coffee Tree | *Gymnocladus dioica* | 60 feet | FS | | |
| American Linden | *Tilia Americana* | 60 feet | FS / PS | PW | |
| American Beech | *Fagus grandifolia* | 60 feet | S | | |
| Eastern Hemlock | *Tsuga canadensis* | 60 feet | PS | well drained good soil | |
| Black Cherry | *Prunus serotina* | 60 feet | FS | | |
| Black Walnut | *Juglans nigra* | 60 feet | FS | PW | |



Exhibit "E"
Page E-000444

| | | | | | |
|---|---|---|---|---|---|
| Black Oak | *Quercus velutina* | 60 feet | FS | well drained / sand | |
| Bitternut Hickory | *Carya cordiformis* | 50 feet | FS / PS | | |
| Shagbark Hickory | *Carya ovata* | 50 feet | FS / PS | | |
| Catalpa | *Catalpa speciosa* | 50 feet | FS | | |
| Shingle Oak | *Quercus imbarcaria* | 50 feet | FS | tolerates poor soils | |
| Butternut | *Juglans cinerea* | 50 feet | FS / PS | PW / D | |
| Black Maple | *Acer nigra* | 50 feet | S / PS | W / PW | |
| Sugar Maple | *Acer Saccharum* | 50 feet | S / PS | well drained | |
| Swamp White Oak | *Quercus bicolor* | 50 feet | FS | variable soils | |
| Ginkgo (male) | *Ginkgo biloba* | 50 feet | FS | tolerates poor soils | |
| Hills Oak | *Quercus ellipsoidallis* | 50 feet | FS | sandy,clay soils | |
| Scarlet Oak | *Quercus coccinea* | 50 feet | FS | sandy,clay soils | |
| Jack pine | *Pinus banksiana* | 45 feet | FS | D / sandy soils | |
| Honeylocust | *Gleditsia triacanthos* | 40 feet | FS | D / tolerates poor soils | |
| Quaking Aspen | *Populus tremuloides* | 40 feet | FS | | multistem |
| Red Maple | *Acer rubrum* | 40 feet | FS | W | |
| Sour Gum/Black gum | *Nyssa sylvatica* | 40 feet | FS | good soil | |
| Littleleaf linden | *Tilia cordata* | 40 feet | FS / PS | PW | |
| Bald Cypress | *Taxodium distichum* | 40 feet | FS | W / PW | |
| River Birch | *Betula nigra* | 40 feet | S | W / low pH soil | |
| Yellow Birch | *Betula lutea* | 35 feet | S / PS | PW | |
| Ironwood | *Ostrya virginiana* | 30 feet | S / PS | | |
| Persimmon | *Dispyros virginiana* | 30 feet | FS / PS | | |
| Sassafrass | *Sassafrass albidum* | 30 feet | FS | | |
| Ohio Buckeye | *Aesculus glabra* | 30 feet | S | well drained | |
| Flowering Dogwood | *Cornus florida* | 25 feet | PS | D / well drained | |
| Blue Beech/American hornbeam | *Carpinus caroliniana* | 20 feet | S / PS | | |
| Hawthorn species | *Crataegus sp.* | 20 feet | FS | well drained | |
| Serviceberry | *Amelanchier sp.* | 20 feet | FS / PS | | |
| Paw Paw | *Asimina triloba* | 20 feet | S | | |
| Tree lilac | *Syringa reticulate* | 20 feet | FS | | |
| Speckled Alder | *Alnus rugosa* | 20 feet | FS | W | multi stem |
| Nannyberry Viburnum | *Viburnum lentago* | 18 feet | FS / PS | | |
| Redbud | *Cercis Canadensis* | 15 feet | FS / PS | well drained | |
| Fringe Tree | *Chionanthus virginicus* | 15 feet | FS | | |
| Pagoda Dogwood | *Cornus alternifolia* | 15 feet | S | PW | |
| Magnolia varieties | *Magnolias var.* | 15 feet | FS | good well drained soil | |
| Wafer Ash | *Ptelea trifoliate* | 15 feet | FS / PS | poor soils | |
| Common Witch Hazel | *Hamamelis Virginiana* | 15 feet | FS / PS | | |



Exhibit "E"
Page E-000445

[1] S = shade; PS = partial shade; FS = full sun

[2] W = wet areas; PW = partial wet; D = dry areas

## Dept. of Parks and Recreation Plant Lists

- **Invasive Species to Avoid**
- **Corridor Plants**
- **Suitable Trees for Streets with Parkways**
- **Suitable Trees for Use in Sidewalk Grates**




## Plan Commission, Board of Zoning Appeals and Administrative Fee Schedule

The following are the approved fees and costs for the Plan Commission, Board of Zoning Appeals and Adminstrative Requests:

| Plan Commission Petition Filing Fees | |
|---|---|
| **Petition filing fee** | |
| Rezoning | $150 |
| Subdivision Primary Plat | $150 plus $10 per lot |
| Subdivision Amendment | $100 plus $5 per lot |
| Planned Unit Development | $500 plus $10 per lot |
| Major PUD Amendment | $250 plus $5 per lot |
| Minor Subdivision | $150 |
| Subdivision Secondary Plat | $100 plus $5 per lot |
| Minor PUD Amendment | $150 |
| Annexation | $500 |
| Design/Architectural Approval - CBD or Overlay/Special District | $150 |
| Special Meeting Fee | $1500 |
| Text Amendment | $250 |
| Comprehensive Plan Amendment | $250 |

| Board of Zoning Appeals Petition Filing Fees | |
|---|---|
| **Petition filing fee** | |
| Use Variance | $200 |
| Single Family Developmental Standards Variance | $50 |
| Commercial/Other Developmental Standards Variance | $150 |
| Special Use | $200 |
| Relief to an Administrative Decision | $200 |
| Special Meeting Fee | $1000 |
| Conditional Use | $100 |
| Wireless Communications Facility Special Use, Variance, or Use Variance | $500 |
| Wireless Communications Facility - Radiofrequency Technical Study Fee | Actual Cost of Study |

| Administrative Fees |
|---|



Exhibit "E"
Page E-000447

| Application/Filing fee | |
|---|---|
| Site Review | $100 |
| Zoning Clearance | $100 |
| Zoning Compliance/Verification | $25 |
| Zoning Compliance/Verification - Major w/ Research - Upon Notification | $100/hr. |
| **Copying costs** | |
| Paper copy of Zoning Book | $75 |
| Paper copy of Comprehensive Plan | $75 |
| Electronic copy of Zoning Book | $2 |
| Electronic copy of Comprehensive Plan | $2 |
| Zoning Map or Atlas | $2 |

Code reference: 33.21(D), Code of Ordinances.

CITY OF VALPARAISO INDIANA
Unified Development Ordinance

## Growth Management Plan, Figures 9.0 and 9.5

Figure 9

Figure 9.5

## Disabled Parking Dimensions

A. **Generally.** The standards in this appendix are a summary from the Americans with Disabilities Act Accessibility Guidelines, as they existed in August 2008. If the ADAAG standards change, the changed standards shall supersede these standards.

B. **Disabled Parking Dimensions.**

1. Disabled parking spaces shall be 9 ft. x 20 ft., with an access aisle on one side (may be shared with another disabled space), as shown in **Figure .A., Disabled Parking,** with the following dimensions:
    a. Car space: 5 ft. x 20 ft.
    b. Van space: 8 ft. x 20 ft.
2. The access aisle adjacent to disabled spaces shall be:
    a. Clearly marked (the end of the aisle that is adjacent to the driving aisle may be a squared or curved shape);
    b. Level (1:50 maximum slope in all directions, no intrusion by ramps);
    c. The same length as the adjacent parking space(s) it serves; and
    d. Connected to an accessible route to the building served by the space.
3. An accessible route shall be provided from disabled spaces to the building, which:
    a. Shall always be provided from the accessible parking to the accessible entrance;
    b. Shall not be obstructed by curbs or stairs;
    c. Shall be at least three feet wide (if the accessible route is located in front of a parking space, as shown in the **Disabled Parking Illustration**, below, wheelstops shall be installed to keep vehicles from reducing the effective width of the accessible route to less than three feet);
    d. Shall have a firm, stable, slip-resistant surface;
    e. Shall have a slope of not greater than 1:12 in the direction of travel.
4. A vertical clearance of not less than 8 ft., 2 in. shall be provided and maintained above van-accessible disabled parking spaces and the vehicular routes that access them.
5. Disabled spaces shall be posted with a sign that includes the international symbol of accessibility, mounted high enough so it can be seen while a vehicle is parked in the space. Signs posted for van-accessible spaces shall also include the words "Van Accessible."
6. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible facility entrance (where buildings have multiple accessible entrances with adjacent parking, the accessible parking



Exhibit "E"
Page E-000449

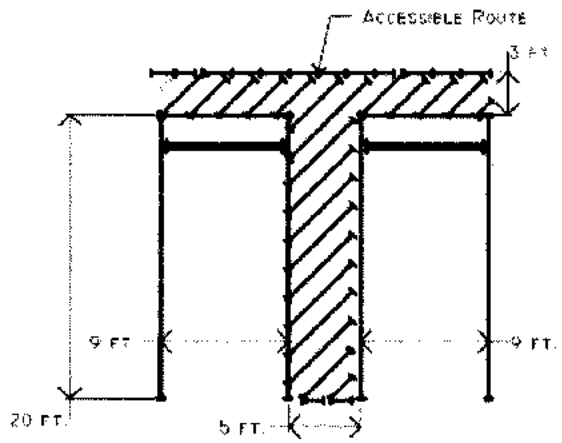
spaces must be dispersed and located closest to the accessible entrances), except that:

a. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience; and

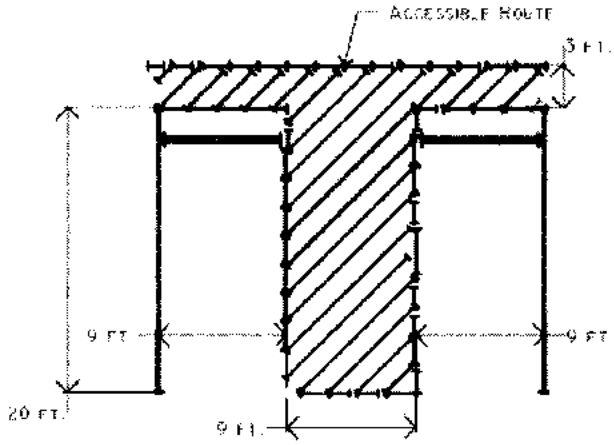
b. Van-accessible spaces located in parking structures may be clustered on one floor if necessary to accommodate the 8 ft., 2 in. minimum vertical clearance requirement.

**Disabled Parking Illustration**

Car Spaces



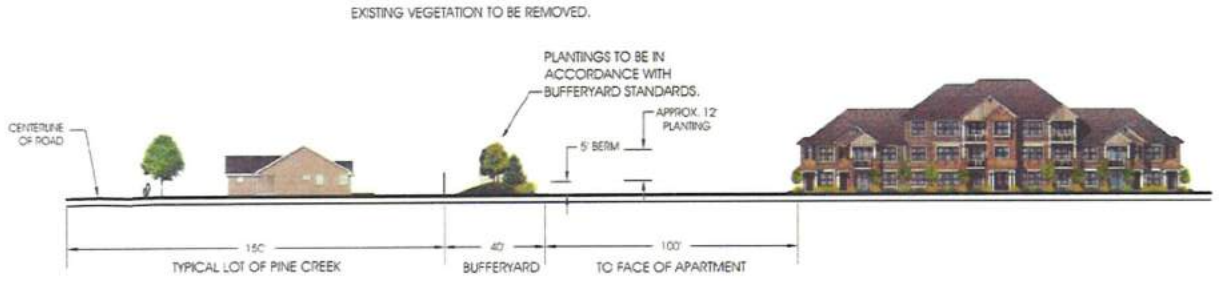

Van Spaces



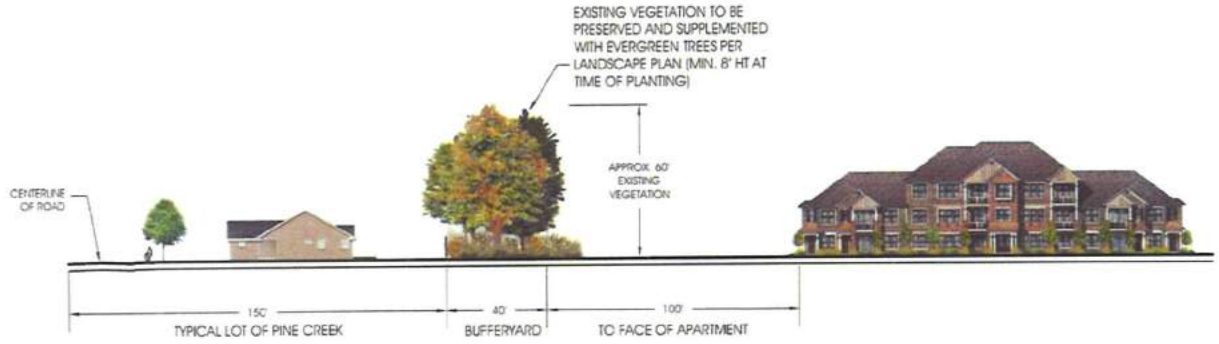

C. **Alternative Disabled Space Dimensions.** In the alternative to providing car and van accessible spaces, the applicant may provide all required disabled spaces with the following dimensions:

1. Width: 11 feet
2. Depth: 20 feet
3. Accessible Route Width: 5 feet

# Exhibit "F"
# Alternative Screening Plan




Original Screening Plan Detail
-1"=40'-




Alternate Screening Plan Detail
-1"=40'-

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