

ORDINANCE NO. 41-2005

AN ORDINANCE AMENDING ARTICLES IV AND VII OF THE ZONING
ORDINANCE FOR THE CITY OF VALPARAISO

WHEREAS, a petition was presented to amend the Zoning Ordinance Articles IV and VII; and

WHEREAS, the Plan Commission duly advertised and held a public hearing on the proposed hearing and;

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

WHEREAS, the Plan Commission voted to recommend the approval of proposed amendment changes by a 9-0 vote on July 12, 2005.

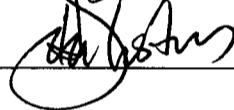
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

1. That Articles IV and VII of the Zoning Ordinance shall be amended as follows:

SEE ATTACHED – Exhibit A

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

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 6-0 vote of all members present and voting this 22nd day of August, 2005.

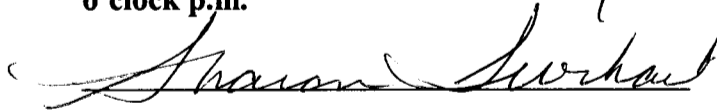


Jon Costas, Mayor

ATTEST:

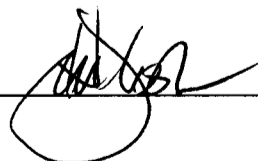

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 22nd day of Aug, 2005, at 9:45 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 22nd day of Aug, 2005, at 9:45 o'clock p.m.



Jon Costas, Mayor

Part II
Article IV

GENERAL PROVISIONS

Section 450 Accessory Buildings

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

1. Where the accessory building is structurally attached to a main building it shall be subject to and must conform to all the regulations of this Ordinance applicable to main buildings.
2. No detached accessory building or buildings shall occupy more than twenty-five (25) percent of the required rear yard plus forty (40) percent of an non-required rear yard area. No accessory building shall be located in the required front yard or exceed the ground floor area of the main building.
3. No detached accessory building shall have more than one (1) story nor exceed seventeen (17) feet in height, unless otherwise permitted as an accessory to business and manufacturing uses.
4. A detached accessory building in residential districts shall be located only in a rear yard except for carports or garages which may be located at the rear or side of row or townhouse dwellings and apartment buildings after review by the Commission and subsequent approval by the Board of Zoning Appeals on findings that adequate light and air is assured to the dwelling units. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot to the rear of such corner lot.
5. Detached accessory building or structure shall be located no closer to any other accessory or principal building than ten (10) feet.
6. Occupancy of temporary garages and accessory buildings is prohibited.
7. The required rear yard setback of all accessory structures shall be no less than three (3) feet from the property line.
8. The required side yard setback of all accessory structures shall be no less than three (3) feet from the property line.
9. All accessory structures within residential zoning districts shall be constructed with architecturally compatible design to the residential primary or principal structure on the lot.

Section 465 Swimming Pools

All swimming pools whether permanent or temporary, erected or developed in the city shall comply with all of the provisions for swimming pools in the Municipal Code and with the minimum side yard setback requirements of the zoning district. Access to residential pools shall be restricted by one (1) of the following means: (1) Walls or fencing not less than five (5) 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. (2) A power safety pool cover which shall: (A) provide a continuous connection between the cover and the deck, so as to prohibit 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;

In addition, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than six (6) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than six (6) feet between pool wall and any building on the lot. In ground, above ground, inflatable, and temporary pools shall not be located in a front yard or corner lot side yard.

For the purposes of this chapter, a pool shall be considered a basin capable of holding water for the purposes of swimming, bathing, or wading in excess of two feet in depth or height.

Section 470 Fences, Walls and Other Protective Barriers

1. APPROVAL BY BUILDING COMMISSIONER. The erection, construction or alteration of any fence, wall, or other type of protective barrier shall be approved by the Building Commissioner for conformance to the requirements of the zoning district in which they are located and for conformance to the requirements of this Section.
2. REQUIREMENTS FOR FENCES, WALLS, AND HEDGES. Fences, wall, or hedges, which are not specifically required under the regulations for the individual zoning district, shall conform to the following requirements:
 - a. No fence, wall, or hedge in excess of six (6) feet, or less than three (3) feet in height shall be erected or maintained along the line dividing two lots or parcels of land or erected within any required side or rear yard.
 - b. No fence, wall, or hedge shall be erected or maintained in the front yard more than four (4) feet in height or closer than six (6) inches to any public sidewalk.
 - c. All fences erected shall be of an ornamental type. barbed wire, spikes, nails, or other sharp point or instrument on top or sides of such fence are prohibited.
 - d. Barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings, industrial properties, or wherever, in the opinion of the Building Commissioner, such are necessary or expedient in the interest of public safety or protection of property.
3. OBSTRUCTION OF VIEW AT INTERSECTIONS. No fence, wall, or structure, or planting shall be erected, established, or maintained on any corner lot within twenty (20) feet of the intersection of the street lot lines, except that shade trees are permitted where all branches are not less than eight (8) feet above the road level.
4. DUMPSTERS AND SIMILAR FACILITIES. a) All dumpsters, compactors and equipment of a similar nature, areas for placement of trash receptacles shall be concealed on three sides with an opaque fence or wall of design and color similar to that of the principal or primary structure on the property that is at least one foot higher than the items concealed b) Such equipment and facilities shall not be permitted to be located in a front yard.

PART II
ARTICLE VII

OFF STREET PARKING AND LOADING REQUIREMENTS

Section 700 General Off-Street Parking Requirements

Off-street vehicular parking in conjunction with all land or building uses shall be provided, prior to the issuance of a Certificate of Occupancy as herein prescribed. In all zoning, off-street parking requirements for the storage and parking of motor vehicles for the use of occupants, employees, and patrons of any building erected, altered, or extended after the effective date of this Ordinance, shall be provided as prescribed in this Article.

1. CALCULATION OF REQUIRED PARKING SPACES

When units of measurements determining the number of required parking spaces results in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one (1) parking space.

2. LOADING SPACE

The loading space as required in Section 780 of this Article shall not be construed as supplying off-street parking space.

3. LOCATION OF PARKING

A. Non-Residential - Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured without crossing any major thoroughfare, from the nearest point of the build/rig to the nearest point of the off-street parking facilities and such off-street parking shall be provided either by an off-street parking lot or by a private garage. In the case that off-street parking is provided in a private garage, the maximum height of such garage shall be twenty (20) feet and may occupy the required side or rear open space, but shall not be closer than twenty (20) feet from a lot line in a residential district.

Residential - Residential off-street parking spaces shall consist of a parking strip, driveway, or combination thereof and shall be located on the premises they are intended to serve, not closer than three (3) feet from any street lot line. Garages and carports shall conform to the appropriate regulations of the zoning district in which they are located. Driveways leading to garages or carports (including those for multiple family and two family uses) shall be designed so as to provide a minimum of a 9' by 20' space for off-street parking, and to avoid the parking of vehicles across pedestrian sidewalks, walkways, or pathways, whether public or private.

Section 750 Off-Street Parking Lot Layout, Construction and Maintenance

Whenever an off-street parking lot is a requirement, it shall be laid out, constructed and maintained according to the following regulations:

1. Layout of Off-Street Parking.

A. Adequate ingress and egress to the parking lot by means of a clearly defined drive shall be provided for all vehicles.

B. All spaces shall be laid out in the dimensions of nine (9) by twenty (20) feet, or one

hundred eighty (180) square feet of space, exclusive of area required in other parts of this Section.

- C. All access drives and off-street parking facilities shall either be paved with concrete or with other approved surfacing material to adequately provide a durable and dust free surface.
2. **Plans for Layout:** Plans for the layout of the parking lot must be approved by the Building Commissioner. Plans for the layout of the parking lot shall show a total dimension across two (2) tiers of spaces and one (1) aisle (maneuvering lane) of at least the following for the various patterns:
 - A. 90 Degree Pattern - Sixty (60) feet for two (2) tiers of space including one (1) aisle (maneuvering lane), with the minimum aisle being twenty (20) feet in width.
 - B. 60 Degree Pattern - Fifty-five (55) feet for two (2) tiers of space including one (1) aisle (maneuvering lane), with the minimum aisle being fifteen (15) feet in width.
 - C. 45 Degree Pattern - Fifty (50) feet for two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twelve (12) feet in width.
 - D. 45 Degree Herringbone Pattern - Forty-three (43) feet for two (2) tiers of spaces and one (1) aisle (maneuvering lane), with the minimum aisle being twelve (12) feet in width.
 3. **Setback Requirements:**
 - A. Where the parking lot is contiguous to a residentially zoned district which has common frontage in the same block with the parking lot, there shall be established a setback line ten (10) feet from the front lot line.
 - B. Where a parking lot lies across the street and opposite a residentially zoned district wherein the lots front on such street, there shall be established a setback line ten (10) feet from the front lot line.
 - C. Where the parking lot lies across the street and opposite or contiguous to and in the same block with residentially zoned property which has only side lot lines on the street, there shall be established a setback line ten (10) feet from the front lot line.
 - D. Where the parking lot abuts rear property lines of a residentially zoned district, there shall be established a setback line of five (5) five feet from the rear property line.
 - E. The setback requirements contained in this Section may be modified by the Board of Zoning Appeals with respect to the number of feet required in any case in which it appears an undue hardship will arise from the strict enforcement of the distance requirements in this Section.
 4. **Buffer Strip Requirements:** The land between the setback line and the lot line of the parking lot will be maintained as a buffer strip and subject to the following requirements and the requirements of Article IV, Section 475:
 - A. There shall be bumper stops or wheel chocks of concrete or similar permanent material provided to prevent any vehicle from projecting over the buffer strip.
 - B. Wherever a screen planting is not practical or reasonable, a continuous non-pierced masonry wall of specified height and materials may be substituted for buffer strips if approved by the Commission with recommendation to, and approval of, the Board of Zoning Appeals.
 - C. Where the parking lot boundary adjoins property zoned for residential use and when an evergreen screen planting or other similar type of planting can be used to screen such parking

lot without hindering the use of the parking lot then such screen planting shall be required. In addition a suitable chain link wire fence not less than three nor more than six feet in height shall be provided adjacent to said boundary line, but shall not extend into the required front open space, and the same shall be erected within thirty (30) days of the completion of the parking lot surface.

The criteria that shall be used to determine whether such a screen planting will be required, shall be:

- 1.) That the adjacent property zoned for residential use consists of more than one residential lot and is shown in the Comprehensive Plan to be utilized for residential purposes.
 - 2.) That the screen planting will not eliminate any required parking spaces and will not create any potential visual or ingress or egress situations.
5. Drainage: All open off-street parking areas except for parking spaces accessory to a single-family dwelling shall be designed so as to permit such parking spaces to be used as temporary storm water detention areas.
6. Residential Driveway Design: Driveways leading to garages or carports (including those for multiple family and two family uses) shall be designed so as to provide a minimum of a 9' by 20' space for off-street parking, and to avoid the parking of vehicles across pedestrian sidewalks, walkways, or pathways, whether public or private.