

ORDINANCE NO. 37-2004

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

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

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

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

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

Article XXIII

C-4, Central Business District

Section 2300 Statement of Purpose

The Central Business District regulations as specified in this Article are adopted to preserve, protect, and enhance the downtown as the urban center, focal point, and image of the greater Valparaiso community. This will be accomplished by promoting appropriate retail, and complimentary commercial, residential, cultural, and recreational uses while recognizing and maintaining the downtown's unique character and historical setting. Because of the nature and culture of the existing and desired downtown, its planning and regulation demand special considerations. The scale and intensity of development, the locations and relationships between the land and building uses, and public safety and comfort are the primary focus. The goal is for the downtown area to be the inviting, vibrant, viable, and aesthetic heart of the Valparaiso community.

Decision making impacting the downtown shall be sensitive to:

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

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Section 2310 Permitted Uses

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

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

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

Section 2325 Permitted Uses as Special Exception

The following uses may be permitted by the Board of Zoning Appeals if the proposed use will constitute a desirable and stable development, which will be in harmony with development in adjacent areas and will not cause congestion on public streets and not be contrary to the spirit and purpose of this ordinance:

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1. Automatic Teller Machines (ATM)
 - A. Vehicular access to such structures shall only be in the rear of the primary structure on the lot or parcel of the subject ATM.
 - B. "Walk-up" structures may be attached to the exterior rear or sidewall of the building or placed in the interior of the primary structure.
 - C. Lanes for such use shall not cross pedestrian sidewalks.
2. Drive-thru structures

Vehicular access to such structures shall only be in the rear of the primary structure on the lot or parcel of the subject drive-thru structure and a minimum of 10 feet from the property lines.
3. Off-Street parking (open lot), public lot or accessory to a C-4 use, provided that at least four (4) feet from all street fronting property lines be landscaped and maintained by the property owner. Decorative fencing may be used provided that it complies with Section 470. There shall be a 10 ft. setback from the property line in the event that the subject lot or parcel is across an alley or street from a residentially zoned parcel.
4. Off-Street parking (parking garage), public garage or accessory to a C-4 use, provided that the first floor has retail/office space for at least the first 25 feet in depth along street frontages. Entrances and Exits should not be on Lincolnway, nor on the Courthouse Square.
5. Museums
6. Passenger transportation terminal
7. Massage Therapy (must be state licensed)
8. Liquor store (package)
9. Churches

Section 2350

Area, Height, and Placement Requirements

- A. Minimum/Maximum lot area: exempt
- B. Minimum/Maximum lot width: exempt
- C. Yard requirements:
 1. Maximum front yard: three (3) feet except around the Courthouse Square and Lincolnway between Michigan Street and Napoleon Street where structures shall be built to the front property line.
 2. Structures shall be built to side property lines except where the Board of Zoning Appeals has granted a variance to allow a proposed break in building continuity will be developed as a publicly accessible park or through-block pedestrian connection; where such a break in continuity is otherwise permitted and necessary as driveway access into

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a site; where the size and placement of the proposed building cannot be readily changed to occupy the full site frontage; or where phasing of development on a site will eventually result in a continuous building frontage.

3. Rear yard: exempt
- D. Maximum building height: Not more than four (4) stories and no higher than fifty (50) feet.
- E. Off street parking and loading: The C-4 district is specifically exempt from the off street parking requirements of Article VII of this Ordinance, except as they apply to residential uses. Off street loading requirements shall be complied with in accordance with the provisions of Sections 780 for all uses.

Section 2360 Design Standards

The design standards contained in Appendix A; Design Guidelines for Valparaiso, Indiana – February 27, 1996; of this Article apply to all new construction and rehabilitation of building facades. The design standards will protect the existing street wall from inappropriate modifications that could have a detrimental affect on the character of downtown and to Downtown's National Register listing from being jeopardized through inappropriate infill and/or renovations.

Section 2360 Design Standards Review

Site plans for projects within this zoning district are required to be approved by the Plan Commission for compliance with the Design standards set forth in Section 2360 and Appendix A. Variances from the Design Standards must be reviewed by the Plan Commission.

Section 2380 Protective Screening

Those sides of a lot or parcel in a C-4 district which abut or are across an alley from a lot or parcel in any residential district shall be provided with greenbelts or buffer strips in accordance with Section 475.

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

PASSED by the Common Council of the City of Valparaiso, Indiana on the _____ day of _____, 2004 by a _____ vote of _____ members present and voting.

Jon Costas, Mayor

ATTEST: _____
Sharon Emerson Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____ 2004, at the hour of _____ o'clock P.M.

Sharon Emerson Swihart, Clerk-Treasurer

This ordinance approved and signed by me this _____ day of _____ 2004, at the hour of _____ o'clock P.M .

Jon Costas, Mayor

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Proposed Amendments

Article XXIII

C-4, Central Business District

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12. Camera and photographic supply stores
13. Candy and ice cream stores
14. China and glassware stores
15. Clock sales and repair shops

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16. Clothing and apparel stores
17. Clubs and lodges, private, fraternal, or religious
18. Coin and philatelic stores
19. Computer sales and service
20. Consignment and resale shops
21. Cookware stores
22. Cosmetics sales
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24. Department stores
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41. Jewelers
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45. Loan offices
46. Locksmiths
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57. Picture framing
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 - A. Vehicular access to such structures shall only be in the rear of the primary structure on the lot or parcel of the subject ATM.
 - B. “Walk-up” structures may be attached to the exterior rear or sidewall of the building or placed in the interior of the primary structure.
 - C. Service lanes for such use shall not cross pedestrian sidewalks.
2. Drive-thru structures
Vehicular access to such structures shall only be in the rear of the primary structure on the lot or parcel of the subject drive-thru structure and a minimum of 10 feet from the property lines.
3. Off-Street parking (open lot), public lot or accessory to a C-4 use, provided that at least four (4) feet from all street fronting property lines be landscaped and maintained by the property owner. Decorative fencing may be used provided that it complies with Section 470. There shall be a 10 ft. setback from the property line in the event that the subject lot or parcel is across an alley or street from a residentially zoned parcel. Open lots shall not be located on the ½ block north or

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south of Lincolnway or the ½ block surrounding the Courthouse Square.

4. Off-Street parking (parking garage), public garage or accessory to a C-4 use. Such facilities shall not be located on the ½ block north and south of Lincolnway, nor on the ½ block surrounding the Courthouse Square.
5. Museums
6. Passenger transportation terminal
7. Massage Therapy (must be state licensed)
8. Liquor store (package)
9. Churches

Section 2330 Prohibited Uses

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

1. Sexually-oriented businesses

Section 2350 Area, Height, and Placement Requirements

- A. Minimum/Maximum lot area: exempt
- B. Minimum/Maximum lot width: exempt
- C. Yard requirements:
 1. Maximum front yard: three (3) feet except around the Courthouse Square and Lincolnway between Michigan Street and Napoleon Street where structures shall be built to the front property line.
 2. Structures shall be built to side property lines except where the Board of Zoning Appeals has granted a variance to allow a proposed break in building continuity will be developed as a publicly accessible park or through-block pedestrian connection; where such a break in continuity is otherwise permitted and necessary as driveway access into a site; where the size and placement of the proposed building cannot be readily changed to occupy the full site frontage; or where phasing of development on a site will eventually result in a continuous building frontage.
 3. Rear yard: exempt
- D. Maximum building height: Not more than four (4) stories and no higher than fifty (50) feet for buildings ½ block north or south of Lincolnway and ½ block surrounding the Courthouse square. Not more than seven (7) stories with a special exception in the remainder of the C-4 District
- E. Off street parking and loading: The C-4 district is specifically exempt from the off street parking requirements of Article VII

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of this Ordinance. Off street loading requirements shall be complied with in accordance with the provisions of Sections 780 for all uses.

Section 2360 Design Standards

The design standards contained in Appendix A; Design Guidelines for Valparaiso, Indiana – February 27, 1996; of this Article apply to all new construction and rehabilitation of building facades. The design standards will protect the existing street wall from inappropriate modifications that could have a detrimental affect on the character of downtown and to Downtown's National Register listing from being jeopardized through inappropriate infill, building additions or renovations.

In addition to this standard, backlit awnings or canopies shall be prohibited within the C-4 District.

Section 2360 Design Standards Review

Site plans and façade drawings/elevations for projects within this zoning district are required to be reviewed by the Downtown Design Review Board for compliance with the Design standards set forth in Section 2360 and Appendix A. Variances from the Design Standards must be reviewed by the Downtown Design Review Board.

Section 2380 Protective Screening

Those sides of a lot or parcel in a C-4 district which abut or are across an alley from a lot or parcel in any residential district shall be provided with greenbelts or buffer strips in accordance with Section 475.