

RESOLUTION NO. 13, 2005

**A RESOLUTION ESTABLISHING A LIMITED MORATORIUM
ON THE ISSUANCE OF BUILDING PERMITS IN THE EASTGATE AREA
CITY OF VALPARAISO, PORTER COUNTY, INDIANA**

WHEREAS, the City of Valparaiso Redevelopment Commission (“Redevelopment Commission”) has spent several years studying and formulating redevelopment plans for property towards the east side of Valparaiso on Lincolnway (“Eastgate Project”);

WHEREAS, the City of Valparaiso (“City”) in conjunction with the Redevelopment Commission has begun to institute portions of the Eastgate Project including, but not limited to, portions of Sturdy Road to the south of Lincolnway. In addition, work on LaPorte Avenue, as well as construction of the “roundabout” at the intersection of Lincolnway, LaPorte Avenue and Sturdy Road, are schedule to commence over the next few months;

WHEREAS, on or about June 1, 2005, the City entered into a Consulting Agreement with Bird Houk Collaborative for the purpose of studying and providing recommendations concerning a specific zoning overlay for the Eastgate area. Such proposed zoning overlay requirements would help implement and enhance the overall vision of Eastgate Project;

WHEREAS, it is anticipated that such overlay proposals will be submitted to the Valparaiso Plan Commission for its review and recommendation to the City Council prior to January 31, 2006;

WHEREAS, pursuant to Section 30.11 through 30.13 of the Valparaiso City Code, the Building Commissioner is authorized to issue Building Permits;

WHEREAS, it is the recommendation of the Executive Director of the Redevelopment Commission and the City Planner that a moratorium be placed on the issuance of Building Permits in the Eastgate area until January 31, 2006. The purpose of the moratorium on Building Permits is to maintain a status quo in this limited area of the City to allow appropriate study and recommendations for possible changes to the zoning code to compliment the extensive public works plan for the area;

WHEREAS, as a part of the adoption of this Ordinance, it is understood that there may be situations within the Eastgate area where the issuance of a Building Permit is necessary. Specifically, the Council is sensitive to the needs of property owners within the Eastgate area owning structures in need of minor maintenance or projects of a residential nature. As such, any affected property owner within the Eastgate area shall have the opportunity to petition the Valparaiso Board of Zoning Appeals (“BZA”) to the extent that a Building Permit is needed within the dates of the moratorium.

NOW THEREFORE, BE IT RESOLVED, by the common Council of the City of Valparaiso, Porter County, Indiana as follows:

1. Between the date of passage of this Ordinance and January 31, 2006, no Building Permits shall be issued for property that falls within the Eastgate area as such is defined in Exhibit “A” to this Ordinance. This moratorium shall not affect any proper requests for the issuance of any demolition permit (by way of Building Permit) within the Eastgate area.

2. Any property owner within the Eastgate area who desires a Building Permit within the term of the moratorium shall file a request consistent with Section 30 of the Building Code of Valparaiso. Such request shall be placed on the agenda of the BZA. For purposes of review, the matter shall be placed before the BZA as an administrative appeal consistent with Indiana Code Section 36-7-4-918.1.

3. It is the intent of this Ordinance to maintain the status quo within the Eastgate area until January 31, 2006 when it is anticipated that amendments to the Valparaiso Zoning Code will be in place. The Council recognizes the property rights of those affected by this limited moratorium; however, in balancing the needs of an orderly review of the Zoning Code and the proposal of recommendations to complement the Eastgate Project, the Council concludes that a moratorium limited in both geographic area, as well as duration, best serves all residents.

Passed by the Common Council of the City of Valparaiso, Indiana by a _____ vote of all members present and voting this _____ day of _____, 2005.

Jon Costas, Mayor

Attest:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2005, at _____ o'clock __.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2005, at _____ o'clock __.m.

Jon Costas, Mayor