

PASSED 9-11-06 BY A VOTE OF 7-0

ORDINANCE NO. 39-2006

AN ORDINANCE AMENDING ARTICLE XXXVI THE ZONING ORDINANCE FOR THE CITY OF VALPARAISO

WHEREAS, a petition was presented to amend the Zoning Ordinance Article XXXVI; 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 8-0 vote on August 8, 2006.

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

1. That Article XXXVI of the Zoning Ordinance shall be amended as follows:

Section 3650 Classification of Communications Facilities

For the purpose of applying differing degrees of regulation, each communications facility shall be in one of the following classifications:

- A. *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.
- B. *Minor Communications Facility.* A communications facility is a "minor communications facility" if it:
 - (1) is not an "attached communications facility;"
 - (2) is of monopole construction and extends no higher than 125 feet above the ground at its base at its highest point; and
 - (3) is not located within one-half mile from any "minor" or "major" communications facility which
 - (a) currently exists, or
 - (b) 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.
- C. *Major Communications Facility.* A communications facility is a "major communications facility" if it is neither an "attached" nor a "minor" facility.

Section 3660 Basic Regulation

The basic regulation and approval mechanism for communications facilities is as follows:

- A. *Attached Communications Facility.* Such facility, provided it complies with §3670, will be approved only if:
 - (1) it is located in any of the following zoning districts: OS, C-1, C-2, C-3, C-4, M-1, M-2, and
 - (2) in order to minimize visual impact, its placement and design is approved by the Site Review Committee for such facilities affixed to a pre-existing communications tower, buildings or water tower tanks. However, the Director has the discretion to require applicants for such facilities seek Plan Commission approval.
 - ~~a. the Plan Commission for such facilities affixed to buildings or water tower tanks; or~~
 - a. ~~the Site Review Committee for such facilities affixed to a pre-existing communications tower, or affixed to buildings or water tower tanks.~~

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

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7-0 vote of all members present and voting this 11TH day of **SEPTEMBER, 2006**

/S/ Jon Costas

Jon Costas, Mayor

ATTEST:

/s/ Sharon Swihart

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 11TH day of SEPTEMBER 2006, at 8:10 o'clock p.m.

/s/ Sharon Swihart

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 11th day of September, 2006, at 8:10 o'clock p.m.

/S/ Jon Costas

Jon Costas, Mayor