

Article 12

Overlay Districts

Section 12.01 Waterfront View Protection Overlay Zoning District

(a) **Intent.** The intent of the Waterfront View Protection Overlay Zoning District is to protect views of lakes. Among the specific purposes of the Waterfront View Protection Overlay Zoning District are:

- (1) Protect community character of waterfront areas by maintaining views of lakes from public roadways.
- (2) Protect property values in waterfront neighborhoods by protecting views of the waterfront.
- (3) Protect waterfront neighborhoods from overbuilding with excessively large buildings on small waterfront lots that are out of scale with the established character of the neighborhood.

(b) **Scope of Application.**

- (1) The Waterfront View Protection Overlay Zoning District shall apply as a mapped overlay zone.
- (2) The Waterfront View Protection Overlay Zoning District shall apply to all new buildings or any additions to existing buildings that would increase the width of the building measured parallel to the shoreline or nearest park lot line.

(c) **Underlying Zoning Districts.** The lot area and bulk requirements of the underlying zoning district shall be complied with, subject to the requirements of subsections (d) and (e) below. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the more restrictive requirement shall apply.

(d) **Building Side Yards.** For buildings subject to this overlay zoning district, the total of both side yards shall be at least 30% of the lot width where the structure is located.

(e) **Building Height Limits.**

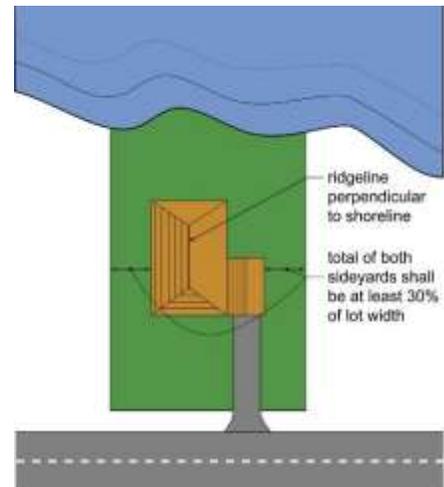
(1) Where the underlying zoning is R1A, R1B, R1C, R1D, R1E R2A, R2B or R3A residential, the maximum height of any principal building shall be 35 feet.

a. The height of a building shall be measured from the highest point of the roof to the highest level of the existing grade of the lot where it adjoins the building wall or structure. For this purpose, existing grade shall mean the natural, undisturbed grade, before it is altered by land clearing, berming, or preparation and before construction begins.

b. The only exception to building height shall be chimneys, which shall be no more than five (5) feet taller than the highest point of the roof.

c. All roofs shall have a minimum roof pitch of 4:12. The longest ridge line of the roof shall be roughly perpendicular to the shoreline; or for buildings at an angle, the ridge line most perpendicular to the shoreline (within 45 degrees of perpendicular).

(2) In all other underlying zoning districts not listed in (1) above, the height limits of the underlying zoning district shall apply.



- (f) **Waterfront setback.** The waterfront setback shall be measured from the shoreline at established normal water level.
- (g) **Uses Permitted.** The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed.

Section 12.02 NewPorte Landing South Overlay Zoning District (City of La Porte)

- (a) **Intent.** The intent of the NewPorte Landing South Overlay Zoning District is to create high-quality and compatible new development within NewPorte Landing. Among the specific purposes of the NewPorte Landing, South Overlay Zoning District are:
 - (1) Ensure that new development maintains the “traditional” scale and atmosphere that currently exists within the community.
 - (2) Ensure that the orientation and placement of buildings on their sites promotes visibility from the street, pedestrian friendly movement and the connectivity between different land uses.
 - (3) Encourage the use of appropriate building materials to create compatible new development and to effectively rehabilitate existing structures.
 - (4) Encourage signs that are simple, relatively small and complementary to the building architecture.
 - (5) Capitalize on the opportunity to reconnect the fabric of La Porte by extending the roadway grid system with well-designed streets and sidewalks that promote a walkable community and encourage pedestrian, and bicycle activity, while still accommodating automobiles, and parking.
 - (6) Capitalize on the waterfront location of NewPorte Landing and bring new meaning and identity to La Porte.
 - (7) Employ energy and water conservation measures, progressively manage stormwater, minimize construction waste and maximize the use of recycled materials.
 - (8) Ensure that site and building lighting promotes safety and security and serves to enhance the appearance of the property.
 - (9) Ensure that off-street parking lots are designed and located so that they are safe, attractive and efficient.
 - (10) Require commercial properties to be landscaped in a manner that screens parking, enhances building appearance and creates an attractive pedestrian environment.
- (b) **Scope of Application.**
 - (1) The area bound on the south side by the north right-of-way line of the Norfolk & Southern Railroad, on the west side by the eastern right-of-way line of Pine Lake Avenue, on the north side by the south right-of-way line of Truesdell Avenue and on the east side by the western right-of-way line of Hoelocker Drive, and as shown on the Overlay Map in Appendix 1 is designated as the NewPorte Landing South Zoning District.
 - (2) This NewPorte Landing South Zoning District is declared to be a district subject to "development requirements" meaning that any development (as defined as such in subsection d) of real property within this zone district will require a development plan as provided for in IC. 36-7-4-1400 et. seq., as it is now, and as it may be amended from time to time.
- (c) **Underlying Zoning Districts.** This NewPorte Landing South Zone District shall overlay the underlying zoning district and the provisions of this sub-section as well as the provisions of the

Zoning Ordinance that apply to and govern the underlying zoning district will all apply to and govern this overlay zone district. Where a conflict exists between the requirements of this overlay district and the underlying zoning district, the more restrictive requirement shall apply. Where the design standards set forth in Appendix 2 are silent, the requirements and procedures for the underlying zoning district shall apply.

- (d) **Exterior Design Standards.** No person, firm, corporation or any other organization or entity, collectively referred to herein as a developer, shall develop any real property, or any building or other improvements on any real property within this NewPorte Landing South Zoning District unless the development complies with the exterior design standards set forth in Appendix 2.

The terms develop, development and developing when used in this Ordinance shall mean, and shall include, the erecting, constructing, enlarging, altering, repairing, moving, improving, removing, rehabilitating, revitalization, painting or repainting or demolishing the exterior of any building; or anything else that affects or changes the exterior or color of any building, or the creation, altering, removing, redesigning or substantial reconfiguration of any parking lot, park area, landscaping or exterior pedestrian facilities.

- (e) **Compliance.** Before any developer undertakes any development, as defined in subsection (d) above, within the NewPorte Landing South Zoning District, they shall submit a development plan prepared according to Appendix 2 to the Director of the Department of Engineering of the City of La Porte.

(f) **Design Advisory Group.**

- (1) A design advisory group is hereby created to assist the director of engineering in his or her review of the development plan. The design advisory group includes the following members:
 - a. The city planner;
 - b. A member of the plan commission;
 - c. A member of the redevelopment commission;
 - d. A member of the tree commission; and
 - e. A member of the common council.
- (2) The Chairpersons of the Plan Commission, the Redevelopment Commission, and the Tree Commission shall, respectively, on or about January 1st of each year, appoint a member of the commission over which he or she presides, to serve on this Committee. The Common Council will appoint its member by a majority vote of those present and voting at the first regular meeting of each year. These four appointees shall serve through December 31st of the year in which they are appointed.
- (3) When a development plan is submitted to the Director of the Department of Engineering, he or she shall immediately notify the members of the Design Review Committee that a plan has been submitted. The members of the Design Review Committee shall have a period of five (5) days to review the development plan and to submit their verbal or written comments to the director of the Department of Engineering. The Director of the Department of Engineering shall respond to the concerns or questions raised by the Design Review Committee in his or her written decision regarding the development plan.
- (4) The Director of the Department of Engineering shall either review and approve, modify and approve, or disapprove the Development Plan; PROVIDED, HOWEVER, that such review and approval, modification and approval, or disapproval shall be based solely on a determination that the development plan substantially complies with the design standards and requirements of Appendix 2.

- (5) The decision of the Director of the Department of Engineering approving, modifying and approving, or disapproving the development plan shall be in writing, with specific findings in support of the modification and approval, or disapproval of the development plan.
- (6) The Director of the Department of Engineering shall not be required to hold public hearings before approving, modifying and approving, or disapproving the development plan.
- (7) If the Director of the Department of Engineering fails to make a decision on the development plan within thirty (30) days after it is filed with him or her, the development plan will be deemed to have approved.
- (8) In the administration of this Ordinance, the Director of the Department of Engineering shall be considered a member of the Plan Commission staff as the term is used in IC 36-7-4-1404 as it now exists or as it may be amended.
- (9) Any decision of the Director of the Department of Engineering either approving, modifying and approving, or disapproving and development plan may be appealed to the Plan Commission by the developer, any adjoining property owner, or any other person or persons directly affected by this decision.
- (10) The appeal provided for in subsection (9) above shall be in the form of a written petition, setting forth the reasons for the appeal, and be filed with the Secretary of the Plan Commission within thirty (30) days after the Director of Engineering has made his or her decision in the manner provided for above in this Section.
- (11) The Plan Commission shall review the decision of the Director of the Department of Engineering approving, or modifying and approving, or disapproving the development plan, which is the subject of the appeal at a public hearing after notice has been given, as set forth below in subsection (12).
- (12) Notice of the public hearing provided for in this Section shall be given at least ten (10) days before the hearing by:
 - a) Publication in the La Porte Herald-Argus; and
 - b) By service of notice in person, or by certified mail, on adjoining property owners.
- (13) The Plan Commission, after the public hearing, shall determine whether the development plan complies with the design standards set out in Appendix 2.
- (14) After making the determination required by subsection (13), the Plan Commission may do any of the following as to the decision of the Director of Engineering that was appealed:
 - a) Approve the decision.
 - b) Reverse the decision and remand the matter back to the Director of Engineering with directions as to what further action the Director should take.
 - c) Modify, and then approve, the decision as modified.
 - d) Take any of the action provided for in IC 36-7-4-1405 (b) as it now exists or as it may be amended from time to time.
- (15) The decision of the Plan Commission supported by written findings shall be in writing and following the public hearing shall be signed by the President or Vice President of the Plan Commission and attested to by the Secretary.
- (16) The decision of the Plan Commission made on an appeal under subsection (14), is a final decision that may be appealed as provided for in IC 36-7-4-1016, as that section now exists or as it may be amended from time to time.

Section 12.03 Economic Development Corridor Overlay Zoning District (City of La Porte)

- (a) **Intent.** The intent of the Economic Development Corridor Overlay Zoning District is to reduce congestion in the city of La Porte while creating and enhancing access to economic development sites. Among the specific purposes of the Economic Development Corridor Overlay Zoning District are:

- (1) Improving vehicular and pedestrian safety.
- (2) Enhancing access to city of La Porte industrial development.
- (3) Facilitating access to new sites for industrial development.

(b) Scope of Application.

- (1) The Economic Development Overlay Zoning District shall be a mapped overlay district that shall be applied through rezoning following development of the proposed inner loop corridor, or portions of the corridor as it is developed. The Economic Development Overlay Zoning District shall apply to all lots and parcels fronting on the proposed inner loop corridor once developed.
- (2) The Economic Development Overlay Zoning District shall apply to all new buildings or any additions to existing buildings that would increase the footprint of the building with frontage on the corridor.

(c) Underlying Zoning Districts. The dimensional requirements of the underlying zoning district shall be complied with, subject to the requirements of subsection (f) below. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the more restrictive requirement shall apply.

(d) Uses Permitted.

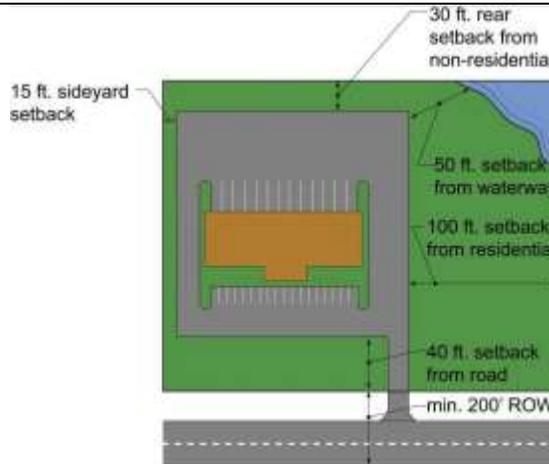
- (1) Warehousing/logistics operations.
- (2) Enclosed manufacturing.
- (3) Packaging.
- (4) Grain elevator and storage.
- (5) Canning or processing of agricultural products.
- (6) Research and development laboratories and offices.
- (7) Medical laboratories without a clinic.
- (8) Wholesale sales (no outdoor display).
- (9) Professional and technical offices.
- (10) Cartage, express, and parcel delivery establishments.

(e) Special Exception Uses.

- (1) Restaurant.
- (2) Gas station with or without convenience store.
- (3) Hotel with or without conference center.
- (4) Truck stop or truck service station.
- (5) Truck washes.
- (6) Training centers.

(f) Dimensional Requirements. The minimum right-of-way for the proposed inner loop corridor is 200 feet, unless otherwise noted in the Thoroughfare Plan. All buildings, parking, loading and storage areas shall be setback in compliance with the following dimensional requirements from the planned 200-foot right-of-way. The required setback areas shall be maintained as green space and landscaped, in accordance with the requirements of subsection (g) below.

Setback Area	Minimum Setback
Front yard setback from any public roadway	40 feet
Side yard setback	15 feet
Rear yard setback	30 feet
Setback from rail road right-of-way	0 feet
Setback from residential zoned or used property	100 feet
Setback from stream, lake or river	50 feet



(g) **Landscaping.** The following landscaping shall be required:

Yard setback landscaping requirements	Minimum berm requirement	Minimum plant material requirement for every 40 linear feet along property line
Along any public road frontage	3 foot high berm	1 canopy tree, 2 evergreen trees and 6 shrubs
Adjacent residentially zoned or used property	6 foot high berm	2 canopy trees, 6 evergreen trees and 8 shrubs
Side or rear setback that is not adjacent to residentially zoned or used property	4 foot high berm	1 canopy tree, 2 evergreen trees and 4 shrubs

(h) **Exterior Design Standards.** Building shall comply with the following exterior design standards in addition to the requirements of section 17.01:

- (1) **Facades.** Facades along the inner loop frontage shall add architectural interest and variety and avoid the effect of a single wall or long or massive walls with no relation to human scale. Walls that face a street shall not have a blank, uninterrupted length exceeding 50 feet without including, but not be limited to, at least two of the following:
 - a. Change in plane,
 - b. Change in texture or masonry pattern,
 - c. Windows, trellis with vines, or
 - d. An equivalent element.

(2) **Screening of Loading Areas.** Truck loading areas, docks, garage doors and service areas shall be screened to minimize their visibility from streets and adjacent residential uses and districts.

(i) **Signs.** All signs shall be in accordance with the requirements of article 19, except that pole signs and other freestanding signs shall be limited to a height of 20 feet.

(j) **Transportation related requirements.**

- (1) **Coordinated Access.** The intent shall be to have a single coordinated shared access point every 435 feet to the inner loop road. All lots shall be accessed via shared driveways, frontage roads, service drives or driveways to side streets, rather than individual driveways directly from the inner loop road.
- (2) **Driveway Access.** All driveways shall comply with the spacing requirements of section 18.04 for major thoroughfares, except that all non-residential driveways to the inner loop road shall be spaced a minimum of 435 feet.
- (3) **Shared Driveways, Frontage Roads and Service Drives.** All uses, except residential and agricultural, shall be required to install service roads to allow connection to adjacent lots along the proposed inner loop corridor. Service roads shall generally be parallel or perpendicular to the proposed inner loop corridor. Service roads that are parallel to the proposed inner loop corridor may be in the rear or front yard, depending on the location of parking, building setback and appropriate locations for connections to adjacent lots. All service drives shall be designed in accordance with the requirements of section 18.04.
- (4) **Traffic Impact Study.** A traffic impact study shall be required as part of the site plan submission for any development within the overlay zoning district meeting the warrants for a traffic impact study, as provided in the "Applicant's Guide to Traffic Impact Studies," published by the Indiana Department of Transportation. The preparation and review of the traffic impact study shall also follow this guide.

(k) **Standards for Special Exception Use.** In determining the approval of a special exception use, the board of zoning appeals shall consider the following:

- (1) The location of the site relative to interchanges, intersections, or other transportation access.
- (2) The location of the site relative to existing uses to minimize leap-frog development and serve existing development.
- (3) The availability of public water and sewer facilities.

Section 12.04 Maps

A map showing the location of the Waterfront View District, the NewPorte Landing South District, and the area zoned PUD is located in Section 32 .

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