

Article 12

Overlay Districts

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.