

# Article 17

## Site Development Provisions

### Section 17.01 Building Design Requirements

- (a) **Purpose.** The purpose of this section is to establish exterior building wall material standards to support the goals of the Land Development Plan, retain property values, protect the investment of adjacent landowners and enhance the visual environment of the community. Through the consistent administration and enforcement of exterior building wall design standards, the community's sense of place can be enhanced by encouraging consistent quality buildings.
- (b) **Applicability**
- (1) This section shall apply to all new multiple family residential, office, commercial, industrial and institutional buildings. Agricultural, single-family detached and two-family residential structures and their associated accessory buildings shall be exempt from this section.
  - (2) Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings.
  - (3) Architecture shall be reviewed by the enforcement official as a part of site plan review under the requirements of this section.
- (c) **Exterior Building Design**
- (1) Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall contain architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
  - (2) For commercial uses, windows and doors shall make up at least 30% or more of the front façade exterior wall area facing a street.
  - (3) Building walls and roofs over 20 feet in length shall be broken up with divisions or breaks in materials, varying building lines, windows, multiple entrances, entry treatments, variations in roof lines, gables, porticoes and/or architectural accents such as pilasters, columns, dormers, and awnings.
  - (4) In multi-story buildings, the ground floor shall be distinguished from the floors above through an intermediate cornice line, a difference in building materials or detailing, an awning, trellis or arcade, special window lintels, or brick corbels or quoins.
  - (5) A portion of the on-site landscaping shall be located along all blank walls so that the vegetation, combined with the architectural features, significantly reduces the visual impact of the building mass as viewed from the street.
  - (6) Overhead doors shall not face a public street. The enforcement official may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping.
- (d) **Building Materials**
- (1) Durable building materials which provide an attractive, quality appearance must be utilized. The predominant building materials should be quality materials that are characteristic of Indiana.

- (2) The predominant building materials on any façade facing a street shall be as follows:
  - a. For multiple family residential buildings, a minimum of 50% of any façade facing a street shall be constructed of earth-toned brick, siding (wood, vinyl, or fiber cement), stone, stucco or glass as the predominant building material.
  - b. For commercial, office, institutional and industrial buildings a minimum of 50% of any façade facing a street shall be constructed of brick, brick tilt-up panels, siding (wood, vinyl or fiber cement), stone (natural, cultured or cast stone), textured concrete masonry units (such as split face block), stucco or glass as the predominant building material.
- (3) Other materials such as smooth-faced concrete block, undecorated tilt-up concrete or EIFS panels, or pre-fabricated steel panels shall only be used as accents or trim and cover less than 50% of the front façade. Other synthetic materials such as gypsum reinforced fiber concrete or molded polyurethane may also be used for trim.
- (4) All building materials shall be durable, weather-resistant, rustproof, and shall be maintained by the property owner or tenant at all times.
- (5) The Board of Zoning Appeals may allow other building materials when a particular building design and the materials or combinations of materials proposed to be used are found by the Board of Zoning Appeals to be in keeping with the intent and purpose of this Section and compatible with the character of surrounding uses.

(e) **Roof Design**

- (1) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
- (2) Architectural methods shall be used to conceal flat roof tops and mechanical equipment.

- (f) **Customer Entrances.** Clearly defined, highly visible customer entrances shall be incorporated into the design. Features such as canopies, porticos, arcades, arches, wing walls or integral planters shall be used to identify entrances. New buildings shall have at least one (1) principal building entrance oriented parallel to and facing the front lot line.

- (g) **CBD1 Design Standards.** In addition to the requirements of this section above, non-residential buildings or mixed-use buildings (residential above commercial) in the CBD1 district shall be required to comply with the following:

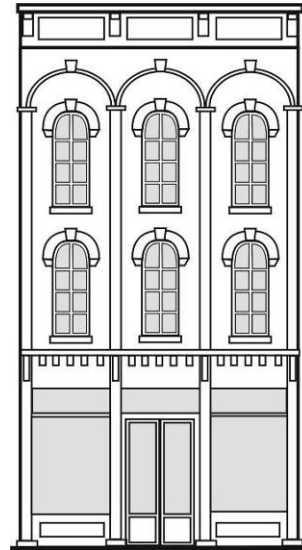
- (1) **Purpose.** The following building design standards ensure that new construction in the CBD1 district reflect a high level of building quality that will endure over time and will incorporate timeless design details. The requirements also ensure that all new construction is consistent because the character of the CBD is not reflected in just one structure, but in all the buildings combined. The regulations herein are intended to ensure proper building form, relationship to the street and compatibility with other buildings. The regulations are not intended to dictate a particular style of architecture. All new buildings or modifications to existing buildings in the CBD1 district shall comply with the requirements of this section. For structures located within an historic district, these requirements apply in addition to the requirements of the city of La Porte or Michigan City historical preservation ordinances.
- (2) **Building Placement.** Buildings should strengthen the continuity of the streetscape at a pedestrian scale and help reinforce the sense of enclosure along the street by following the established building line along the block. Off-street parking lots shall be located to the side or rear of the building.

(3) **Storefronts.**

- a. **Main Entrance.** All buildings shall have a main entrance that is located on at least one (1) streetfront. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street. The front entranceway may be inserted from the front building wall; provided the entire storefront is not recessed.
- b. **Secondary Entrance.** Secondary entrances are permitted to access areas to the rear of the building, such as parking. Awnings, signage, lighting, building materials and colors for entrances shall be coordinated with the overall design of the building.

(4) **Windows.**

- a. **Storefront/Ground Floor.** No less than 70% of the storefront/ground floor façade shall be clear glass panels and doorway. Required window areas shall be windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows may not be covered or blocked with the back of shelving units. The bottom of the window must be no more than four (4) feet above the adjacent exterior grade.
- b. **Upper story.** Openings above the first story shall be vertical in proportion and a maximum of 50% of the total façade area. The number, shape, size, and spacing of the windows shall be compatible with the established rhythm of adjoining or nearby buildings in the downtown.



Flat roof with traditional cornice proportionate to building and parapet wall tall enough to screen rooftop equipment.

Upper story windows comprise less than 50% of façade and are vertical in proportion.

Design separation between 1st and 2nd stories with cornice or other feature.

Windows and doors comprise a minimum of 70% of the first story facing the street.

(5) **Awnings.** Awnings in CBD1 may project over the public sidewalk; provided they shall:

- a. Provide a minimum eight (8) foot clearance from the sidewalk.
- b. Be constructed of a durable, weather-proof material such as canvas or steel.
- c. Are not internally lit.
- d. Conform with article 19, with respect to signage.

(6) **Materials.** Exterior materials shall have characteristics of high quality and permanence such as brick or stone. The following exterior finish materials are required on the front façade and any façade facing a street or parking area. Calculation of the following wall material requirements shall not include the portion of the façade devoted to windows and doors.

- a. All walls exposed to public view from the street or parking area shall be constructed of not less than 75% brick or stone.
- b. A maximum of 25% of the façade may include trim material such as wood or similar siding, metal and exterior finish insulation systems (EFIS). EFIS may only be used for architectural detailing above the first floor.
- c. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a cornice above the storefront, change in material or textures, or an awning or canopy between the first and second stories.

- (7) **Roofs.** Roofs shall be required to meet the following:
- a. Buildings with a flat roof shall have a decorative cornice at the top of the front facade that is designed proportionate to the size of the building and length of the wall. Flat roofs shall be enclosed by parapets.
  - b. Buildings with a pitched or mansard roof shall be permitted.
  - c. All rooftop mounted equipment shall be screened from view on all sides of the building. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.
- (8) **Service Areas.** Loading, unloading, waste receptacle and other service areas shall be located in the rear or side of the building that will receive the least visibility to the public street and shall be screened from public view in accordance with sections 17.03 and 17.05.
- (9) **Parking Lots.** Where a parking lot is located within 20 feet of a front lot line, a brick wall or wrought iron fence shall be provided between the parking lot and the street right-of-way in accordance with section 17.02(d)(2)b.
- (10) **Converted Dwellings.** Where buildings that were originally constructed for residential purposes have been converted to other uses, the building design requirements of this subsection may be modified where consistent with the historic character of the building. Such modifications may include allowing the use of siding in lieu of masonry materials and residential fenestration (windows) in lieu of the requirement for storefront windows on the first floor.
- (11) **Existing Buildings.** Renovations or expansions proposed to existing buildings that do not comply with the design standards of this section may be allowed; provided the exterior changes to the building bring the building closer to compliance or do not reduce compliance with the requirements of this section. Additions to existing buildings shall not change the original architectural character of the building or destroy important architectural features.
- (h) City Of La Porte Downtown Design Standards
- (1) The area in La Porte now located in the District zoned as Central Business District 1 (CBD I) and more particularly shown in the City of La Porte Zoning Map in Section 33 is hereby designated as the Downtown Development Zoning District.
  - (2) This Downtown Development Zone District shall overlay the Central Business District 1 (CBD1) and the provisions of this Section as well as the provisions of the Zoning Ordinance that apply to and govern the Central Business District Zone 1 district will all apply to and govern this overlay zone district.
  - (3) This Downtown Development Zoning District is hereby declared to be a district subject to "development requirements "meaning that any development (as defined in Sub-section 5) of real property within this zone district will require a development plan as provided for in I.C. 36-7-4-1400 et seq, as it is now, and as it may be amended from time to time.
  - (4) 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 Downtown Development Zoning District unless the development complies with the exterior design standards set forth in Appendix 3.
  - (5) 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 .

- (6) The design standards which any developer must comply with in any development within this Downtown Development Zoning District are set forth in Appendix 3.
- (7) Before any developer undertakes any development, as defined in Sub-section 5, within the Downtown Development Zoning District, he, she or it shall submit a development plan, to the Director of the Department of Engineering of the City of La Porte.
- (8) A Design Review Committee consisting of the City Planner, and four other persons described as follows:
  - a. A member of the Plan Commission;
  - b. A member of the Redevelopment Commission;
  - c. A member of the Tree Commission;
  - d. A member of the Common Council;

is hereby created to assist the Director of the Department of Engineering in his or her review of the development plan.

- (9) The Chairpersons of the Plan Commission, the Redevelopment Commission, and the Historic Preservation Commission shall, respectively, on or about January 1<sup>st</sup> 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 31<sup>st</sup> of the year in which they are appointed.
- (10) 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 fifteen (15) 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.
- (11) The Director of the Department of Engineering shall either review and approve, or modify and approve, or disapprove the Development Plan; PROVIDED, HOWEVER, that such review and approval, or modification and approval, or disapproval shall be based solely on a determination that the development plan does or does not comply with the design standards and requirements of Appendix 3.
- (12) 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.
- (13) 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.

- (14) 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.
- (15) 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 I.C. 36-7-4-1404 as it now exists or as it may be amended.
- (16) 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.
- (17) The appeal provided for in Sub-section 16 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 the manner provided for above in this Section.
- (18) 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 Sub-section 19.
- (19) 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
  - a. By service of notice by certified mail to adjoining property owners.
- (20) The Plan Commission, after the public hearing, shall determine whether the development plan complies with the design standards set out in Appendix 3.
- (21) After making the determination required by Sub-section 20, 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 I.C. 36-7-4-1405 (b) as it now exists or as it may be amended from time to time.
- (22) 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.

(23) The decision of the Plan Commission made on an appeal under this Section 17.04 (h), is a final decision that may be appealed as provided for in I.C. 36-7-4-1016, as that section now exists or as it may be amended from time to time.

(i) **Michigan City Design Review.** All new buildings or renovations to existing buildings located in Michigan City shall be subject to the review of the design review committee and recommendation to the enforcement official based upon the requirements of this article.

- (1) The city planning director;
- (2) A member of the plan commission;
- (3) The enforcement official;
- (4) The city engineer; and
- (5) The city building official.

(j) **Modifications.** The Board of Zoning Appeals may approve modifications to the building design standards of this section in order to achieve the objectives of this subsection through the use of creativity and flexibility in development and design. A front elevation drawing of the proposed building shall be provided to evaluate the proposed building design based upon all of the following criteria:

- (1) Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the district and the proposed building fits within the context of adjacent buildings along the block.
- (2) The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian oriented environment.
- (3) The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
- (4) The exterior finish materials shall be of equal or better quality and durability as those permitted above, with the intent to allow for new technologies in building material while maintaining the desired character of the district.
- (5) Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape.
- (6) For a structure located within an historic district, the building will meet the applicable requirements of the historical preservation ordinance of the respective city.

(l) **Historic Preservation.** The erection, construction, enlargement, alteration, repair, demolition, color change, moving or maintenance of any building, structure or appurtenance within a locally designated historic district (single site) in city of La Porte shall be subject to the following:

- a. A certificate of appropriateness must be issued by the Historic Preservation Commission before a permit is issued or work is begun on any structure within a locally designated historic district.
- b. Where an historic structure contains an original architectural feature that does not comply with the design standards of this section, restoration and preservation of the building's historic form shall take precedence over any conflicting regulation of this section.

**Section 17.02 Landscaping Requirements**

- (a) **Purpose.** This section is intended to establish minimum standards for the design, installation and maintenance of landscaping, greenbelts and buffer zones. These features are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the community; preserve natural features; improve property values; and alleviate or reduce stormwater runoff, noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter and other impacts of more intense uses. Landscaped areas can also serve to capture runoff and promote infiltration of stormwater.
- (b) **Required Greenbelt along Street Frontage**
- (1) New residential subdivisions shall provide a frontage greenbelt as required by the subdivision ordinance.
  - (2) All multiple family residential developments shall provide a 20-foot wide greenbelt along major thoroughfare frontages that form the exterior boundary of the development. The greenbelt shall be landscaped with a minimum of one (1) deciduous tree, one (1) evergreen tree, one (1) ornamental tree, and six (6) shrubs for every 40 linear feet of frontage. In cities where multiple family residential buildings face onto a major thoroughfare with pedestrian entrances that connect to the sidewalk on the street and all parking, and garages are on the rear side of the building, one (1) deciduous tree shall be provided for every 40 linear feet of frontage, planted within the front yard area along the street.
  - (3) All industrial uses shall provide a greenbelt along the front yard with a minimum of two (2) deciduous or evergreen trees and six (6) shrubs for every 40 linear feet of frontage.
  - (4) Commercial, office, institutional or recreational sites shall be required to provide a minimum of one (1) deciduous tree for every 40 feet of street frontage. The required trees shall be planted within the front yard area, or where there is no front yard, planted as street trees along the frontage.
  - (5) Manufactured home parks shall provide a 25-foot wide greenbelt along all public road frontages. The greenbelt shall be landscaped with a minimum of one (1) deciduous tree, one (1) evergreen tree, one (1) ornamental tree, and six (6) shrubs for every 40 linear feet of frontage.



- (c) **Required Buffer Zones.** The following buffer zones shall be required where a proposed use shares a common lot line with an adjacent use. The type of buffer zone required is indicated in table 17.02(c)(1) and the required landscaping/screening is described in table 17.02(c)(2).

**Table 17.02.(c)(1)  
Buffer Zone Type**

Proposed Use:	District that Proposed Use is Adjacent to:		
	A1, A2, R1A, R1B, R1C, R1D, R1E	R2A, R2B, R3A, R3B or R4	B1, B2, B3, O1, CBD1, CBD2 or MD
One/two-family residential	None	None	None
Multi-family residential	C	None	None
Manufactured home park	C	None	None
Institutional and recreation	B	B	None
Office	B	B	None
Commercial	B	B	None
Industrial	A	A	B
Planned Unit Development	Determined during PUD plan approval using above as a guide		

**Table 17.02.(c)(2)  
Buffer Zone Landscaping/Screening Requirements**

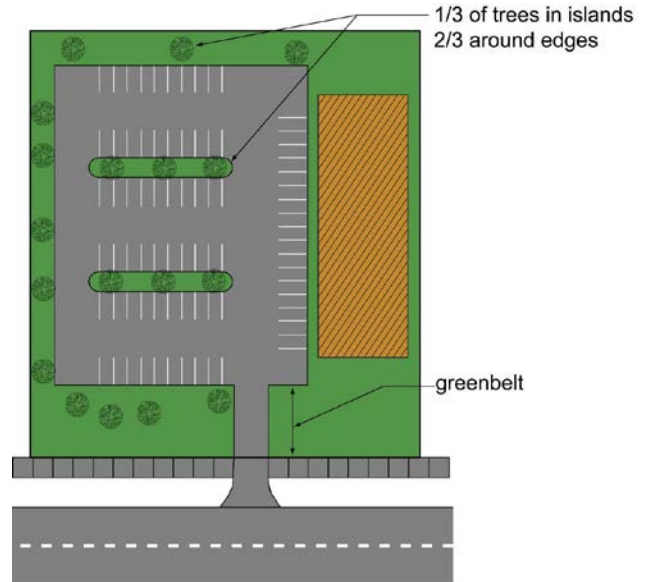
Requirements for Buffer Zones Located in the Unincorporated areas of the County Outside of the cities of La Porte and Michigan City			
Buffer Type	Min. Depth	Wall or Berm	Minimum Plant Materials per each 40 linear feet along the property line
A	50 feet	4 foot tall berm or 8 foot tall wall	1 canopy tree, 3 evergreen trees and 4 shrubs
B	20 feet	3 foot tall berm or 6 foot tall wall	1 canopy tree, 2 evergreen trees and 4 shrubs
C	10 feet	None	2 canopy or evergreen trees and 4 shrubs
Requirements for Buffer Zones Located in the cities of La Porte or Michigan City			
Buffer Type	Min. Depth	Wall or Berm	Minimum Plant Materials per each 40 linear feet along the property line
A	50 feet	8 foot tall wall or 4 foot tall berm	1 canopy tree and 3 evergreen trees
B	10 feet	6 foot tall wall	2 canopy or evergreen trees
C	10 feet	None	2 canopy or evergreen trees

- (1) The enforcement official may waive or modify buffer zone requirements between adjacent compatible uses where the district allows a lesser or zero side yard setback or a reduction in parking lot setbacks where shared access and circulation are provided between uses.
- (2) Uses in the CBD1 and CBD2 districts shall not be required to provide a buffer zone, but shall be required to meet screening wall requirements outlined in section 17.03.
- (3) The above buffer zone landscaping requirements shall be in addition to any parking lot landscaping requirements outlined in (d) below or screening wall requirements outlined in section 17.03.

**(d) Parking Lot Landscaping**

(1) Off-street parking areas containing 15 or more parking spaces shall provide landscaping at the rate of one (1) canopy tree and 100 square feet of landscaped area per 15 parking spaces.

- a. A minimum of one-third (1/3) of the trees shall be placed on the interior of the parking area and the remaining may be placed surrounding the parking lot.
- b. The landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot and are designed to capture stormwater runoff.
- c. Parking lots that are located in the rear yard behind the building shall be exempt from these landscaping requirements, except for landscaping features required for capture of stormwater runoff.



(2) Where there is an off-street parking lot located in a front yard or a side yard visible from the street, the following greenbelt shall be provided:

- a. For the unincorporated areas of the county outside of cities, a 20-foot wide greenbelt shall be provided between the parking lot and the road right-of-way. The greenbelt in front of the parking lot shall be landscaped with a hedge row planted with two (2) foot tall evergreen shrubs spaced two and a half (2½) feet apart, or a three (3) foot tall berm, in addition to the trees required above.
- b. For parking lots located within cities, a five (5)-foot deep greenbelt shall be provided between the parking lot and the road right-of-way. The greenbelt in front of the parking lot shall be landscaped with a hedge row planted with two (2) foot tall evergreen shrubs spaced two and a half (2½) feet apart. As an alternative to the five (5)-foot greenbelt and hedge row, a three (3) foot tall brick wall may be provided between the parking lot and the road right-of-way. In the CBD1 district a three (3) foot tall brick wall or wrought iron fence shall be provided between the parking lot and the street right-of-way and a (5)-foot deep greenbelt is not required.

(3) Where an off-street parking lot is located adjacent a lower intensity use or district, it shall be setback a sufficient distance to provide the applicable buffer zone required in subsection (c) above.

(e) **Residential Street Trees.** For all new detached single family dwellings, including all new residential subdivisions and new homes being constructed on existing lots, one (1) deciduous canopy tree shall be provided for each dwelling unit. The tree shall be planted within the front yard setback outside of any corner clearance area required by 15.06.

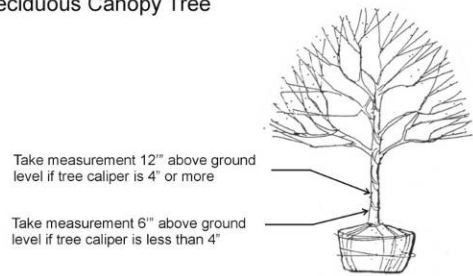
**(f) Plant Material Size**

(1) Deciduous canopy trees shall not be less than two and a half (2½) inches in caliper. Examples of deciduous canopy trees include Oak, Maple, Birch, Beech, Linden and Hickory trees.

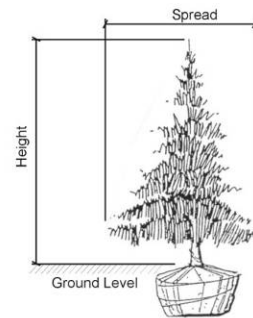
- (2) Deciduous ornamental trees shall not be less than one and a half (1½) inches in caliper. Examples of deciduous ornamental trees include Dogwood, Hawthorn, Flowering Crabapple, Flowering Plum, and Flowering Pear trees.
- (3) Evergreen trees shall not be less than six (6) feet in height. Examples of deciduous evergreen trees include Fir, Hemlock, Spruce and Pine trees.
- (4) Narrow evergreen trees shall not be less than four (4) feet in height. Examples of narrow evergreen trees include Arborvitae and Junipers.
- (5) Shrubs shall not be less than thirty (30) inches in height. Examples of shrubs include Boxwood, Dogwood shrubs, Forsythia, Holly, Sumac, Lilac, Viburnum, Juniper and Yews.
- (6) Spreading shrubs shall not be less than thirty (30) inches in spread. Examples of spreading shrubs include Cotoneaster, Cypress and Juniper.

**Plant Material Measurements**

Deciduous Canopy Tree



Tree or Shrub Height



**(g) Installation and Maintenance Provisions**

- (1) All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months.
- (2) Landscaped areas shall be covered by grasses, such as Bluegrass, Fescue, Ryegrass or native tallgrass, Xeriscape plant material, living ground cover or mulch.
- (3) Trees required on the site plan must be maintained to remain in compliance with the site plan. Unhealthy vegetation must be replaced. Required landscaping shall not be removed unless approved as a site plan amendment.
- (4) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

**(h) Waiver from Landscaping and Screening Requirements.** The enforcement official may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The enforcement official may also determine dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such determination is made, the enforcement official may waive, in whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:

- (1) Existing natural vegetation
- (2) Topography
- (3) Existing and proposed building placement
- (4) Building heights
- (5) Adjacent land uses
- (6) Distance between land uses
- (7) Dimensional conditions unique to the parcel

- (8) Traffic sight distances

**Section 17.03 Screening Walls**

- (a) **Requirement.** Screening walls shall be required where any parking lot, loading area or outside storage area is adjacent to a residential zoning district or existing residential use.
- (b) **Specifications.** Where required, screening walls shall meet the following requirements:
  - (1) Wall height shall be a minimum of six (6) feet tall and a maximum of eight (8) feet tall, measured from the average grade along the property line. Within the front yard, walls shall be a maximum of three and a half (3½) feet tall except where a taller wall is approved by the enforcement official for the purposes of screening outdoor storage. In the industrial districts, a greater height may be allowed by the enforcement official to screen large equipment, vehicles, outdoor storage or activities that could otherwise impact adjacent uses.
  - (2) Walls shall be constructed of brick or other ornamental masonry material compatible with the principal structure. Building materials must be reviewed and approved by the enforcement official during site plan review. The enforcement official may approve the use of a privacy fence where it is determined to be more compatible with adjacent residential uses.
  - (3) Walls must be constructed on the lot line; however, this location may be modified by the enforcement official due to special circumstances, such as conflicts with underground utilities and better screening provided at alternative locations.
  - (4) Walls shall be continuous except for openings for pedestrian connections.
  - (5) A berm of equal or greater height may be substituted for the screening wall requirement.

**Section 17.04 Lighting Regulations**

- (a) **Applicability.** The regulations of this section shall apply to all uses, except residential and agricultural uses. Where any change is made to a site requiring an improvement location permit or existing light fixtures are replaced, site lighting shall be upgraded to comply with the regulations of subsection (c) below.
- (b) **Lighting Intensity.** Outdoor lighting for all non-residential uses shall be fully shielded to reduce glare and shall be arranged to reflect light away from all adjacent residential districts or uses. Light levels on a site that is subject to an improvement location permit under this ordinance shall comply with the limits specified in Table 17.04.

**Table 17.04  
Required Site Illumination**

	Maximum illumination (footcandles)	Minimum illumination in Cities (footcandles)(4)(5)
Parking lots, loading areas, sidewalks, crosswalks, stairs and building entrances	10 fc (1)	3 fc (6)
Under canopies such as gas stations, drive-thru banks and porte-cocheres	20 fc	3 fc
Along front lot line adjacent to the street frontage	3 fc (2)	0.5 fc
Along a property line adjoining a non-residential use or district	3 fc (3)	0.5 fc
Along a property line adjoining a residential use or district	0.1 fc	0 fc

- (1) For automobile dealerships and other types of outdoor sales areas, the maximum illumination may be increased to 15 footcandles, provided the limits at the property line are not exceeded.
- (2) Shall not apply to ornamental street lighting, public street lights or driveway/intersection lighting necessary for pedestrian and traffic safety.
- (3) The light level along a non-residential property line may be increased to up to five (5) footcandles where there is shared access/vehicular connections with the adjacent use or the adjacent use is a similar use (e.g. commercial adjacent to commercial).
- (4) Lighting levels may be reduced to half (0.5) footcandle with a uniformity ratio of not more than ten to one (10:1) after 12:00 PM, or after established hours of operation.
- (5) The required minimum illumination shall only be required for sites located within the incorporated areas of the cities of La Porte and Michigan City and shall only apply to the developed portion of the site containing buildings, drives and parking lots.
- (6) The minimum illumination levels shall not apply to portions of the site that are fenced to restrict public access, such as storage yards.

(c) **Light Fixtures.**

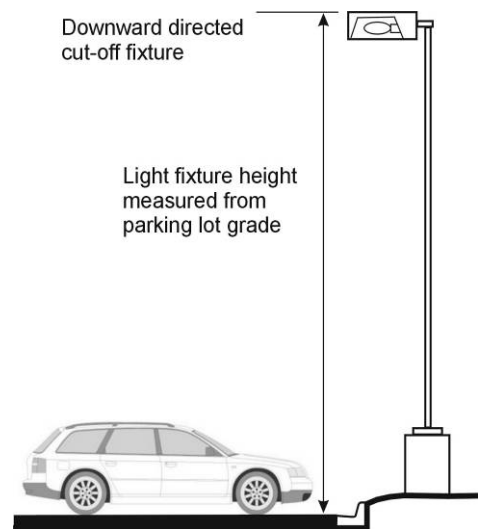
- (1) All fixtures shall be metal halide, light-emitting diode (LED) or better quality light.
- (2) Outdoor lighting in all zoning districts shall be directed toward and confined to the ground areas of lawns or parking lots except as noted elsewhere in this section.
- (3) Lighting shall utilize cutoff fixtures that are recessed sufficiently such that the light source is not visible from off site.
- (4) The requirement for cutoff fixtures shall not apply to historic or traditional style ornamental lights and street lighting.
- (5) Floodlight type fixtures shall not be permitted except for building accent and sign lighting.

(d) **Fixture Height.** Light fixtures shall have a maximum height of 40 feet where not adjacent to residential. Where located within 300 feet of a residential district, the maximum height of a light fixture shall not exceed 18 feet.

(e) **Signs.** Illumination of signs shall be directed or shielded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property. Signage lighting shall be subject to the lighting intensity limits specified in Table 17.04.

(f) **Constant Light.** Illumination shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Sign illumination shall only be allowed as provided for in article 19.

(g) **Luminous Tube (Neon) and Exposed Bulb Lighting.** Luminous tube (neon) and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings (e.g. along the roofline and eaves, around windows, etc.). Internally illuminated architectural bands or features shall be allowed where the light source is not directly visible. Neon lighting is permitted as part of a sign meeting the requirements of article 19.



- (h) **Photometric Plan.** Any site plan application for new or revised lighting shall include a photometric plan overlaid on the site plan illustrating the proposed layout and footcandles of site lighting. The following are required for review:
- (1) Lighting plan showing light pole and fixture locations and type designations;
  - (2) Photometric plan showing horizontal luminance levels in a point by point format with contour lines. Canopy lighting will also be included in luminance levels;
  - (3) Lighting manufacturers equipment specifications and data sheets; and
  - (4) Any other presentations required to convey the intent of the design.

### Section 17.05 Waste Receptacles

- (a) **Applicability.** The regulations of this section shall apply to all uses except residential uses with curb-side trash collection service. The enforcement official may modify the requirements of this section for a use that has alternative means of waste disposal and will have no outdoor storage of waste receptacles.
- (b) **Location**
- (1) Waste receptacles including dumpsters with enclosures, shall be located in the rear yard or non-required side yard, unless otherwise approved by the enforcement official.
  - (2) For non-residential uses adjoining a residential district, the waste receptacle enclosure shall be as far as practical, and in no case less than 20 feet, from any adjacent residential district.
  - (3) Waste receptacles shall be easily accessed by refuse vehicles without potentially damaging automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site.
  - (4) The waste receptacle must be oriented to not directly face a street or driveway, unless approved by the enforcement official.
- (c) **Enclosure Materials and Screening Required**
- (1) All waste receptacles, including dumpsters and compactors, must be enclosed on three (3) sides with a six (6) foot high masonry enclosure constructed of the primary building materials of the principal building on the site.
  - (2) The enclosure shall also include a gate, made of wood or other high quality material, as determined by the enforcement official, on the fourth side. If the waste receptacle is a dumpster, it must have an enclosing lid or cover.
  - (3) All waste receptacles, associated enclosures and receptacle contents must be screened from public view.
  - (4) Supplemental landscaping to screen the waste receptacle enclosure shall be provided.
- (d) **General**
- (1) The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete pavement.
  - (2) The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
  - (3) Posts, bollards or bumpers shall also be provided to protect the enclosure from damage.

- (4) The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste.

### Section 17.06 Mechanical Equipment

- (a) **Applicability.** Any mechanical equipment or utilities and similar equipment associated with a commercial use, including water and gas meters, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar equipment, shall comply with the requirements of this section.
- (b) **Roof-Mounted Equipment Screening.** All roof-mounted equipment shall be screened by a solid wall or architectural feature that is compatible in appearance with the principal building; or the equipment shall be setback away from the edge of the building a distance sufficient to ensure that it is not visible from the public road or adjacent property. This requirement shall not apply to industrial buildings in an industrial district.
- (c) **Ground-Mounted Equipment.** All ground-mounted equipment shall be screened by a solid wall, fence or landscaping. Landscaping must create a continuous screen with the starting size of the plant material equal to or greater than the height of the equipment at the time of planting.

### Section 17.07 Overlay Districts

The overlay districts contained in article 12 contain design standards that apply in addition to the requirements of this article. The overlay districts may also include additional design guidelines that have been adopted for the specific areas.