

DOWNTOWN DEVELOPMENT STANDARDS

ORDINANCE NO. 1-2007

AN ORDINANCE TO AMEND THE ZONING ORDINANCE
OF THE CITY OF LA PORTE, BY ADDING
NEW ARTICLE IX CONTAINING SECTIONS 82-801
THROUGH 82-807 TO CHAPTER 82 OF THE
MUNICIPAL CODE OF THE CITY OF LA PORTE

WHEREAS, the Plan Commission of the City of La Porte initiated a proposal to add a new Article IX containing Sections 82-801 through 82-807 to Chapter 82 of the Municipal Code of the City of La Porte, Indiana, and then determined that it would recommend the addition of this new ARTICLE IX to Chapter 82; and,

WHEREAS, the City Plan Commission has prepared a form of Ordinance providing for this amendment; and,

WHEREAS, the City Plan Commission of the City of La Porte has held a properly advertised public hearing as required by I.C. 36-7-4-604; and,

WHEREAS, the City Plan Commission certified its recommendation to the Common Council that Chapter 82 should be amended by adding a new Article IX containing Sections 82-801 through 82-807 as set forth below; and,

WHEREAS, the City Plan Commission has determined that a portion of the area south of the Norfolk & Southern Railroad right-of-way, north of Harrison Street, west of Tipton Street and east of Tyler Street, that is within the downtown area of the City should be designated as an overlaid zoning district named the Downtown Development Zoning District, subject to a "development requirement," as provided for in I.C. 36-7-4-1400 et seq, as it now exists or as it may be amended from time to time, in order to enhance and improve this area as an attractive and inviting place to work, shop, and live, and to protect the investment of time, energy, money and other resources made, and to be made, by the City of La Porte, merchants, business people and developers within this area; and,

WHEREAS, the City Plan Commission has also determined that the passage of this Ordinance will provide a means to attain these goals by the imposition of exterior design standards providing for the orderly, consistent and attractive development, maintenance and revitalization of the Downtown Development Zoning District, by providing uniformity in the appearance of the exterior of buildings, structures and other developments within the Downtown Development Zoning District, to make this area even more attractive and vibrant, by compliance with the exterior design standards that are imposed by this Ordinance; and,

WHEREAS, the Common Council of the City of La Porte has reviewed, and now approved and ratified the determinations of the City Plan Commission as set forth in the above two paragraphs; and,

WHEREAS, the Common Council, after considering the recommendation of the City Plan Commission, has determined that the Municipal Code of the City of La Porte should be amended by the adoption of this Ordinance, in the form as prepared by the City Plan Commission, and as certified by it to the Common Council, by a resolution dated the 12th day of December, 2006; and,

NOW, THEREFORE,

Section 1. BE IT, AND IT IS, HEREBY ORDAINED, that Chapter 82 of the Municipal Code of the City of La Porte be amended by adding a new Article IX containing Sections 82-801 through 82-807, which shall read as follows:

ARTICLE IX - CREATION OF THE DOWNTOWN DEVELOPMENT ZONING DISTRICT AND PROVIDING FOR EXTERIOR DESIGN STANDARDS WITHIN THIS DISTRICT:

Section 82-801.

a) The area in La Porte, bounded as follows:

Commencing at the Southwest corner of the intersection of State Street and Tipton Street; thence Southeasterly along the Western edge of Tipton Street to the midpoint of the block between Lincolnway and Jefferson Avenue; thence Southwesterly along the center of the next two blocks to the Easterly side of Linwood Street; thence Southeasterly along the West side of Linwood Street to the Northwest corner of Linwood Street and Jefferson Avenue; thence Southwesterly along the North side of Jefferson Avenue to the Northwest corner of the intersection of Monroe Street and Jefferson Avenue; thence Southeasterly along the Westerly side of Monroe Street to the center of the block between Maple Avenue and Harrison Street; thence Southwesterly along the center of the next two blocks to the Westerly side of Indiana Avenue; thence Southeasterly along the Westerly side of Indiana Avenue to the Northwest corner of Indiana Avenue and Maple Avenue; thence Southwesterly along the Northerly line of Maple Avenue to the Northeast corner of Madison Street and Maple Avenue; thence Northwesterly along the Easterly line of Madison Street to the Northeast corner of Madison Street and Jefferson Avenue; thence Southwesterly along the Northerly side of Jefferson Avenue to the Northeast corner of Jefferson Avenue and Tyler Street; thence Northwesterly along the Easterly side of Tyler Street to the South right-of-way line of the Norfolk & Southern Railroad; thence Northwesterly along the Southerly side of the railroad right-of-way to the Southwest corner of the railroad right-of-way and Linwood Street, if extended Northwesterly to the railroad right-of-way; thence South-

easterly along the Westerly line of Linwood Street to the Southwest corner of Linwood Street and State Street; thence Northeasterly along the South line of State Street to the Southwest corner of State Street and Tipton Street, the place of beginning,

and more particularly shown in the map in Appendix 1 attached hereto, and incorporated herein by reference, is hereby designated as the Downtown Development Zoning District.

b) This Downtown Development Zoning District shall overlay the General Business, General Industrial, Light Industrial and R-2 use districts within this zoning district and the provisions of this Ordinance, as well as the provisions of the Zoning Ordinance that apply to and govern General Business, General Industrial, Light Industrial and R-2 use districts will all apply to and govern this zoning district.

c) This Downtown Development Zoning District is hereby declared to be a district subject to "development requirements" meaning that any development (as defined in Section 82-803) of real property within this zoning 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.

Section 82-802. 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 below.

Section 82-803. 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.

Section 82-804. The design standards which any developer must comply with in any development within this Downtown Development Zoning District are set forth in Appendix 2 which follows this Ordinance, and which is incorporated herein by reference.

Section 82-805. The development plan that each developer must present for any development within this Downtown Development Zoning District shall comply with the following provisions:

1. The Development Plan must include the following development requirements:

a) Demonstrate compatibility with the exterior of the surrounding developments and with the exterior design standards set out in Section 82-804 above.

b) Provide for compliance with building set-back and side yard requirements.

c) Provide for compliance with building coverage limits, vehicle and pedestrian circulation.

d) Provide for off-street parking.

e) Provide landscaping.

f) Information as to the height, scale and style of improvements.

g) Describe the type of exterior building material to be used.

h) Information as to signage and outdoor lighting.

i) Show compliance with any other requirements set out in the design standards.

2. The Plan documentation and supporting information to be supplied with the plan shall be sufficient to show that the development plan complies with Sections 82-805(1), Section 82-802 and Section 82-804.

3. The plan documentation and supporting information should also show the location and characteristics of existing and proposed structures and landscaping.

Section 82-806.

1. Before any developer undertakes any development, as described in Section 82-803, within the Downtown Development Zoning District, he, she or it shall submit a development plan, prepared according to Section 82-805, to the Director of the Department of Engineering of the City of La Porte.

2. CREATION OF A DESIGN REVIEW COMMITTEE:

(A) 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 Historic Preservation 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.

(B) The Chairpersons of the Plan Commission, the Redevelopment Commission, and the Historic Preservation 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.

(C) 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.

3. 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 set out in Section 82-804, and with the requirements of Section 82-805.

4. 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.

5. 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.

6. 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 been approved.

7. 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.

Section 82-807.

1. Any decision of the Director of the Department of Engineering either approving, modifying and approving, or disapproving any 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.

2. The appeal provided for in Paragraph 1 above shall be in the form of a written petition, setting forth the reasons for the appeal, 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 Paragraph 4 of Section 82-806.

3. 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 (3).

4. 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.

5. The Plan Commission, after the public hearing, shall determine whether the development plan complies with the design standards set out in Section 82-804 and with development requirements set out in Section 82-805.

6. After making the determination required by sub-section (4) of this Section 82-807, the Plan Commission may do any of the following as to the decision of the Director of Engineering appealed from:

- 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 actions provided for in I.C. 36-7-4-1405(b).

7. 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.

8. The decision of the Plan Commission made on an appeal under this Section 82-807, 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.

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication, as required by law.

ADOPTED by the Common Council of the City of La Porte, Indiana, this 8th day of January, 2007.

Leigh E. Morris
 Leigh E. Morris, Mayor and Presiding Officer

ATTEST:

Teresa L. Ludlow
 Teresa L. Ludlow, Clerk/Treasurer

Presented by me to the Mayor this 8th day of January, 2007.

Teresa L. Ludlow
 Teresa L. Ludlow, Clerk/Treasurer

APPROVED by me this 8th day of January, 2007.

Leigh E. Morris
 Leigh E. Morris, Mayor, City of La Porte