

**LAPORTE COUNTY, INDIANA
LAPORTE COUNTY COMMISSIONERS**

ORDINANCE NO. 2012-07

**AN ORDINANCE FOR THE ADDITION/ADOPTION TO THE
JOINT ZONING ORDINANCE OF LAPORTE COUNTY AND
ZONING MAPS TO INCLUDE THE KINGSBURY INDUSTRIAL
PARK OVERLAY DISTRICT**

WHEREAS, the Plan Commission of the County of LaPorte has initiated a proposal to adopt an addition/adoption to the Joint Zoning Ordinance of LaPorte County and Zoning Maps to include the Kingsbury Industrial Park Overlay District as provided by Indiana Code § 36-7-4-602(a)(1); and,

WHEREAS, LaPorte County has adopted a Joint Zoning Ordinance of LaPorte County, that is consistent with Indiana Code § 36-7-4-601 as required by Indiana Code § 36-7-4-602(a)(2); and,

WHEREAS, LaPorte County has adopted Zoning Maps that are consistent with Indiana Code § 36-7-4-601 as required by Indiana Code § 36-7-4-602(a)(2); and,

WHEREAS, the LaPorte County Plan Commission of the County of LaPorte has held a properly advertised public hearing as required by Indiana Code § 36-7-4-604; and,

WHEREAS, the LaPorte County Plan Commission certified its recommendation to the Commissioners of LaPorte County that an addition/amendment to the Joint Zoning Ordinance of LaPorte County and Zoning Maps should be adopted to include the Kingsbury Industrial Park Overlay District, pursuant to Indiana Code § 36-7-4-605(a)(1); and,

WHEREAS, the LaPorte County Commissioners, before the passage of this Ordinance, have complied with the provision of Indiana Code § 36-7-4-606 and Indiana Code § 36-7-4-608; and,

WHEREAS, the LaPorte County Commissioners, after the recommendations of the LaPorte County Plan Commission, have determined that the addition/amendment to the Joint Zoning Ordinance of LaPorte County and Zoning Maps to include the Kingsbury Industrial Park Overlay District; and,

WHEREAS, the LaPorte County Commissioners, after the recommendations of the LaPorte County Plan Commission, have determined that the addition/amendment to the Joint Zoning Ordinance of LaPorte County and Zoning Maps should be adopted; and,

NOW, IT IS THEREFORE ACCEPTED AND RESOLVED:

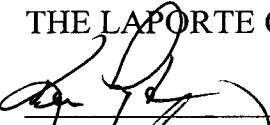
Section 1. BE IT, AND IT IS, HEREBY ORDAINED that the addition/amendment to the Joint Zoning Ordinance of LaPorte County and Zoning Maps to include the Kingsbury Industrial Park Overlay District is hereby adopted in the form set forth in the attached hereto, dated September 25, 2012, and incorporated herein by reference thereto, as if fully set forth in this Section 2; and,

Section 2. BE IT, AND IT IS, HEREBY ORDAINED that the LaPorte County Plan Commission shall, following passage of this Ordinance, comply with the provisions of Indiana Code § 36-7-4-610(a), Indiana Code § 36-7-4-610(b), Indiana Code § 36-7-610(f) and Indiana Code § 36-7-4-610(g); and

Section 3. This Ordinance shall take effect fourteen (14) days after the publication of the notice required by Indiana Code § 36-7-4-610(a).

PASSED AND ADOPTED BY the LaPorte County Commissioners of LaPorte County, Indiana, this 20th day of November, 2012.

THE LAPORTE COUNTY COMMISSIONERS



Ken Layton, President



Willie Milsap



Barbara Huston

Section 12.07 Kingsbury Industrial Park Overlay District

- (a) **Intent.** The intent of the Kingsbury Industrial Park Overlay Zoning District is to provide a mechanism to allow for development of heavy industry conducive to the former ordnance site. Because of the existing infrastructure, large contiguous tracts of industrially zoned land and isolated location of the park, it is desirable to permit the types of development that can benefit from these attributes. Among the specific purposes of the Kingsbury Industrial Park Overlay Zoning District are:
- (1) Ensure that transportation logistics industries are located in areas such as KIP in order to generate sufficient existing or potential roadway and rail transportation infrastructure to support freight traffic and to meet the demands of traffic generated by the use.
 - (2) Capitalize on the existing location, layout, orientation, zoning and current facilities to attract new heavy industry to LaPorte County.
 - (3) Ensure that heavy industry can operate efficiently without posing a hindrance to the surrounding community.
 - (4) Facilitate access to new sites for heavy industrial development.
 - (5) Ensure that transportation logistics industries are located in areas that will have minimal impact upon the county's population by capitalizing on KIP's original design as a major production and logistics corridor to handle high traffic volume, being positioned on US 35 and US 6.
 - (6) Minimize the impact of natural features, including open space, woodlands, wetlands, groundwater and waterways.
 - (7) Minimize the impact of transportation logistic industries on the rural character of the county by requiring adequate landscape screening, buffering, and setbacks, while designing for the fluid operation of heavy industry and logistics operations.

(b) Scope of Application.

- (1) The Kingsbury Industrial Park Overlay Zoning District shall apply as a mapped overlay zone which includes the area, more particularly described as:

The general boundaries of the Area are Part of Sections 31 through 36, Township 36 North, Range 2 West of the Second Principal Meridian and part of Sections 6 through 9, and 12 and all of Sections 1 through 5, 10, and 11, Township 35 North, Range 2 West of the Second Principal Meridian all in LaPorte County, Indiana, being more particularly described as follows: lying south of the Wabash Railroad; lying north of Tracy Road; lying West of 600 E; and lying east of a line approximately 1,500 feet east of U.S. Highway 35.

and is designated as the Kingsbury Industrial Park Overlay Zoning District.

- (2) The Kingsbury Industrial Park Overlay Zoning District shall apply to all new buildings or any additions to existing buildings that would increase the footprint of a building in the district, other improvements within the District.

- (c) **Underlying Zoning Districts.** The lot area and bulk requirements of the underlying zoning district shall be complied with, subject to the requirements of this overlay zoning district. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district, the requirements of this overlay zoning district shall take precedence over other zoning requirements.
- (d) **Uses Permitted.** The uses permitted shall be regulated by the underlying zoning district with the following additions which may be included in the overlay district. The review and approval process applicable in the underlying zoning district shall be followed.
 - (1) Retail / Wholesale sale of products manufactured, assembled or processed on the premises are permitted. However, so long as the total floor space is designated for such retail and wholesale sales are limited to five percent (5%) of gross floor space or one thousand (1,000) square feet, whatever is less.
 - (2) Vehicle Service Stations, including servicing and cleaning of rail-related and transportation related equipment.
 - (3) Storage Area and parking of semi-trailers, shipping containers, railcars and other types of storage units shall be permitted within the overlay district. The provisions of section 16.09 (Parking of Semi-Trucks, Shipping Containers and construction Equipment) shall not apply to the overlay district.
- (e) **Uses per lot.** Any separate guardhouse, registration office, security office, administrative building or other accessory buildings located on one lot but not attached to the principal building, and attached to a contiguous lot, are deemed to be a principal use collectively.

(f) Dimensional Requirements

(1) Setback Area

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

(2) Depth to Width Ratio. There shall be no restriction on the lot depth to width ratio.

(g) Exterior Design Standards

- (1) **Loading Areas, Docks, Overhead Doors.** Loading/unloading areas, docks and overhead doors shall be permitted on all sides of the building with no screening being required. Where loading/unloading areas, docks and overhead doors occur in the front of the building, the building shall be setback at least 150 feet from the front lot line and a landscape greenbelt shall be provided in accordance with the requirements of Section 17.02 (Landscaping Requirements). All residential districts and uses must be screened from truck loading and unloading activities in accordance with section 17.03 (Screening Walls).
- (2) **External Building Design.** Any uses categorized as Agriculture and animal related-uses; Motor vehicle dealers and service; Transportation and warehousing; Manufacturing; Utilities; Construction; Waste processing and disposal; or Mining, shall be subject to the following External Building Design standards:

- a. Buildings shall enhance the overall cohesive community character.
- b. For retail / wholesale use, or portions of the building with such use, windows and doors shall make up at least 30% or more of the front façade exterior wall area facing a street.
- c. Building colors shall consist of lighter colors for the main body of the façade to reduce the perceived size of the building. Darker colors that will contrast the main body shall be used in accent or trim areas.
- d. A portion of the on-site landscaping shall be located along all blank walls so that the vegetation significantly reduces the visual impact of the building mass as viewed from the street.
- e. The provisions of Section 17.01(c) (Exterior Building Design) shall not apply to the overlay district.

(3) Building Materials. Any uses categorized as Agriculture and animal related-uses; Motor vehicle dealers and service; Transportation and warehousing; Manufacturing; Utilities; Construction; Waste processing and disposal; or, Mining, shall be subject to the following Building Material Requirements:

- a. 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.
- b. All building materials shall be durable, weather-resistant, rustproof, and shall be maintained by the property owner or tenant at all times.
- c. 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.
- d. The provisions of Sections 17.01(d)(2), and 17.01 (d)(3) (Building Materials shall not apply to the overlay district).

(4) Waste Receptacles. The following requirements apply to Waste Receptacle Enclosure Materials and Screening

- a. All waste receptacles, including dumpsters and compactors, must be enclosed on three (3) sides with a six (6) foot high masonry enclosure constructed of complementary building materials to the principal building on the site.
- b. The enclosure shall also include a gate, made of wood, metal or other high quality material on the fourth side. If the waste receptacle is a dumpster, it must have an enclosing lid or cover.
- c. All waste receptacles, associated enclosures and receptacle contents must be screened from public view.

- d. Supplemental landscaping to screen the waste receptacle enclosure shall be provided.
- (h) **Freight and Intermodal Terminals.** Uses involving Freight and Intermodal Terminals shall be subject to the following:
- (1) The site shall be designed so all vehicles are able to enter and leave the site without having to back-out onto the street.
 - (2) The plan commission has determined that due to the nature of the original design and intent of the Kingsbury Industrial Park, future traffic will be no more hazardous nor the volume of traffic any greater than is normal for the roads involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of the new bridge on Hupp Road and the existing interchange with US 35 and US 6. No additional traffic studies will be required for the Kingsbury Industrial Overlay Zoning District.
 - (3) There shall be a five (5) foot tall landscape berm along the road frontage and any side of the site that adjoins a non-industrial district. A minimum of two (2) evergreen trees and one (1) canopy tree shall be planted on the berm for every 40 feet of berm length. The plan commission may modify the screening requirement to permit an eight (8) foot tall wall along interior lot lines instead of a landscape berm.
 - (4) All truck or trailer storage or staging areas shall be setback 40 feet from the front lot line.
 - (5) A minimum buffer/setback of 100 feet for buildings, parking and storage areas shall be provided from any adjacent residential district. The buffer/setback shall be landscaped with a buffer zone A in accordance with section 17.02(c)(Required Buffer Zones).
 - (6) The provisions of sections 14.13(b) (Transportation and Warehousing) shall not apply to the overlay district.
- (i) **Stormwater Management.** Where no public storm sewer is accessible, curbs and gutters shall not be required on any street, road, driveway, parking, loading, truck/container storage, service way, alley or parking lot. Alternative storm water management practices, such as the use of on-site detention ponds, bio-swales and the like, shall be used to comply with the provisions of Article 20 (Stormwater Management).
- (j) **Internal Roadway Use Weight Restrictions.** Internal roadways within the Kingsbury Industrial Park Overlay District, dedicated or private, shall not be subject to the normal weight restrictions within LaPorte County. LaPorte County has waived such restrictions pursuant to a separate Ordinance that shall be maintained with the LaPorte County Ordinances in the Office of the LaPorte County Commissioners.