

Burns Harbor Advisory Plan Commission

Minutes of Monday, January 8, 2018

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in its regular session on Monday, January 8, 2018 in the Town Hall. The meeting was called to order by Advisory Plan Commission Vice President, Bernie Poparad at 7:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Eric Hull.....	Absent
Bernie Poparad	Present
Toni Biancardi	Present
Roseann Bozak.....	Present
Gordon McCormick	Present
Jeremy McHargue	Present
Krista Tracy	Absent

Additional Officials Present

Building Commissioner-Randal Lopez
Attorney-Christine McWilliams
Secretary-Marge Falbo

Also Present

Sarah and Wilbur Oudman
Sam Falbo

Nomination of Officers

Poparad says as this is the first meeting of the year, we need to elect a President, Vice President and appoint a BZA member to this Board.

McCormick makes a motion to retain the current President-Eric Hull and Vice President-Bernie Poparad. Biancardi seconded the motion. Motion carried by unanimous vote.

Poparad says we need to appoint someone to the Board of Zoning Appeals.

McCormick makes a motion to appoint Bernie Poparad to the Board of Zoning Appeals. Bozak seconded the motion. Motion carried by unanimous vote.

Minutes

McCormick moved to approve the minutes of December 4, 2017 as written. Bozak seconded the motion. Motion carried by unanimous vote.

Communication, Bills, Expenditures

None

Report of Officers, Committee, Staff

None

Preliminary Hearing

None

Public Hearing

None

Old Business

Process for accepting Infrastructure

Biancardi says I will pass out a document that explains how we accept infrastructure. Some of it is written in the Code and some of it is a process that we have followed for as long as I've been involved in the Plan Commission. I communicated with Attorney McWilliams and she said we need to spell out the process from primary plat to infrastructure acceptance and then to separate the acceptance of infrastructure into above and below ground. This is the process I understand as what we have done and what I read in the Code. If you have a chance over the next month, please look at it and let me know if there is anything I left out. Attorney McWilliams may also have input in terms of how we might accomplish this.

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The Plan Commission would like to:

spell out the Subdivision process from Primary Plat to Infrastructure Acceptance and separate the acceptance of infrastructure into Above ground and Below Ground

14-3-1 p 11

Primary Plat Approval (improvements begin)

- a. add an expiration date requires re-review after expiration date*
- 2. Secondary Plat Approval (improvements are bonded unless completed, plat is recorded at County and lots ready for sale)*
- 3. Acceptance of Infrastructure*
 - a. Below ground (Sanitary/Storm): acceptance upon passing of tests*
 - i. recommendation from Sanitary Board to Plan Commission,*
 - ii. maintenance bond required on Below ground until Above ground is accepted*
 - iii. recommendation from Plan Commission to Town Council*
 - iv. Town Council Decision*
 - b. Above ground: acceptance upon completion*
 - i. Developer lets PC know its intention of being ready to request the town accept the infrastructure*
 - ii. Engineer and Building Commissioner generate a Punch List*
 - iii. Punch list completed to satisfaction of PC*
 - iv. Engineer recommendation & maintenance bond amount*
 - v. Plan Commission recommendation to Town Council*
 - vi. Town Council Decision*

Include in Chapter 18 - refer to Chapter 14 for infrastructure approval

We did discuss this at the Sanitation Board because the underground that we're talking about accepting are the sanitation lines and Attorney Patton had suggested we not duplicate language in Chapter 18 but just refer to Chapter 14 of the Code for an explanation of how infrastructure is accepted. This will prevent having to fix it throughout if something were to change.

Poparad says he spoke with Hull this afternoon and he wanted to make sure that we are separating them out. I personally think it's a good idea to get the underground done so it's not sitting there for years and we have no control over it.

McCormick says I understand what you're doing here. But, when they come to us, is the road done yet? Biancardi says, no, and that's why there would be a Maintenance Bond required on the below ground until the above ground is accepted. The Sanitation Board is really concerned that once it's operational we need to maintain it. We need to be on top of what's going on with those lines and know what's happening and this will make it clear that it's ours.

Poparad says does our engineer determine what the bond is? Biancardi says the bond we require now is 10% of the total cost that it was to install. Our engineers keep track of those numbers and they would make a suggestion.

Poparad asks the Board and Attorney McWilliams to review the document so next month we can discuss again and go from there.

Biancardi says I have one question for Attorney McWilliams. Although our Code reads as if we accept it all at once and that's our interpretation. But, if someone requests right now to separate it, we can do that? Attorney McWilliams says if a developer came in and requested two separate approvals? I don't believe the Code would prohibit it. Biancardi says we are in that situation right now depending on how quickly we can move the change. We have a developer whose 2nd Phase is just about to be completed and we're waiting on the video of the 1st Phase. Again, I believe it is a necessity for us to be able to accept it, maintain it for the residents, and the community itself for our system. Attorney McWilliams says I will double check, but I don't recall ever seeing anything that would prohibit it. Everything was made clear that it was only accepting that infrastructure so that it couldn't be used against the Town in a sense.

Town Code Amendments - Chapter 15 Requirements for Site Improvement Permit

Attorney McWilliams say what I handed out before the meeting was a draft of something I had presented in November. It was based on some of my initial suggestions for amendments and it incorporated Biancardi's suggestions. Building Commission Lopez was able to review it to ascertain what is actually being utilized and applicable for the manner in which the Town has currently been processing building permits. He has made some of his own suggestions and I have incorporated those into the draft that is in front of you. Much of what Building Commission Lopez is suggesting is omitting requirements the Town does not actually enforce or require. He also suggested, and, I don't disagree that we omit the two different types of review and just call it a Building/Improvement Location Permit. Building Commission Lopez also suggested removing the section requiring a planting plan. He says they do not otherwise do that, and haven't required it for ten plus years. Biancardi says that concerns me because the whole section is about landscaping, fences and screening and it is very specific about what it requires. I think we should be requiring a planting plan so that we know they are in compliance. I feel like taking that out

takes away the accountability. I believe what Building Commission Lopez is referring to what was designed for commercial and business. However, there are some things that may need to be changed.

Poparad says I ask that Attorney McWilliams look through it and tidy it up. Everyone should look at it, firm it up and then we will know what will apply to everyone.

ORDINANCE _____

**AN ORDINANCE OF THE BURNS HARBOR TOWN COUNCIL
AMENDING THE TEXT OF THE ZONING ORDINANCE CONCERNING IMPROVEMENT LOCATION
PERMITS WITHIN THE TOWN OF BURNS HARBOR, INDIANA.**

WHEREAS, the Burns Harbor Town Council has adopted a Zoning Ordinance codified as Chapter 15 of the Town Code of Burns Harbor, Indiana; and

WHEREAS, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text of the Zoning Ordinance in order to reconcile inconsistencies within the permit requirements within the Burns Harbor Town Code and to better regulate the permit process generally; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; and

WHEREAS, a public hearing has been held before the Burns Harbor Advisory Plan Commission and said Commission has paid reasonable regard, in preparing and considering the proposal, to the factors set forth in I.C. 36-7-4-603, including the Comprehensive Plan; and

WHEREAS, the Commission now certifies its proposal to amend the text portions of its Zoning Ordinance to the Burns Harbor Town Council; and

WHEREAS, the Burns Harbor Town Council concurs with its Advisory Plan Commission and accepts this proposal;

NOW THEREFORE, be it and it is hereby ordained by the Burns Harbor Town Council as follows:

Section 1. That Section 15-3-2 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows

Definitions:

33. **BUILDING/IMPROVEMENT LOCATION PERMIT:** An official document or certification issued by the Building Commissioner authorizing performance of a specified activity (including, but not limited to, the erection, construction, enlargement, alteration, or moving of a BUILDING), which complies with all provisions of the Zoning and Subdivision Control Ordinances and the Town of Burns Harbor Building Code.

33. BUILDING PERMIT: An official document or certification issued by the Building Commissioner authorizing performance of a specified activity that complies with all provisions of this Ordinance and the Town of Burns Harbor Building Code.

55. **CONSTRUCTION PLAN:** The maps or drawings, prepared by a licensed professional, accompanying a subdivision plat or application for a BUILDING PERMIT/IMPROVEMENT LOCATION PERMIT, showing the specific location and design of improvements to be installed in accordance with the requirements of the Commission as a condition of approval.

55. CONSTRUCTION PLAN: The maps or drawings, prepared by a licensed professional, accompanying a subdivision plat or application for a Building Permit showing the specific location and design of improvements to be installed in accordance with the requirements of the Commission as a condition of approval.

~~100. IMPROVEMENT LOCATION PERMIT: A permit stating that the proposed erection, construction, enlargement, alteration, or moving of a Building referred to therein, complies with the provisions of the Zoning and subdivision Ordinances. Omit entire definition.~~

121. LOT, ZONING: A single tract of land located within a single Block, which (at the time of filing for a BUILDING/IMPROVEMENT LOCATION PERMIT) is designated by its Owner or Developer as a tract to be Used, Developed, or Built upon as a unit, under single ownership or unified control. (A "zoning lot" may or may not coincide with a "Lot of Record").

121. LOT, ZONING: A single tract of land located within a single Block, which (at the time of filing for a Building Permit) is designated by its Owner or Developer as a tract to be Used, developed, or built upon as a unit, under single ownership or unified control. (A "zoning lot" may or may not coincide with a "Lot of Record").

Section 2. That Section 15-3-4-2 A of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

OMIT THE FOLLOWING SUBPARTS IN THEIR ENTIRETY: 6,7,8,10,11,12,13,14,15,17,18, and 20

6. Drawn to scale descriptions of right-of-way which the Applicant proposed to dedicate to the Town along with the legal description for said right-of-way.

7. An attached narrative description of the nature, scope and purpose of and proposed Buildings or structures along with a list of agencies to whom permits or applications for permissions have or will be filed in regard to the proposed Building, structure or the property on which the same is located.

8. A detailed plan for the safe distribution of traffic and elimination of unsafe traffic conditions which may result from the proposed Building or structure.

10. Show what provisions will be made to handle storm-water run-off which currently exists or which may result from the proposed Buildings or structures to be placed on the property. Also, show surface elevations, finished floor elevations and the engineering calculations for surface water run-off.

11. Show proposed connections to sanitary sewers, storm sewers, water lines and the location, size and depth of same. Also, show the type and location of sediment -grease traps, the type and location of back flow devices for water and the location of fire protection devices such as hydrants.

12. Show any change in proposed topography including, but not limited to, extractions or additions to elevation in connection with construction of proposed Buildings or structures.

13. Show a plan for clearing Town Streets of dirt and debris deposited there during the course of construction of the proposed Building or structure or other Development of the property.

14. Describe all uses to be conducted on the described real estate and the items to be stored within the boundaries of said real estate.

15. Show the number and location of parking spaces proposed including all handicapped parking.

17. Show all proposed landscaping, fencing and/or walls and describe the method for disposing of all trees and tree stumps removed during the construction process. (Ordinance 157, 2/26/1997)

18. Designate the name, address and telephone number of the Person responsible for the preparation of the Site Plan.

20. List the names and addresses of all adjacent property Owners.

Section 3. That Section 15-3-5 A of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

A. No building or improvement of real estate in the Town of Burns Harbor may be altered, changed, placed, erected, or located on platted or unplatted lands, or the use thereof changed unless a *BUILDING/IMPROVEMENT LOCATION PERMIT* for such structure or use has been issued by the Building Commissioner. ~~There are two types of Improvement Location Permits: Limited Review Permit and Extensive Review Permit~~

1. ~~A limited review permit... OMIT ENTIRE SECTION.~~
2. ~~An extensive review permit... OMIT ENTIRE SECTION.~~

A. No building or improvement of real estate in the Town of Burns Harbor may be altered, changed, placed, erected or located on platted or unplatted lands, or the use thereof changed unless an Improvement Location Permit for such structure or use has been issued by the Building Commissioner. There are two types of Improvement Location Permits: Limited Review Permit and Extensive Review Permit.

1. A limited review permit shall be required for all detached structures, which include decks, patios, driveways, and fences, with an estimated cost of construction of less than ten thousand dollars (\$10,000). This type of review will require a registered survey or site plan drawn to scale with the location of the structure and setbacks located within the site plan. A narrative description of the request will be required for all permits that describes the costs of the improvement as well as illustrations or graphics of what the structure will look like once completed.

2. An extensive review shall be required for all enclosed porches, room additions, building expansions and subdivisions. This type of review and application will require that a detailed site plan, as outlined in Section 15-3-4. A narrative description of the request will be required that describes the costs of the improvement as well as illustrations or graphics of what the structure will look like once completed.

Section 4. That Section 15-3-5 B of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

~~B 1. INVENTORY OF TOWN IMPROVEMENTS: Prior to the issuance of a *Building Permit/Improvement Location Permit* for a Structure, improvement, or use developed with access on own Streets as opposed to State Highways the following shall be completed:...~~
OMIT ENTIRE SECTION.

~~a. The condition of Town Streets, etc. OMIT ENTIRE SECTION.~~

B. 1INVENTORY OF TOWN IMPROVEMENTS: Prior to the issuance of an Improvement Location Permit for a Structure, improvement, or use developed with access on Town Streets as opposed to State Highways the following shall be completed:

a. The condition of Town Streets, culverts, storm sewers, or ditches be documented in an inventory done by the Town's Street Department, which inventory may include still pictures and video tape of the potentially affected improvements. An as-built, prepared by a licensed professional, shall be submitted to the Town by the Developer.

Section 5. That Section 15-3-5 C of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

~~C. PERFORMANCE BOND: No application for a *Building/Improvement Location Permit* or a Building, Improvement, or use developed with access on Town Streets as opposed to State Highways shall be considered unless said application is accompanied by a Bond with acceptable corporate surety, bank letter of credit, or cash payable to the Town of Burns Harbor as a Performance Bond for the purpose of guaranteeing compliance with:...~~
OMIT ENTIRE SECTION, INCLUDING SUB-PARTS 1, 2 & 3.

C. PERFORMANCE BOND: No application for an Improvement Location Permit for a Building, improvement, or use developed with access on Town Streets as opposed to State Highways shall be considered unless said application is accompanied by a Bond with acceptable corporate surety, bank letter of credit, or cash payable to the Town of Burns Harbor as a Performance Bond for the purpose of guaranteeing compliance with:

1. The Approved Building plans

2. The cleanup of all construction debris from the site, including trees and tree stumps removed during the construction process

3. And further guaranteeing the repair and restoration of any Town Streets culverts, storm sewers, or ditches damaged during the construction of the project to the condition of said improvements that existed prior to the beginning of the project.

Section 6. That Section 15-3-5 D of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

D. TIME LIMITS:

1. Construction authorized in a *Building/Improvement Location Permit* shall begin within three (3) months after the permit is issued...Failure to utilize the *BUILDING/IMPROVEMENT LOCATION PERMIT* in a timely manner as aforesaid shall cause the *Building/Improvement Location Permit* to be automatically void...

D. TIME LIMITS:

1. Construction authorized in an Improvement Location Permit shall begin within three (3) months after the permit is issued.

Failure to utilize the Improvement Location Permit in a timely manner as aforesaid shall cause the Improvement Location Permit to be automatically void. After the payment of second application fee, deadlines can be extended or voided permits renewed only upon written application by the permit holder by a majority vote of the members of the Burns Harbor Plan Commission at a regularly scheduled meeting for a term and upon the conditions as may be set forth in the motion adopted. (Ordinance 159, 1/28/1998)

Section 7. That Section 15-3-5 E of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

E. REQUIREMENTS FOR BUILDING PERMIT/IMPROVEMENT LOCATION PERMIT:

Any person making application for a *Building Permit/Improvement Location Permit* shall furnish the Building Commissioner with one (1) copy of a Site Plan or Development Plan of the real estate involved in the proposed permit. All plans submitted and actual construction shall be in accordance with Section 14-4-1 Principles of Standard and Designs of the Subdivision Control Ordinance being Chapter 14 of the Burns Harbor Town Code. (Ordinance 187, 10/12/2005)...

19. List the names, addresses and phone numbers of all contractors and subcontractors that the Applicant intends to employ for the project. No *Building/Improvement Location Permit* shall be issued until each of the listed contractors has a current license with the Town of Burns Harbor. (Ordinance 157, 2/26/1997).

E. REQUIREMENTS FOR IMPROVEMENT LOCATION PERMIT: Any Person making application for an Improvement Location Permit shall furnish the Building Commissioner with three (3) copies of a Site Plan or Development plan of the real estate involved in the proposed permit. All plans submitted and actual construction shall be in accordance with Section 14-4-1 Principles of Standard and Designs of the subdivision Control Ordinance being Chapter 14 of the Burns Harbor Town Code. (Ordinance 187, 10/12/2005) Said site or Development plan shall be drawn to scale showing the following items:

19. List the names, addresses and phone numbers of all contractors and subcontractors that the Applicant intends to employ for the project. No Improvement Location Permit shall be issued until each of the listed contractors has a current license with the Town of Burns Harbor. (Ordinance 157, 2/26/1997)

Section 8. That Section 15-3-5 F of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

F. PROTECTION OF FLOOD PLAIN AREAS: Prior to the issuance of any *BUILDING/IMPROVEMENT LOCATION PERMIT*, the Building Commissioner shall:

1. Review all Building/Improvement Location Permit applications for new construction or substantial improvements to determine whether proposed Building sites will be reasonably safe from flooding.
2. Review Building/Improvement Location Permit applications for major repairs within the Flood Plain area having special flood hazards to determine that the proposed repair...
3. Review Building/Improvement Location Permit applications for new construction or substantial improvements within the Flood Plain area having special flood hazards to assure that the proposed construction...

F. PROTECTION OF FLOOD PLAIN AREAS: Prior to the issuance of any Improvement Location Permit, the Building Commissioner shall:

- 1. Review all Building Permit applications for new construction or substantial improvements to determine whether proposed Building sites will be reasonably safe from flooding.*
- 2. Review Building Permit applications for major repairs within the Flood Plain area having special flood hazards to determine that the proposed repair*
 - a. Uses construction materials and utility equipment that are resistant to flood damages, and*
 - b. Uses construction methods and practices that will minimize flood damage.*
- 3. Review Building Permit applications for new construction or substantial improvements within the Flood Plain area having special flood hazards to assure that the proposed construction (including Manufactured Housing and Mobile Homes) (a) is protected against flood damage; (b) is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the Structure, flood damage and (c) uses construction methods and practices that will minimize flood damage.*

Section 9. That Section 15-3-5 G of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

G. BUILDING/IMPROVEMENT LOCATION PERMITS REQUIRING SPECIAL EXCEPTIONS OR VARIANCES: The Building Commissioner shall issue an *BUILDING/IMPROVEMENT LOCATION PERMIT* for Structures or uses requiring a Special Exception or Variance only following the receipt of written notice from the Board of Zoning Appeals that an application for the Special Exception or Variance has been Approved by said Board.

G. IMPROVEMENT LOCATION PERMITS REQUIRING SPECIAL EXCEPTIONS OR VARIANCES: The Building Commissioner shall issue an Improvement Location Permit for Structures or uses requiring a Special Exception or Variance only following the receipt of written notice from the Board of Zoning Appeals that an application for the Special Exception or Variance has been Approved by said Board.

Section 10. That Section 15-3-6 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

INSPECTIONS. After issuance of any *BUILDING/IMPROVEMENT LOCATION PERMIT*, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provision of this Ordinance and the terms of the permit. Re-inspection of work found to be incomplete or not ready for inspection are subject to assessment of inspection fees.

INSPECTIONS

After the issuance of any Improvement Location Permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provision of this Ordinance and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment of inspection fees.

Section 11. That Section 15-13-17 F of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

F. VEHICULAR ADVERTISING SIGNS

Vehicular advertising signs shall be prohibited. Vehicular advertising signs shall be defined as: any business sign affixed, painted, attached or displayed upon a motor vehicle or semi-trailer, with or without tractor, which can be seen from the street if circumstances, including the absence of vehicle use, and/or the fact that the vehicle or semi-trailer carries no current motor vehicle registration or license plate, demonstrates the primary use for said vehicle or semi-trailer is the advertisement of a business, product, or service of a business located on the premises on which the vehicle or semi-trailer is parked. Trailers used for construction purposes during construction performed, pursuant to a valid *BUILDING/IMPROVEMENT LOCATION PERMIT* and parked at the site where the construction is being performed, are exempt from this section.

F. VEHICULAR ADVERTISING SIGNS. (Ordinance 248, 10/17/2012)

Vehicular advertising signs shall be prohibited. Vehicular advertising signs shall be defined as: any business sign affixed, painted, attached or displayed upon a motor vehicle or semi-trailer, with or without tractor, which can be seen from the street if circumstances, including the absence of vehicle use, and/or the fact that the vehicle or semi-trailer carries no current motor vehicle registration or license plate, demonstrate the primary use for said vehicle or semi-trailer is the advertisement of a business, product, or service of a business located on the premises on which the vehicle or semi-trailer is parked. Trailers used for construction purposes during construction performed, pursuant to a valid improvement location permit and parked at the site where construction is being performed, are exempt from this section.

Section 12. That Section 15-13-18 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

D. CERTIFICATION OF NO ADVERSE IMPACT: Persons applying for subdivision or Planned Unit Development approval or for a *Building/Improvement Location Permit* must certify that the proposed Subdivision, Planned Unit Development or structure or use for which a *Building/Improvement Location Permit* is being sought, is in full compliance with all federal, state, and county laws protecting Wetlands...

D. CERTIFICATION OF NO ADVERSE IMPACT: Persons applying for subdivision or Planned Unit Development approval or for a Building Permit must certify that the proposed Subdivision, Planned Unit Development or structure or use for which a Building Permit is being sought, is in full compliance with all federal, state and county laws protecting Wetlands. Any action within a Wetland, such as, but not limited to, grading, dredging, draining and filling may require a permit from the Indiana Department of Natural Resources, the Indiana Department of Environmental Management or the U.S. Army Corps of Engineers or other state or federal agency. The Applicant shall obtain the necessary permits or obtain certification from the appropriate county, state and federal agencies that said permits are not applicable.

Section 13. That Section 15-13-21 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

~~PLANTING PLAN: A plantings plan shall be submitted as part of the *Building/Improvement Location Permit*. The planting plan shall be prepared and signed by a Landscape Architect licensed in the State of Indiana... OMIT ENTIRE SECTION.~~

PLANTING PLAN

*A plantings plan shall be submitted as part of the *Improvement Location Permit*. The planting plan shall be prepared and signed by a Landscape Architect licensed in the State of Indiana. The planting plan shall be prepared on the proposed site grading plan and shall indicate the location, quantity and common name of all proposed plantings as well as other pertinent landscape features such as retaining walls, berms, swales, lighting, irrigation extents etc. as well as a plant list summarizing all proposed plant materials by common and botanical name, size, root characteristics and quantity. Plantings specified in this section represent minimum requirements. Applicants are encouraged to exceed these requirements.*

Section 14. That Section 15-13-28-2 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

Applicability. ... Except as otherwise provided in this Ordinance, these Building Design Standards shall be applicable to all of the following:

- a. Construction of any new BUILDING requiring a BUILDING/IMPROVEMENT LOCATION PERMIT.
- b. All new additions to existing BUILDINGS requiring a BUILDING/IMPROVEMENT LOCATION PERMIT, limited to those new BUILDING portions being newly constructed unless otherwise required by other parts of this Ordinance.
- c. Any renovation of existing buildings requiring a BUILDING/IMPROVEMENT LOCATION PERMIT and effecting any of the following:

Applicability. This Building Design Standard Ordinance shall apply to the following zones/districts: Residential District, Residential/Commercial 1 District, Residential/Commercial 2 District, Business Park District, and Special Use District. This Building Design Standard Ordinance shall NOT apply to the following:

- *Downtown District;*
- *Residential Mansion Apartments; and*
- *Single-Family Residential Buildings (located within any district). **

** For purposes of this Ordinance, single-family residential buildings shall include: Freestanding Houses, Mobile Homes, Town Homes, Twin Homes, and Accessory Buildings associated thereto.*

Except as otherwise provided in this Ordinance, these Building Design Standards shall be applicable to all of the following:

- a. *Construction of any new BUILDING requiring a BUILDING PERMIT.*
- b. *All new additions to existing BUILDINGS requiring a BUILDING PERMIT, limited to those new BUILDING portions being newly constructed unless otherwise required by other parts of this Ordinance.*
- c. *Any renovation of existing buildings requiring a BUILDING PERMIT and effecting any of the following:*

Section 15. This Ordinance shall be effective upon its adoption and publication.

All of which is ADOPTED this _____ day of _____, 2018.

New Business

Review: Bonds, Maintenance Guarantees, Letters of Credit

Poparad asks Falbo if there is anything. Falbo says yes the next bond is due July 14, 2018 and that is Patrick Kleihege, Trail Creek Phase I. I will invite Mr. Kleihege to the May 2018 meeting to discuss the matter.

Good of the Order & Any Other Business

Chicken Ordinance

Sarah Oudman says I had an inquiry from someone interested in living in our area about whether chickens were allowed. I know the Committee put a lot of work and effort into it so why not finish it and say yes or no or whatever.

Biancardi says it was determined that the current Code says no. Attorney McWilliams says unless you are on so many acres, they are not permitted.

McHargue says so what do we do about the existing chickens. I saw one in the middle of the road, so what do I do about it. The homeowner says they are getting out of the fence.

Biancardi says who enforces that. Is having chickens a Code violation? So, it's a Code enforcement issue and someone needs to be written a ticket for it.

Oudman says I got the impression sitting through the discussion on the Chicken Ordinance that the Committee was not necessarily opposed to it nor was the Plan Commission. There were a few details that weren't worked out; and, if that's the case and we already have chickens, why don't we just tidy it up and finish the Ordinance?

McCormick says it got so far out of control, with a fence within a fence. I understand there had to be an enclosure for the chickens but who is going to enforce that? One fence wasn't good enough for a chicken lady, she wanted two fences. Then she wanted an enclosure.

Oudman asks is the chicken lady involved in that process now?

McCormick and Building Commissioner Lopez both say no.

Ourdman says so couldn't you take a new approach to this Ordinance and finish it and be done?

Poparad says, in my opinion, they are a nuisance and a lot of people have no idea what they are getting into and asks the Committee if they want to re-open chickens.

McHargue says can we table that? There are other things we need to address.

Oudman says why don't you just say no, why don't you just vote against it?

Poparad says it says "no" right now in the Code.

Biancardi says we don't need to vote.

Poparad says the answer is no.

Announcements

None

Adjournment

McCormick makes a motion to adjourn at 7:55 pm. McHargue seconded the motion. Motion carried by unanimous vote.

Bernie Poparad, Vice President for Eric Hull, President

Marge Falbo, Secretary