

**Burns Harbor Advisory Plan Commission
Minutes of Monday, May 3, 2021**

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana met in a regular session on Monday, May 3, 2021 in the Town Hall and virtually via Zoom. The meeting was called to order by Advisory Plan Commission Vice President, Bernie Poparad at 7:00 pm.

This meeting was made available to the public in accordance with Governor Holcomb’s Executive Order 20-09. It was streamed on both Zoom and Facebook Live.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Eric Hull	Via Zoom
Bernie Poparad.....	Present
Toni Biancardi.....	Present
Travis Dunlap	Present
Jeremy McHargue	Present
Sarah Oudman	Present

Additional Officials Present

Attorney-Michael Brazil
Building Commissioner-Jack McGraw
Global Engineering-Jeanette Hicks
Abonmarche-Matt Kaiser
Holladay Properties- Mike Micka and Ryan Kelly
Secretary-Marge Falbo

Also Present:

Wilbur Oudman

Minutes

Oudman makes a motion to approve the minutes of April 5, 2021 as written. Dunlap seconded the motion. Motion carried by unanimous vote.

Communication, Bills, Expenditures

None

Report of Officers, Committee, Staff

Biancardi: Councilwoman Scott and I interviewed the two applicants for the Republican seat on this Board and we will have a recommendation at the Council meeting next month, so I would anticipate filling that empty seat for June.

Preliminary Hearing

None

Public Hearing

None

Old Business

Oudman makes a motion to move Old Business until after New Business. Biancardi seconded the motion. **Motion carried by unanimous vote.**

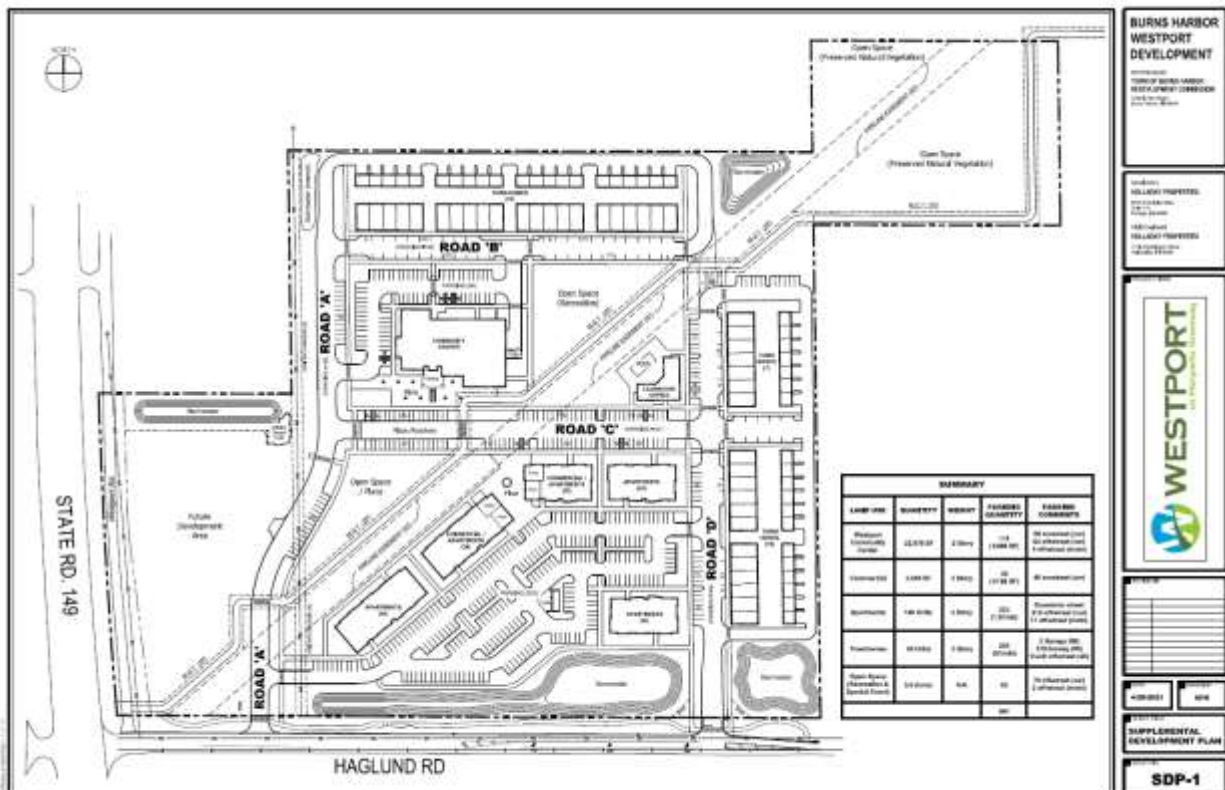
New Business

Westport PUD Ordinance Amendment

Holladay Properties--Mike Micka and Ryan Kelly Abonmarche--Matt Kaiser

Micka: I am with Holladay Properties. I have Ryan Kelly of Holladay Properties with me also. We are here today to go over amendments for the Westport PUD. I will give a little history of where we are, and Ryan will give a little more detail. The goal of the meeting tonight is to actually be able to set a Public Hearing for the next Plan Commission meeting in June.

Kaiser: If you remember we were here last year in August to secure the PUD approval for the zoning of the property. That was done and recommended to the Town Council. They approved it. We came back for primary plat approval from this committee and received that approval in September 2020. After that occurred, we started going after the permits in order to build the infrastructure. During those communications BP found some issues with their pipeline and had some concerns about the new construction going over the top of the pipeline on the Westport site. Working with them over the past five or six months we've decided that the best way to go about this financially was to modify the design from what it was originally proposed. I think you'll see in your packets they are pretty minor. The northwest corner we're cutting back one of the proposed crossings. In the middle we're keeping that one the same and that one would require BP pipe replacement and then on the bottom left side of the plat, we are actually realigning that to go over a previously approved crossing that Global had gotten from BP before the Westport site became available.



So that's pretty much the background with the Infrastructure of what we're doing. We're not talking about changing any of the densities. With that I'll let Kelly go into the PUD amendments.

Kelly: Everyone is familiar with the PUD, but I will just briefly touch on what Kaiser was talking about would be helpful just to get reacquainted in at least the Road alignment.

Realignment of Road A: "Road A's" access point with Haglund Rd. is being proposed to shift approximately 80 feet to the West of its currently approved location. The realignment allows the road to cross the pipeline at a location that had previously been approved by BP and that has an existing road/crossing agreement in place between the Town of Burns Harbor and BP. Replacement of the pipeline is not a requirement at this location. Upon crossing the pipeline, "Road A" will gently sweep back to its original alignment at "Road C".

Redesign of "Road B" and "Road D" intersection: "Road B" and "Road D" are being proposed to terminate independent (no connection) of one another in order to eliminate the immediate need of a pipeline crossing. This road area was part of a Phase II dependent upon the townhouse construction. When townhomes go in there would be some circulation if needed. The original engineering would stay in place so if at a future date BP on their own determines to replace this pipeline section, the redesign would provide flexibility in making the connection, if warranted.

That eliminates two crossings. The other amendment would be to the type of road construction for Road A.

Redesign of "Road A" from a boulevard/median type roadway section to that of a typical 33' wide street section like "Road C" and "Road D". This modification is proposed for the following reasons:

- (a.) The reduction in road width will keep the pavement area crossing the pipeline like what the existing crossing agreement was based on.
- (b.) The reduction in road width and right-of way will allow Lot 1 Future Commercial to gain back some of the developable acreage negated from the realignment of "Road A".
- (c.) The reduction in road width/design will provide cost savings that can be applied to partially offset the cost of the pipeline replacement that is still required at the "Road C" crossing.

Adjust residential apartment building layout to the increased acreage area attributed to the realignment of "Road A". The minor increase in acreage area allows for all five apartment buildings to fit on Lot 20 and provides the opportunity of programming for a clubhouse/pool amenity on Lot 19. With "Road A" now at an increased distance from the apartment buildings, it was deemed more appropriate to reposition two buildings so that they front the Marquette Greenway Trail system and open space and position 1 building so that it fronts the main retention pond. The two buildings with 1st floor commercial space were positioned to create a small outdoor plaza area that fronts "Road C", but more importantly, it really creates a center core with the adjacencies to the Community Center to the open space events area that's programmed and the trailhead for the Marquette Greenway. The commercial area location also provides for better access to on-street public parking. The parking stays the same, so we have adequate parking. The mixed-use commercial total square footage would be reduced from 5,832 square feet to 3,888 square feet, while the apartment unit count would increase from 138 to 140.

We're talking about amending the development plans drawing with the Road alignment changes and the reconfiguration of the apartments and some slight acreage adjustments. That's all I have. I think it's a good solution to keep us moving forward.

Oudman: On the new drawings on the left upper side of the future development area there is a stormwater area. Is that to service this PUD or is that for the future area?

Kelly: That was part of the original PUD which was on the primary plat. Drainage and utilities do not change at all.

Oudman: Is the trash area for the apartments—is that just representative or is that the only one you're going to have?

Kelly: That is representative.

McHargue: I guess with the changes, my question is—would Road C be part of Phase I or no? I'm just looking at it as far as access for the Fire Department because if that wasn't existing and we're cutting other things off and now we have commercial buildings. I just want to make sure that that was part of it.

Kelly: The phasing doesn't change. The original approved PUD had Road A going in all the way. Road B going up to the access point of the Community Center. Road C going all the way and Road D coming in up to Road C. You still have that loop.

Biancardi makes a motion to set the Westport PUD Ordinance for Public Hearing on June 7, 2021. McHargue seconded the motion. Motion carried by unanimous vote.

Derek Anderson

1128 Gustafson Lane

Trail Creek Phase II Issues

Anderson: I am here today to talk about the PUD for Trailcreek Phase II, Babcock Second Subdivision Phase I. This is the area of Trailcreek just south of the existing homes that are there. There are two lots that are part of the PUD. I have some questions and concerns...

Poparad: Let's stop right here. This issue is a Building Commissioner problem, not the Plan Commission. Did you go to the Building Commissioner already?

Anderson: Yes, I did.

Poparad: And you didn't get any satisfaction?

Anderson: He gave me a copy of the PUD and they suggested I come to the Plan Commission meeting to talk to you.

Building Commissioner McGraw: This is public record and I told him (Anderson) what goes on between the developer and the owner.

Anderson: No, the developer and the Town is in agreement with the PUD, not me. Who enforces the PUD?

Building Commissioner McGraw: I spoke with Attorney Patton and he stated that what is written in the PUD it states that the developer is responsible for bringing all utilities to the property. Anderson came to me and said he doesn't have any paperwork that shows that, so the Building Clerk researched the paperwork and sent it to Anderson. Attorney Patton told me whatever goes on between the developer and the..

Anderson: I had my attorney look at this too. A PUD is an agreement the developer and the Town. The homeowner has nothing to do with the PUD.

Poparad: We have an agreement with Mr. Kleihege, but you signed a contract to build a house in his subdivision.

Anderson: The Town's subdivision.

Poparad: No, Mr. Kleihege's subdivision.

Hull: The PUD authorizes a developer or a builder or a landowner to develop property in a certain fashion. They have to abide by certain specifications and rules. Those are all the things I think what you're stating is an agreement between the Town and the developer.

Anderson: Correct. Town Code Chapter 14. There are no variances requested from that Town Code related to the utilities.

Hull: The problem you're stating is the utilities do not come to your property.

Anderson. Correct or anywhere near it.

Hull: Is Mr. Kleihege there?

Kleihege: Yes

Hull: Do the utilities go to his property?

Kleihege: The utilities come right to the end of the public right-of-way.

Hull: Do the utilities go to exactly where they're supposed to with what you're required to provide.

Kleihege: Yes, they do, and we actually added an additional easement. We have a utility easement for sanitary and other utilities. Indiana American Water asked us to have a separate easement and that was included. That was added after. They have their own separate easement there.

Hull: Kleihege says it's been done and has committed to the Board that it's been completed. That's all I'm looking for. You bought a lot from Kleihege not Lightfoot. The building commissioner is the one who will have to push things through. The purpose of this Board is a planning board. We go through plans and look at future developments. I don't know that we can help you as much as we may want to. Attorney Brazil, is this a civil issue? What can we do to help this gentleman get some resolution?

Attorney Brazil: It would be a civil issue for Anderson to sue Kleihege, the developer, to get wrong doings back. But it would also be our issue to enforce what our PUD says and if it's being followed. Kleihege says it's being followed but if the building commissioner goes out and verifies it's being followed then I don't see what more of an issue we have.

Anderson: I agree with that. I'm confident this drawing says drainage, sanitary, gas and electric services are available at the site. An easement to "where" is not the site. The easement is three lots away.

Attorney Brazil: I don't know how that enforcement goes.

Poparad: When my sewer and water went in front of my house, it was my obligation to get the water to my house.

Anderson: Put it in front of my house and I'll do that.

Poparad: To your lot line.

Anderson: It's not to my lot line either.

Kleihege: Anderson built 350 feet of the public driveway. I was mandated to put in a private drive. The utilities cost more to run everything back to your secluded lot. That goes with NIPSCO, water, sanitary, etc.

Anderson: The utilities should be available within that PUD. Which right now there is none.

Kleihege: We extended everything...

Anderson: You created easements. You didn't extend anything.

Kleihege: We extended sanitary...

Poparad: This is going nowhere. You need to see Building Commissioner McGraw. We may need to involve Global Engineering and we'll go from there.

Hull: Is Anderson happy with the next steps? I'm not there so I couldn't tell.

Biancardi: I think so, yes.

Hull: Kleihege is going to do exactly what he has to do and on the flip side the buyer is going to be responsible for exactly what their responsible for. No more, no less.

Review: Bonds, Maintenance Guarantees, Letters of Credit

Poparad: Do we have anything coming up?

Falbo: The only thing coming up is the Kleihege's maintenance bond.

Poparad: Do we have a punchlist?

Global Engineer Hicks: Yes. We did an inspection of the above ground structure. The sanitary was already accepted. This is for the pavement, sidewalks, curbs and storm structures. Basically, I attached some representative pictures of the items and also at the end of the letter is a map which outlines the different items either being asphalt cracking, sidewalk cracking, sidewalk tripping hazards that we found. We found three things

Asphalt has cracked horizontally and vertically. This needs to be crack sealed.



Image 1:
Asphalt crack needing caulk sealing

Sidewalk shows a pretty substantial crack. The developer needs to crack seal the pavement.

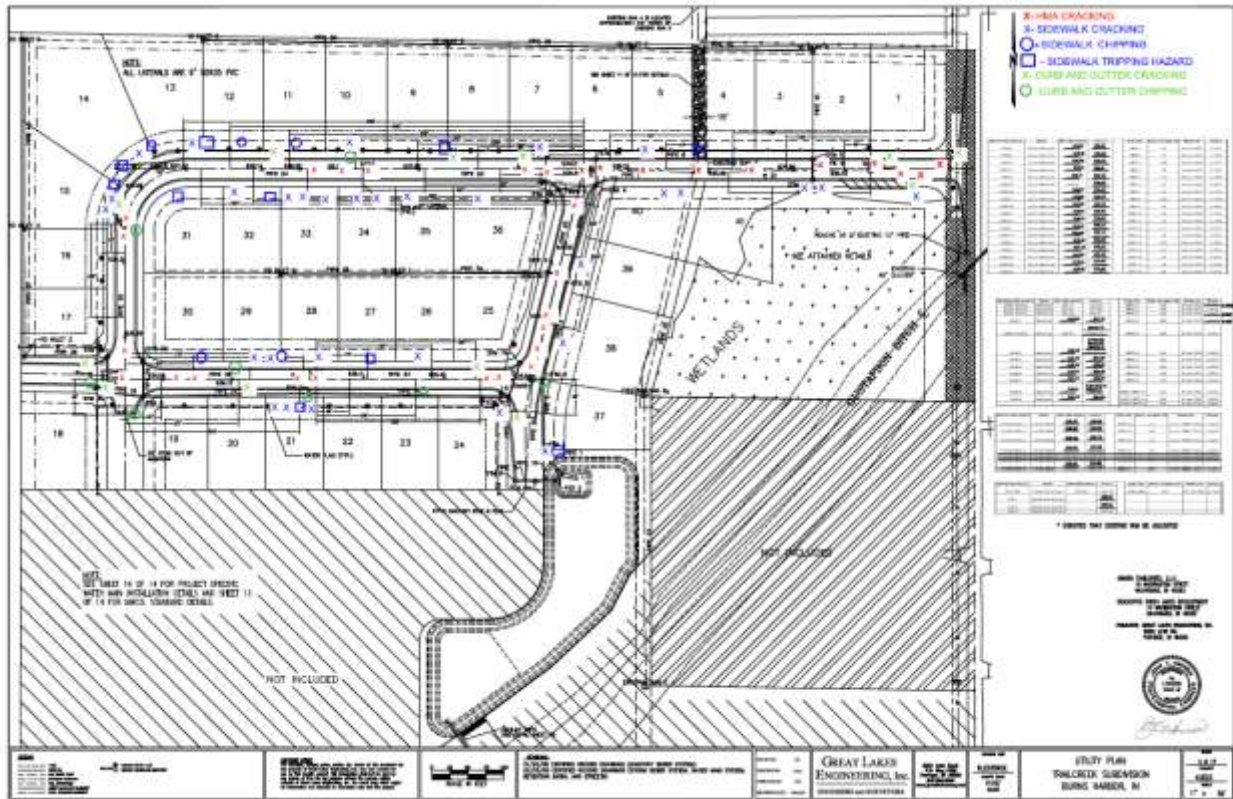


Image 2:
Concrete crack & Tripping Hazard;
Needing Replacement

Curb has a hairline crack. The developer needs to crack seal the curb.



Image 3:
Concrete crack needing caulk sealing



Oudman: I have never been through this part of the process before and I need some clarification. Are sidewalks something the developer is responsible for even though they don't put the sidewalks in?

Kleihege: I was going to question that. In the twenty years of developing all over the County, I have never been responsible for a sidewalk other than if it's in front of a Park, a retention pond or along the main road.

Oudman: Also, I thought it would be in the Subdivision Ordinance, so I went back and looked. It says that the sidewalks are the responsibility of the owner.

Poparad: You're right.

Global Engineer Hicks: So maybe we got a little rigorous.

Poparad: I would rather you went through it and looked at everything because sooner or later we're going to have to go back to someone to fix that because it is a trip hazard for sure.

Global Engineer Hicks: I do have a comment or maybe it's a question. If the sidewalk is the responsibility of the owner, there are also ADA ramps. Do those go to the owner if it's on a corner lot? Because one of those ADA ramps is cracked so I just thought I would put that out there. Each builder puts in a sidewalk and it's in the public right-of-way. So that is why we reviewed it, but I do understand what your Ordinance states.

Kleihege: I feel that's the homeowner's responsibility to maintain. I would like to meet with you sometime this week or later.

Global Engineer Hicks: Yes, sure.

Poparad: But the curbs are yours Mr. Kleihege.

Kleihege: Yes, absolutely. And the road.

Poparad: We're going to have to do some research on that and figure out what's going on with this because it needs to be fixed one way or another no matter who's going to foot the bill.

Global Engineer Hicks: Yes.

Poparad: When is Kleihege's bond due?

Falbo: July 10, 2021.

Poparad: We'll make sure what Mr. Kleihege is responsible for by the June 7, 2021 meeting and we'll go from there.

325 Tech Drive Public Records Request

Poparad: This is non-issue for us because it's was settled prior to the meeting.

Old Business

Reformatting Zoning Request

Oudman: I would like to ask the Commission to consider changing the formatting of the Zoning to make it easier to read and understand.

Poparad: Is that our decision to change that or is it the Town Council's decision.

Biancardi: I feel like you could make a recommendation to the Town Council because at that point it will fall on one of the staff people if that's the direction everyone wanted to go that the Deputy Clerk would do that. She would just basically pull that into her duties and make sure that's taken care of. This is an advisory board so we can advise the Town Council that we want to make it simpler for everyone to read, do you think this is a good idea. I don't see why it would be a problem besides the time that it will take someone to go and decide where to break.

Oudman: Some of the breaks I already did so it was easier for us to read through and find them.

Poparad: Hull, what do you think?

Hull: I agree with Biancardi. Let's present it to Council.

Biancardi: If Falbo would send that recommendation to Clerk-Treasurer Jordan to make sure it gets on the agenda.

Swimming Pool Setbacks

Oudman: To do swimming pools we actually had to look at Chapters 4, 14 and 15. In order for us to be as clear as we are able to on the Swimming Pool Ordinance which would then produce our Swimming Pool Permit it would be helpful if we would adopt a couple of additional codes that Indiana has not adopted and they are:

Part of the International Residential Code. Indiana did not adopt Appendix G:

Appendix G, Section AG 105.2 of the International Residential Code, as published by the International Code Council, Inc.

That's the one that pertains to swimming pools.

There is also one that pertains to egress windows and we'll get to that in a moment.

In addition to the Section 675, Article 20 of the Indiana Administrative Code for the Swimming Pool Ordinance we're working on now, Attorney Brazil and I suggest that we also adopt Appendix G as it has more information pertaining to *residential* swimming pools. I don't know why the State decided against that but that would give a little clearer information on the definitions. The definitions under Part 1 Swimming Pools came from that Chapter and I go over those.

We recommend:

1. No swimming pool shall be located in any recorded easement.
2. Swimming pools shall observe the same side and rear Setbacks as primary Buildings in their District;
3. No swimming pool shall be located closer to the Front Lot Line than the Front Line of the Building;

We'll come back to this one:

4. Pools must be a minimum of "X" from any property line and "X" from any other structure.
5. No Swimming pool shall be located above or below any utility lines including electric, gas, or water. That is not so much as an electric line is going to fall into it, more that people playing with pool doodles and stuff like that overhead.
6. Swimming pools shall be securely fenced or covered as required by State Statute.
7. A minimum 4' barrier surrounding pool is required, either fenced yard or pool fence with locking gate or ladder if pool is less than 4' above ground.
8. If the top of the pool wall is less than 4' above any surround deck, patio, or grade, the barrier must be placed to be a minimum of 4' above
9. For in-ground pools, an automatic locking pool cover may be installed in lieu of barrier, as provided for in 675 IAC CH 20.
10. A temporarily installed above ground pool must be removed by the temporary pool permit expiration date.
11. For pools less than 24" in height, no permit is required. Homeowner accepts responsibility for all liability.
12. Any in-ground, partially in-ground pool, above-ground pool, permanently installed, or an above-ground, temporarily installed pool with a deck, requires a building/location improvement permit.
13. Inspections are required for location, electrical, mechanical, concrete (in-ground pools), and final.
14. Notice shall be given to the Town's Sanitary Superintendent prior to draining a Swimming Pool with a capacity of more than five hundred (500) gallons.

If it's a swimming pool – these are the rules. This makes it very clear. Also, Building Commissioner McGraw suggested that pools be a minimum of 7 feet from any property line and 7 feet from any structure. Or, as it's currently on our Pool Permit—I believe it's 10 feet from any property line and 6 feet from any structure. One thing to keep in mind when we're looking at what that distance is going to be is if someone is going to build a deck around their pool as a permanently installed temporary pool. We have a number of those in Town.

Hull: The deck would be subject to the same setback as the pool. You have “x” amount of setback and you have to get it all in that space, right?

McHargue: Yes, so the homeowner will have to plan accordingly and move the pool further, but that's something that they have to figure out.

Biancardi: So, if you plan to put in a deck in later, you have to plan for it at that time.

Global Engineer Hicks: I have two comments. One is you were wondering would it be helpful to say including decks and, it might, if this makes people plan ahead so they're not dealing with it after. Just a thought. The other is, did you add that it needs to be 10 feet from septic fields?

Oudman: Global Engineer Hicks had suggested that we (because we still have some properties in Town that are on septic), but we also include that any pool must be at least 10 feet from a septic field or septic tank.

Biancardi: My question in terms of setbacks is – Building Commissioner McGraw, what is your recommendation? 7 and 7, 10 and 6?

Building Commissioner McGraw: 7 and 7, keep it simple. Basically, the whole purpose for the setback was to make sure we don't have a place where someone can climb up and jump into a pool. I like the idea of planning head because right now there are about 25 pools that are up and eventually somebody is probably going to want to put a deck on. But what's going to happen if this Ordinance goes into effect if they're not going to fall within the means of being able to put a deck on. At that point, they have to get something revised to what the existing Code is.

Biancardi: I would defer to Building Commissioner McGraw's setback of 7 and 7. That's what I would suggest.

Oudman: That would be under--
“Restrictions” 4.

That particular one would say:

Pools and any appurtenant structures must be a minimum of “X” from any property line and “X” from any other structure.

Attorney Brazil put the following into our official ordinance format which is Section 1 and it has the definitions of the various kinds of pools as per the International Residential Code chapter:

1. SWIMMING POOL: Any artificial basin constructed, modified, or improved for wading, swimming, or diving. This does not include artificial lakes.

- a. Swimming pool, in-ground: Any pool whose sides rest in partial or full contact with the earth.

- b. Swimming pool, non-permanently installed: Any pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity. (Generally intended to be removed for winter storage each year.)
- c. Swimming pool, on-ground: Any pool whose sides rest fully above the surrounding earth.
- d. Swimming pool permanently installed: Any pool that is constructed in the ground or in a building in such a manner that the pool cannot be readily disassembled for storage. (Generally not intended to be removed seasonally.)
- e. Swimming pool, wading: Any shallow pool, usually intended for small children or adults who can get their feet and lower bodies wet.
- f. Swimming pool, residential: Any pool with a water depth of at least forty-two (42) inches for use by not more than two (2) owner families and their guests and situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three (3) stories in height.

Just a note on that—Attorney Brazil did some research and he can tell you about it if you want more information, but we are able to adopt additional recognized Code in addition to what Indiana has adopted.

Attorney Brazil: Because Indiana has their own adopted Codes, we can adopt our own outside of it and the way the law is we can be more restricted than what's above us. So, just because Indiana doesn't require egress windows doesn't mean we can't require egress windows.

Biancardi: Aside from the setbacks you were asking about and the addition of the septic field, is there anything else we need for this?

Oudman: The only other thing would be the adoption of those extra Chapters.

Biancardi: Is that not written into this...

Oudman: It's not in this Ordinance. Should it be written in this Ordinance?

Biancardi: Are you talking about Article 20 and Appendix G?

Oudman: Article 20 already is. Appendix G

Biancardi: It says:

15–13–8 SWIMMING POOLS

The Town of Burns Harbor adheres to the current edition of the requirements for outdoor swimming pools, found in:

- Section 675, Article 20 of the Indiana Administrative Code
- Appendix G, Section AG 105.2 of the International Residential Code, as published by the International Code Council, Inc.

Attorney Brazil: It's enough just to list this in the Pool Ordinance at this time.

Oudman: Other than adding the septic, no, it's just a matter of filling in that setback number whatever is decided (7 and 7 or 10 and 6).

Biancardi makes a motion to set the Swimming Pool Ordinance for Public Hearing on June 7, 2021 with the addition of the recommendations for setbacks and septic fields/tanks. McHargue seconded the motion. Motion carried by unanimous vote.

Chapter 4 Building Code

Oudman: **Chapter 4**

On Page 2 of under B is where we would add in the following:

B. Other Standards:

1. Adoption of The International Residential Code for Outdoor Swimming Pool Barrier Requirements

The current edition of the requirements for outdoor swimming pools, found in Appendix G, Section AG 105.2 of the International Residential Code, as published by the International Code Council, Inc., are hereby adopted and designated as the requirements for outdoor swimming pools in the Building Code of the Town of Burns Harbor.

2. Adoption of The International Residential Code for Emergency Escape and Rescue Openings

The current edition of the requirements for emergency escape and rescue openings, found in Chapter 3, Section R310 of the International Residential Code, as published by the International Code Council, Inc., are hereby adopted and designated as the requirements for emergency escape and rescue openings in the Building Code of the Town of Burns Harbor.

Then on the same page, we will strike the following:

- D. No occupancy permit shall be issued for any structure containing a subgrade basement unless the basement contains a means of egress. (Ordinance 231, 11/11/2009)

This is in another area, it's not really appropriate in this particular Chapter.

Biancardi: Where else is it?

Oudman: It's in Chapter 15, I believe.

On Page 5, I just want to point out and have everyone consider it. It says:

- B. A permit shall be required prior to the erection of any fence or prior to the construction, restoration or repair of any deck, or shed, regardless of the cost of such construction, restoration or repair. (Ordinance 230-2009)

At first I thought that it didn't apply anymore because it didn't have a monetary amount, but you really want people to come in even if they're putting up a cheap fence.

McHargue: We should set a value because if I need to repair a \$23 board on my deck it shouldn't require a \$25, \$50 or \$75 permit.

Biancardi: There is a conflict here. The one above it says it has to exceed \$1,000.

Oudman: There's more than one place that has conflicts.

Biancardi: There are times that things are changed, and it wasn't checked throughout the Code.

McHargue: This should fall under *maintenance* because you're not making any changes. You're just fixing what you already had a permit for.

Oudman: I would agree with that.

The next one we're striking is on Page 6:

D. ... The Building Commissioner shall give Town Council Members a copy of all papers filed for application of an Improvement Location Permit prior to issuing the Improvement Location Permit. (Resolution 91-112)

Biancardi: That is probably from the 1970s.

McHargue: That needs to go.

Oudman: Sec. 4-10. INSPECTIONS.

After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to ensure full compliance with the provisions 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 reinspection fees as prescribed in this code.

In the case of any inspection requiring the location of public utilities, the person, firm or corporation requesting the location inspection shall pay the costs of the inspection to the Town, as shall be set forth in the current schedule on file with the office of the Clerk-Treasurer. ~~Provided, that~~

No such location inspection fee shall be charged for location inspection requests performed in conjunction with residential building and improvement location permits. (Ordinance 245, 12/14/2011)

That is mostly just splitting that up so people realize what they need to get in Section 4 as opposed to getting lost in the first paragraph.

Then we skip on to Page 9:

Sec. 4-20. PERMIT FEE REQUIRED.

That no application will be ~~considered~~ **issued** until the building permit fee is received.

That is just a wording change and that will be coming up in several places.

Then skipping to Page 16:

Sec. 4-35 NUMBERING OF STRUCTURES REQUIRED.

It shall be the duty of the owner or occupant of each house, business structure or other structure within the Town of Burns Harbor, Porter County, Indiana, now existing or hereafter erected which has been assigned a mailing address for the receipt of mail through the United States Postal

system to place on such structure within 90 days from the date of passage of this ordinance, letters or numerals not less than 3 5 inches high showing the number of the mailing address of each such structure. The aforesaid letters or numerals shall be placed on said structures so that they are visible from the street and shall contrast with the color of the structure. In addition, in the event that the structure is not visible from the street, then the mailing address should be placed in such a way that it is visible from the street, making it possible for emergency vehicles to easily locate and identify the structure. (Ordinance 123, 6/28/89)

If I recall we had three different sizes in three different places. The numbers had to be 3, 4, and 5 inches on a house. Any preference for size?

Biancardi: So that particular Ordinance is from 1989. I probably would go with the most recent change if it's noted because that's probably a current standard.

Oudman: That would be 5 inches and I don't remember which Section it is in.

Biancardi: I don't even have numbers on my house. I have them on my mailbox.

Oudman: Which number do we want?

Biancardi: I feel like 5 would be good.

Hull: 5

Oudman: 5 it is.

Hull: Is that on new property? Do we go back and make everybody change their numbers?

Oudman: No, you would not make people change the numbers. That would be on new properties or if somebody is putting up numbers on a house that they're remodeling.

That is everything on Chapter 4.

Oudman: **Chapter 14 – Subdivision Control Ordinance**

Page 68:

APPENDIX - G
BEFORE THE TOWN OF BURNS HARBOR TOWN COUNCIL
AND BURNS HARBOR ADVISORY **PLAN** COMMISSION

Added the word **PLAN** between ADVISORY and COMMISSION.

6. Attached to this Petition is **and electronic copy and 15 hard** copies of the written text portion of the proposed PUD Ordinance and **an electronic copy and 15 hard** copies of the drawing portion of the proposed PUD Ordinance with all information that is required pursuant to the Subdivision Control Ordinance of the Burns Harbor Town Code.

On the very last page of that Chapter under who has to be notified and it is item 11. The Plan Commission shall publish a **legal notice** in the Chesterton Tribune.

Attorney Brazil: If the Chesterton Tribune is going to only publish so often or no longer publish, we want to make sure we follow the guidelines of notice.

Hull: They are changing the publishing guidelines on the State level as well.

Attorney Brazil: It might be on the website.

Hull: So, what if we just said the secretary of the Plan Commission publish legal notice as dictated by the State. That way you won't have to go back and get that in case they change their rules up.

Poparad: Did that say the secretary has to publish it? It should be the petitioner. Falbo, you don't publish it, right?

Biancardi: Not for petitioners unless it's us (the Town).

Falbo: Right.

Oudman: If that's the case, that should be updated also.

Moving on to **Chapter 15**.

Page 8: Anywhere it says Accessory Building we add in a building use or accessory use so we are very clear that we're not just talking about a building, it might be a swimming pool, it might be a greenhouse – those kinds of things. So, clarify that definition.

2. ACCESSORY BUILDING OR USE: A subordinate Building, **Accessory Structure or Accessory Use** located on the same lot with an existing main Building, or a subordinate Use of land, either of which is incidental to the main Building or to the Principal Use of the land.

McHargue: So, the item below, just for clarification, your swimming pool which it might be an accessory use, it's not going to calculate to the square footage of an accessory building, correct?

Oudman: That is something we need to look at in greater depth because it doesn't make a lot of sense.

Accessory Buildings for residential Uses are limited to a total of one thousand eight hundred (1,800) square feet for each residence, including attached garages.

On page 9:

Shed is what I put in because that's what we name it as in some of our other Ordinances where we have up to 200 square feet.

- A Garage, yard barn, **shed**, or Building for domestic Storage (size parameters vary per zoning District);

Swimming pools are an accessory use. Instead of leaving it open at this time I said the following:

- Swimming pools, **which shall be regulated by Section 15-13-8**, if private and being incidental to Use by the Owner and guests; and

A new addition here was taken from Chapter 4 and is just repeated so people will know what an addition is.

5.5 ADDITION: Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Page 11:

Under Box. I put that as a building type. That's not just like you got a box building and that's ok no matter what you have in it.

24. BOX, LARGE: A freestanding Building **type** with a Commercial function with a Floor Area greater than thirty-five thousand (35,000) square feet.

25. BOX, MEDIUM: A freestanding Building **type** with a Commercial function and a Floor Area between 10,001 and 35,000 square feet.

26. BOX, SMALL: A freestanding Building **type** with a Commercial function and a Floor Area not exceeding 10,000 square feet.

Then 30.25. at the bottom of the page:

BUILDING LINE The line of a building on all sides, measured at the wall of the building or use, or the footprint of the building or use, on a parcel of land or lot. (or "SETBACK LINE"). The line representing the SETBACK; See "SETBACK."

That is what we talked about at the last meeting. We were going to stick to those three things. The definitions we looked over last time and get rid of anything that was confusing in addition to that. That's why the next two items are struck.

~~31. BUILDING LINE, FRONT: The line nearest the front and across a lot establishing the minimum open space, or set back, between the nearest part of a Building or edge of eaves and the Front Lot Line.~~

~~32. BUILDING LINE, REAR: The line nearest the rear and across a lot establishing the minimum open space, or set back, between the nearest part of a Building or edge of eaves and the Rear Lot Line.~~

Skip over to page 15:

How do you feel about these definitions for Swimming Pool and Deck? These are the most common legal definitions.

61.25 DECKS, SWIMMING POOL: Those areas surrounding a pool which are specifically constructed or installed for use by bathers.

61.50 DECK: a floor or platform area extended from a building.

Poparad: Does extended from the building mean it has to be touching the building? You can still have a deck and not have it touch your house.

Oudman: That should probably be adjusted to reflect that.

McHargue: If I put a 16 x 16 wood deck in the middle of my yard...

Poparad: You can have a deck and still not have it attached to your house.

Building Commissioner McGraw: Correct

Oudman: I will address that.

On to Page 18:

Freestanding House is an existing definition and it's got a lot of numbers in it. So, instead of trying to figure out the numbers should be I just said **unless provided for elsewhere in this zoning ordinance**. So, in those sections where we have different zones and different specifications for size that covers it and we can address that in those areas specifically.

84. FREESTANDING HOUSE: A single Dwelling unit, unattached to any other Dwelling unit, which is considered the Principal Building with either an attached or detached garage. A Freestanding House shall have a minimum of 1,100 square feet for a single story and 1,800 square feet for multi-story, **unless provided for elsewhere in this zoning ordinance**.

Page 19:

I struck Arcelor Mittal.

102. INDUSTRIAL, HEAVY: (~~ArcelorMittal~~) Manufacturing, processing, assembling, storing, testing and similar industrial Uses which are generally major operations and extensive in character; require large sites, Outdoor Storage and service areas,

Page 23:

127. MIXED USE BLOCK BUILDING: A multi-Story Building **type** placed at or close to the Front Lot Line supporting multiple functions one of which may include structured parking.

I added **type** here.

Page 25:

That is the definition for Patio. That needs to be adjusted from what Building Commissioner McGraw and I talked about today. We are going to say *is not generally attached to the structure*.

153.5 PATIO: A recreation area that adjoins a dwelling, is often paved, and is adapted especially to outdoor dining.

Biancardi: Why does that referenced *and is adapted especially to outdoor dining*?

Oudman: I don't know. Because for some reason all the legal definitions include that. We can strike that.

Biancardi: I just thought that was odd. If it applied to a business or commercial, I could see that.

Page 32:

Swimming Pool--this is all the stuff that we have in our other Ordinance, but it includes also for this purpose the Public Swimming Pool definition.

205. SWIMMING POOL: Any artificial basin constructed, modified, or improved for wading, swimming, or diving. This does not include artificial lakes.

- (a) Swimming pool, in-ground: Any pool whose sides rest in partial or full contact with the earth.
- (b) Swimming pool, non-permanently installed: Any pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity. (Generally intended to be removed for winter storage each year.)
- (c) Swimming pool, on-ground: Any pool whose sides rest fully above the surrounding earth.
- (d) Swimming pool permanently installed: Any pool that is constructed in the ground or in a building in such a manner that the pool cannot be readily disassembled for storage. (Generally not intended to be removed seasonally.)
- (e) Swimming pool, wading: Any shallow pool, usually intended for small children or adults who can get their feet and lower bodies wet,

205.1. SWIMMING POOL, PUBLIC: Any pool other than a residential pool that is intended to be used for swimming or bathing. Various types of public pools are defined by the following categories:

- a) Class A-competition pool: Any pool intended for use for competitive aquatic events sanctioned by nationally recognized athletic organizations such as the following: (i) FINA (Federation International De Natation Amateur). (ii) AAU (Amateur Athletic Union). (iii) NCAA (National Collegiate Athletic Association). (iv) USD (United States Diving, Inc.). (v) NAIA (National Association of Intercollegiate Athletics). Such pools may also be used for public recreation.
- b) Class B-public pool: Any pool intended for public recreational use.
- c) Class C-semipublic pool: Any pool operated solely for and in conjunction with lodgings such as hotels, motels, apartments, condominiums, etc.
- d) Class D-special purpose pool: Any pool operated exclusively for medical treatment, water therapy, or nonrecreational functions.
- e) Class E-other pools addressed under 675 IAC 20-5 of this code.

205.1. SWIMMING POOL, RESIDENTIAL: Any pool with a water depth of at least forty-two (42) inches for use by not more than two (2) owner families and their guests and situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three (3) stories in height.

Moving on to Page 39:

This is where we adopt the additional Code references. C is for the Swimming Pools and D is for the egress windows.

C. The current edition of the requirements for outdoor swimming pools, found in Appendix G, Section AG 105.2 of the International Residential Code, as published by the International Code Council, Inc

D. The current edition of the requirements for emergency escape and rescue openings, found in Chapter 3, Section R310 of the International Residential Code, as published by the International Code Council, Inc., are hereby adopted and designated as the requirements for emergency escape and rescue openings in the Building Code of the Town of Burns Harbor

Just a note as we move to **15-3-4-1 EXCEPTIONS TO REVIEW** I did find where it says limited review permit and that was actually with the changes to the Building Improvement Permit Ordinance that was done in 2018.

15-3-4-1 EXCEPTIONS TO REVIEW

The following shall be excepted from the foregoing requirements:

A. Agricultural Uses **does this mean an agricultural use needs no permits?**

Do we allow agricultural use in our zoning code? Attorney Brazil and I could find, there is nothing that actually regulates the agricultural use. This is a topic that needs to be reviewed.

~~B. Limited Review Permit~~

15-3-4-2 PROCEDURES

An application for formal site plan approval shall be approved or denied within sixty (60) days from the date of its official and complete submission to the Building Commissioner.

A. Any Person making application for a Site Plan Approval shall furnish the Building Commissioner with **an electronic copy and three (3) printed copies or as directed**, of a Site Plan or Development plan of the real estate involved in the proposed permit.

Page 40:

Something that I feel would be helpful if we put with the legal or site description of the real estate involved and ask them to include the zoning code or zoning district. That way we get on the same paper people who are coming for a permit right away. It will be easier to control that.

1. Legal or site description of the real estate involved, **including the zoning district.**

Page 41:

That's where I put in the need for egress for the basement.

21. No occupancy permit shall be issued for any structure containing a subgrade basement unless the basement contains a means of egress. (*Ordinance 231, 11/11/2009*)

22. A copy of a design release, issued by the Indiana Fire and Building Service Department, **if necessary.**

23. The Town may request additional engineering studies be conducted by the applicant describing impacts and potential upgrades of items such as traffic, sanitary sewer and potable water systems.

24. In the case of commercial or industrial uses and Buildings, the application shall include a Certificate of Compliance from a Professional Engineer registered in the State of Indiana certifying that the intended use will satisfy the performance Standards such as noise regulations of the Town Code for the District in which it is located.

25. Additionally, if application is for construction of improvements for other than single family residential use, unless the Building Commissioner grants a written waiver as he may for projects where he estimates the value of construction to be less than \$5,000.00, the information provided to the Building Commissioner shall include additional information **including:???** – **nothing was listed.** I believe *including* should be struck.

Moving on to Page 42,43 and 44

B. PERMIT FEES: No application for any permit from the Building Department shall be **considered issued** unless it is accompanied by cash or check for fees pursuant to the fee schedule, as amended.

E. REQUIREMENTS FOR BUILDING/IMPROVEMENT LOCATION PERMIT: Any Person making application for a Building/Improvement Location Permit shall furnish the Building Commissioner with an electronic copy and three (3) printed copies, or as directed 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 listed in 15-3-4-2.:**

Then strike the following:

- ~~1. Legal or site description of the real estate involved.~~
- ~~2. The boundaries of the property drawn to scale with dimensions.~~
- ~~3. Location and size of all Buildings and Structures both existing or proposed drawn to scale with dimensions.~~
- ~~4. Designation of Front, Side and Rear Yard Setback dimensions and distance between existing and proposed Structures and said Setback dimensions~~
- ~~5. All adjacent and adjoining roads or highways and width and length of all entrances and exits to and from said real estate onto said roads or highways.~~
- ~~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.~~
- ~~9. Show existing and proposed Easements and their widths.~~

~~10. Show what provisions will be made to handle stormwater run-off that 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.~~

~~16. In the event the real estate of the Applicant is located in a Flood Plain area or adjacent to a Flood Plain area, the Site Plan shall be prepared by a licensed professional.~~

~~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.~~

~~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)~~

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

~~21. A copy of a design release, if required, issued by the Indiana Fire and Building Services Department pursuant to I.C. 22-15-3-1 and Approved by the office of the State Fire Marshal as provided therein.~~

~~22. In the case of industrial uses and Buildings, the application shall include a Certificate of Compliance from a Professional Engineer registered in the State of Indiana certifying that the intended use will satisfy the performance Standards such as noise regulations of the Town Code for the District in which it is located. Additionally, if application is for construction of improvements for other than single family residential use, unless the Building Commissioner grants a written waiver as he may for projects where he estimates the value of construction to be less than \$5,000.00, the information provided to the Building Commissioner shall include additional information including:~~

~~Site Plans so furnished to the Building Commissioner shall be filed by the Building Commissioner and shall become a permanent record of the town.~~

Page 45:

Attorney Brazil and I thought it would be wise to include the reference to the Flood Ordinance just in case somebody is trying to do something that has further requirements if they're in a flood plain area.

4. Further regulations pertaining to Flood Plain Areas are contained in Chapter 4, ARTICLE VII. FLOOD ORDINANCE (Ordinance 262)

Page 50 has a typo:

without just cause, to appear at two (2) consecutive meetings, the Commission may dismiss the application or petition for lack of prosecution. A petitioner or applicant whose petition or application is dismissed for failure to prosecute may not refile the matter with the Commission earlier than one (1) year after the date of dismissal.

Page 50:

That's the number of documents required.

15-4-7 APPLICATION PROCEDURES

C. REQUIRED INFORMATION: Twelve (12) **Three, (3) or as directed, hard** copies, of an application for a Variance or Special Exception shall be presented to the Secretary of the Board. Electronic copies are **encouraged required** in addition to the copies required by this section.

Page 59:

Where we've got our table of zoning districts there's a typo in RC2. It says 1 but it should be 2.

RC2 RESIDENTIAL/COMMERCIAL 4 2DISTRICT

The purpose of the Residential/Commercial 2 District is to promote the Development and management of identifiable multi-use and mixed-use corridors and sub-Districts that allow town residents to meet their weekly needs on foot, bicycle and motor Vehicle.

Page 60: Zoning Form & Function Table

We added shipping containers and I wasn't quite clear what to do with that.

Biancardi: What does the Ordinance specifically say?

Oudman: It says they're permitted "unless". So, if you just looking at the table you get one concept and if you look at the actual item...

Biancardi: However, if it did say permitted and you went to apply the permit is very specific about what's required.

Updated March 2021

**TABLE 5-2:
ZONING FORM &
FUNCTION TABLE**

	RH1	RH2	RD1	RD2	DD	SP	SB
RESIDENTIAL							
Accessory	P	P					
Accessory Living	P	P					
Freestanding Houses	P	P					
Single-Dwelling	P	P					
Live/Work Building	P	P					
Maroon Apartments	P	P					
Mixed Use Block Building							
Mobile Home							
Town House							
Two Home							
Two Flat	P	P					
COMMERCIAL/RETAIL/SERVICE							
Bar or Tavern							
Bar/Lounge							
Bar/Medical							
BBQ, Small							
Commercial Store							
Convenience Store							
Mixed Use Block Building							
Open Air Market							
Restaurant							
Storage, Self							
INDUSTRIAL							
Community Center							
Club Course							
Hotel/Motel							
Library							
Religious Assembly, Large							
Religious Assembly, Med							
Religious Assembly, Small							
Surface Parking							
COMMERCIAL SUPPORT							
Genarary							
Garage							
Fire Department							
Funeral Home							
Hospital							
Law Enforcement							
Parking Garage							
Public Works Garage							
Surface Parking							
INDUSTRIAL							
Chassis							
Display							
Freight							
School K-12							
School 13-12							
Trade/Professional							
AGRICULTURE							
Auto Repair							
Auto Concessions							
New Vehicle							
Taxi/Service							
Vehicle Repair, Heavy							
Vehicle Repair, Light							
Vehicle Sales							
AGRICULTURE							
Community Center							
Greenhouse							
Sign							
Live Stock							
INDUSTRIAL							
Automotive							
Contractor Shop							
Design Terminal							
Industrial Light							
Industrial, Limited							
Industrial, Heavy							
Office/Professional							
Storage, Manufacturing							
Waste Transfer							
Wastewater Treatment							
Water Treatment							
ACCESSORY USES							
Auto Care Equipment							
Construction Office							
Home Construction							
Seasonal Sales/Storage							
Shipping Container							
Small Wood Poleframe							
Storage, Outdoor							

See Table 12.1

See Table 12.1

P = Permitted
S = Special Exception
*New Subdivisions Only

Chapter 15 – Zoning Ordinance
60

Page 65:

15-6-1 PURPOSE

The purpose of the Residential Open Space District is to preserve and protect natural open space and regulate Development of park related facilities in a sustainable, low-impact manner. The zone primarily consists of large tracts of national, **state**, county and regional agency controlled natural open space such as Wetlands, rivers, streams, dunes, prairies and forests with park support Buildings, Surface Parking lots and trails.

This section has a typo.

15-6-4 ACCESSORY BUILDINGS/Use

Accessory Buildings **or Accessory Uses** which are defined as a subordinate Building **or use** located on the same lot with an existing main Building, shall not be allowed. Subordinate structures, such as trash enclosures or Storage or maintenance sheds under **20 200** square feet are permitted and shall not be considered as Accessory Buildings for the ROS District.

We're adding *Use and change the shed to 200 square feet instead of 20.*

Page 66:

Residential District

We need to do some more work on this. For the text information it's adding Accessory Use and change the square footage.

15-7-4 ACCESSORY BUILDINGS

Accessory Buildings **or Accessory Uses**, which are defined as a subordinate Building **or Use** located on the same lot with an existing main Building, shall be allowed a maximum of sixty percent (60%) up to seven hundred (700) square feet whichever is greater of the residential Building as measured at the ground floor.

If additional square footage is sought as part of an application, a Variance request may be issued provided the Standards of Section 15-4-6 have been met.

Subordinate buildings, such as garden sheds, playhouses, or storage or maintenance sheds under ~~one hundred sixty (160)~~ **two hundred (200)** square feet shall not be considered as part of the overall accessory building calculation.

Page 67

I highlighted this so it would be easy to find.

C. RESIDENTIAL DRIVEWAYS: Residential Driveways serving front and side loading attached and detached garages accessed from the Street shall be no wider than twenty-two (22) **feet** and located in the 1st and 2nd tier. Residential Driveways serving attached and detached garages accessed from an Alley shall be no wider than twenty-two (22) **feet** and located in the 3rd tier.

Page 68:

I call it a sketch page. Under Setbacks Attached Accessory Building. I included the word Attached Accessory Building.

Page 69:

SECTION 8: RC1 RESIDENTIAL/COMMERCIAL 1 DISTRICT

15-8-4 ACCESSORY BUILDINGS/ACCESSORY USES

Accessory Buildings or Accessory Uses which are defined as a subordinate Building or use located on the same lot with an existing main Building, shall be allowed a maximum of fifty percent (50%) of the residential Building as measured at the ground floor.

Subordinate buildings, such as garden sheds, playhouses, or storage or maintenance sheds under ~~one hundred sixty (160)~~ **two hundred (200)** square feet shall not be considered as part of the overall accessory structure calculation.

This following item is something we will need to take a look at in the future. We have to get this straightened out:

A maximum of one (1) accessory structure shall be permitted **for Residential building types.** (Ordinance 229, 11/11/2009)

Accessory Buildings are permitted for Commercial or retail Building types within this Zoning District as provided for in Section 15-13-29.

Page 70:

15-8-6 INTERPRETATION OF STANDARDS

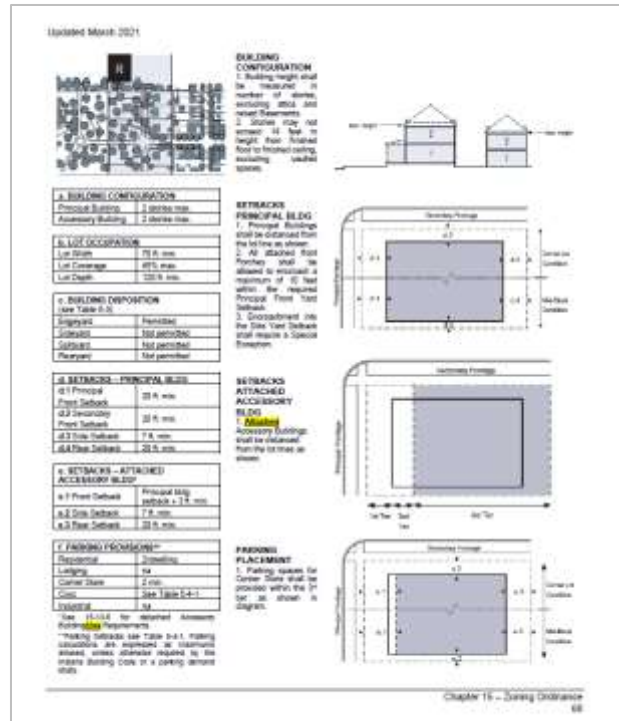
E. DRIVEWAYS: Residential Driveways serving front and side loading attached and detached Garages accessed from the Street shall be no wider than twenty-two (22) feet and located in the 1st and 2nd tier. Residential Driveways serving attached and detached garages accessed from an Alley shall be no wider than twenty-two (22) feet and located in the 3rd tier. One (1) driveway maximum allowed per lot.

H. See 15-13-~~76~~ for Detached Accessory Building Standards for Residential Building types.

We have the wrong reference. It's 15-13-6

I. Trash containers shall be stored within the 3rd tier. **See 15-13-7.**

We'll ignore highlighted 2 and 3 for now.



***See 15-13-6 and 15-13-29 for detached Accessory Building / Use Requirements**

This is a note that says where to look for information on detached Accessory Building / Use Requirements.

Page 72

SECTION 9: RC2 RESIDENTIAL / COMMERCIAL 2 DISTRICT

Included the wording for Uses. Changing the square footage and putting in the reference for what they can do with their buildings in 15-13-29.

15-9-4 ACCESSORY BUILDINGS/Uses

Accessory Buildings/Uses which are defined as a subordinate Building or Accessory Use located on the same lot with an existing main Building, shall be allowed a maximum of thirty percent (30%) of the residential Building as measured at the ground floor.

The architectural style and Building materials of all Accessory Buildings within the RC2 Zoning District shall be consistent in architecture, building materials and design as those found within the Principal Building of the lot.

If additional square footage is sought as part of an application, a Variance request may be issued provided the Standards of Section 15-4-6 have been met.

Subordinate buildings, such as garden sheds, playhouses, or storage or maintenance sheds under **eighty (80) two hundred (200)** square feet shall not be considered as part of the overall accessory structure calculation.

Accessory Buildings are ~~not~~ permitted for Commercial, industrial or retail Building types within this Zoning District **as provided for in Section 15-13-29.**

Page 73

15-9-5.5 ADDITIONAL STANDARDS

The Town had adopted the Downtown & US 20 Corridor Sub-Area Plan as far as its building requirements. That was adopted in Resolution 2009-11.

In addition to the standards found in Section 9, (15-9), requirements of the Downtown & US 20 Corridor Sub-Area Plan (Resolution 2009-11) apply to the Residential/Commercial RC2 Zoning District as noted.

WORKING CONSIDERATION
 1. Building height shall be measured in number of stories, including attic and raised basements.
 2. Stories may not exceed 14 feet in height from finished floor to finished ceiling, excluding vaulted ceilings, except for a first floor Commercial building which requires a minimum of 11 feet with a maximum of 25 feet.

BUILDING CONFIGURATION
 1. Principal Building: 1-3 stories max.
 2. Accessory Building: 2 stories max.

LOT OCCUPATION
 20 ft. min. Town House & Town Home
 20 ft. min. Town House & Town Home
 40 ft. min. Freestanding House
 Lot Coverage: 60% max.
 Lot Depth: 100 ft. min.

BUILDING FOOTPRINT (SEE TABLE 9-5)
 Detached: permitted
 Attached: permitted
 Attached: permitted
 Attached: permitted

SETBACKS - PRINCIPAL BLDG
 a.1 Front Setback: 10 ft. min.
 a.2 Side Setback: 10 ft. min.
 a.3 Rear Setback: 10 ft. min.
 a.4 Side Setback: 5 ft. min. (separation adjacent)
 a.5 Rear Setback: 5 ft. min.

SETBACKS - ATTACHED ACCESSORY BLDG
 a.1 Front Setback: Principal may setback 0 ft. min.
 a.2 Side Setback: 5 ft. min. (separation adjacent)
 a.3 Rear Setback: 5 ft. min.

PARKING PROVISIONS*
 Residential: 2 spaces min.
 Office: 11/2000
 Retail: 5 spaces min.
 Other: 5 spaces min.
 See Table 9-4.1

SETBACKS
 PRINCIPAL BLDG
 1. Principal Building shall be setback from the lot lines as shown.
 2. An attached 1 1/2 story building shall be allowed to approach a minimum of 10 feet within the required Principal Front Yard.
 3. Encroachment into the Side Yard Setback shall require a Special Exception.

SETBACKS ATTACHED ACCESSORY BLDG
 1. Attached/Accessories Building: Shall be setback from the lot lines as shown.

PARKING PLACEMENT
 1. Parking spaces shall be provided within the 20' lot as shown in the diagram.
 2. Parking spaces may also be provided within the 20' lot as shown in the diagram.

*Parking Setbacks per Table 9-4.1. Parking calculations are expressed as maximum allowed, unless otherwise required by the current Building Code or a parking demand study.

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 73

15-9-6 INTERPRETATION OF STANDARDS

F. Attached and detached garages (Accessory Buildings) for residential Building types shall be accessed ~~from Alleys~~ with Driveways no wider than twenty-four (24) feet and located in the 3rd tier.

Page 74:

I included the word Attached under Setbacks Attached Accessory Building.

Parking Placement

*See 15-13-6 and 15-13-29 for detached Accessory Building / Use Requirements

This is a note that says where to look for information on detached Accessory Building / Use Requirements.

Page 75:

SECTION 10: DD DOWNTOWN DISTRICT

Included the wording for Uses. Changing the square footage on the sheds to 200 square feet and with our business outdoor storage we did allow accessory buildings and we refer them to Section 15-13-29.

15-10-4 ACCESSORY BUILDINGS/ACCESSORY USES

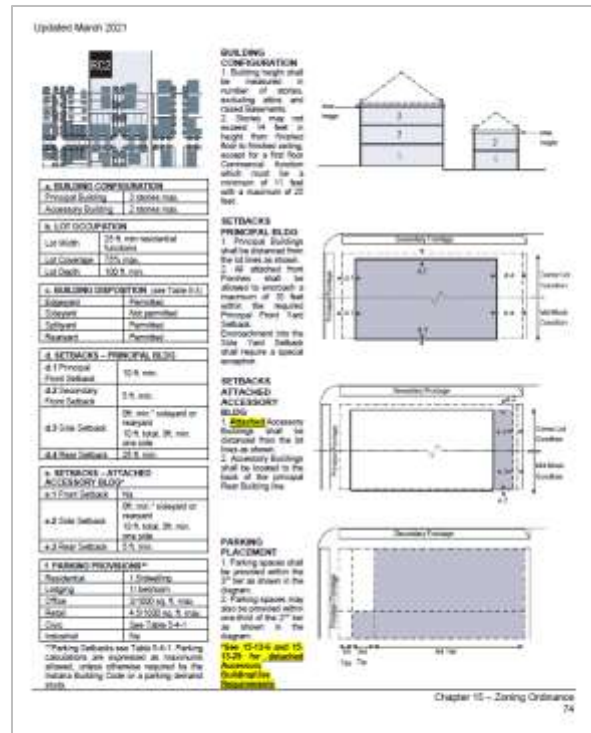
Accessory Buildings or Accessory Uses which are defined as a subordinate Building or use located on the same lot with an existing main Building, shall be allowed a maximum of thirty percent (30%) of the residential Building.

Subordinate Buildings, such as garden sheds, playhouses, or Storage or maintenance sheds under eighty (80) **two hundred (200)** square feet shall not be considered as part of the overall Accessory Building calculation.

Accessory Buildings are not permitted for Commercial, industrial or retail Building types within this Zoning District **as provided for in Section 15-13-29.**

Page 76:

The same thing for the Corridor in RC2.



15-10-5.5 ADDITIONAL STANDARDS

In addition to the standards found in Section 10, (15-10), requirements of the Downtown & US 20 Corridor Sub-Area Plan (Resolution 2009-11) apply to the Downtown District.

Down on C. and D. There are some contradictions that will need to be straightened out.

C. Attached and detached garages (Accessory Buildings) for residential Building types shall **not** be accessed from an Alley. *I will remove this.*

D. Residential Driveways serving attached and detached garages accessed from Alley shall be no wider than twenty-two (22) feet and located in the 3rd tier.

Page 77:

I included the word Attached under Setbacks Attached Accessory Building.

Parking Placement

***See 15-13-6 and 15-13-29 for detached Accessory Building / Use Requirements**

This is a note that says where to look for information on detached Accessory Building / Use Requirements.

Page 78:

SECTION 11: BP BUSINESS PARK DISTRICT

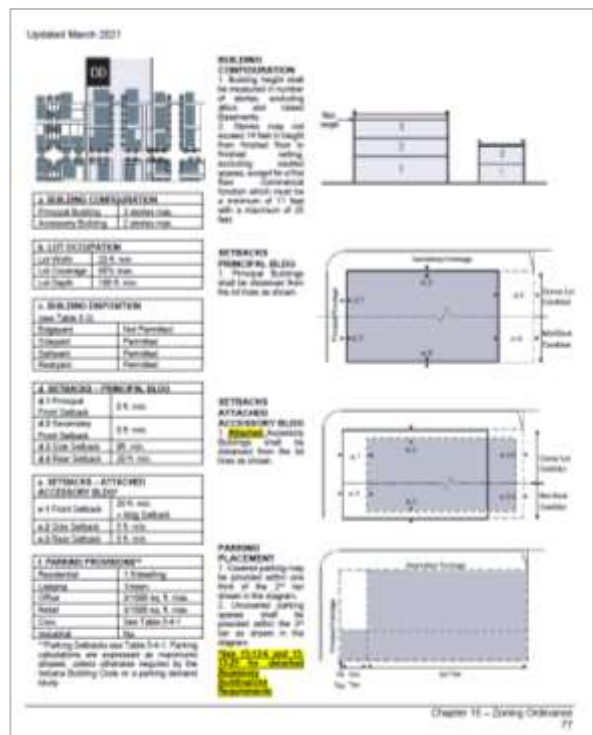
Included the wording for Uses. Strike Structure Standards. It's duplicated in 15-11-6.

15-11-4 ACCESSORY BUILDINGS/ACCESSORY USES

Accessory Buildings/**Accessory Uses** are **not** permitted for Commercial, industrial or retail Building types within this Zoning District **as provided for in Section 15-13-29**

~~Structure Standards for trash enclosures are defined in Section 15-13-7 of this Ordinance. Duplicated in 15-11-6(D)~~

D. Trash containers shall be stored within the third tier and **must be screened from view from all public rights-of-way at all times.**



B. PROJECTING ARCHITECTURAL FEATURES: Such features as windowsills, bay windows, belt courses, cornices, eaves and other architectural features, shall not project more than eighteen inches (18”) into any required Front, Rear or Side Yard.

15-13-6 DETACHED ACCESSORY BUILDING/ACCESSORY USE

Detached Accessory Buildings **or Use** shall conform to the standards found within each corresponding zoning district, provided that the development standards contained in this section shall not apply to detached accessory structures used for storage, so long as the structure is **two hundred (200)** ~~on hundred sixty (160)~~ square feet or less in total size. (*Ordinance 295-2020 229, 11/11/2009*)

A. All detached Accessory Building / **Accessory Use** shall be behind the Rear Principal Building Line and **may be erected within five (5) feet of a side or five feet (5) of a Rear Lot Line** so long as it is not within a recorded Easement.

McHargue: What you have highlighted in red—we talked about this before and I don’t know where it got lost but it should be “may not”. Everything in red would be fine. I assume the five feet still applies for an Accessory Building, correct?

Oudman: I didn’t do anything with that because it is part of a bigger discussion on intrusion into a side setback.

McHargue: I remember in a previous meeting suggesting it just needed to say, “may not”. Because right now it says, sure, go ahead. It’s a long-worded sentence that says you can put it wherever you want.

Biancardi: So long as it’s not in a recorded easement.

Hull: This one is horrible. As long as there is no easement you can build within five feet.

McHargue: That’s why I think there was an omission where she starts in the red. If you add “not” in there you can erect in within five feet of a side of five feet of a rear lot line.

Oudman: I agree with McHargue and if next month we can look at the whole accessory building intrusion into setbacks and do it all at once.

B. The design of the Accessory Building shall be in character with the Principal Building and constructed of the same quality permanent materials as the Principal Building including structurally sufficient ~~concrete floor~~ **concrete slab and/or pad per Indiana Code**. The Accessory Building shall be located on the same lot ~~and within close proximity to~~ as the Principal Building. Where such Buildings exceed 200 square feet in area, at least a third of the Building’s exterior perimeter shall be landscaped in the same manner as the principal facility.

Oudman: I don’t see why it has to be in close proximity if you have a big lot.

15-13-6.1 g Storage and the Use of SHIPPING/CARGO CONTAINERS

Biancardi: It makes it simpler to understand.

Page 88:

Oudman: The same thing on Permit Fees.

15. Permit Fees: No application for any permit shall be **considered issued** unless it is accompanied by payment for fees pursuant to the fee schedule.

Page 89:

Oudman: Our Swimming Pool Ordinance that we talked about earlier. These are the strikeouts and add ins.

15-13-8 SWIMMING POOLS

~~All swimming pools shall conform to the following restrictions:~~

- ~~A. No swimming pool shall be located closer to the Front Lot Line than the Front Line of the Building;~~
- ~~B. Swimming pools shall observe the same side and rear Setbacks as primary Buildings in their District; and,~~
- ~~C. Swimming pools shall be securely fenced as required by State Statute.~~
- ~~D. Notice shall be given to the Town's Sanitary Superintendent prior to draining a Swimming Pool with a capacity of more than five hundred (500) gallons.~~

~~All residential swimming pools~~

~~The Town of Burns Harbor adheres to the current edition of the requirements for outdoor swimming pools, found in~~

- ~~• Section 675, Article 20 of the Indiana Administrative Code Appendix G, Section AG 105.2 of the International Residential Code, as published by the International Code Council, Inc.,~~
- ~~• Appendix G, Section AG 105.2 of the International Residential Code~~

DEFINITIONS:

SWIMMING POOL: Any artificial basin constructed, modified, or improved for wading, swimming, or diving. This does not include artificial lakes.

- (a) Swimming pool, in-ground: Any pool whose sides rest in partial or full contact with the earth.
- (b) Swimming pool, non-permanently installed: Any pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity. (Generally intended to be removed for winter storage each year.)
- (c) Swimming pool, on-ground: Any pool whose sides rest fully above the surrounding earth.
- (d) Swimming pool permanently installed: Any pool that is constructed in the ground or in a building in such a manner that the pool cannot be readily disassembled for storage. (Generally, not intended to be removed seasonally.)
- (e) Swimming pool, wading: Any shallow pool, usually intended for small children or adults who can get their feet and lower bodies wet.

SWIMMING POOL, RESIDENTIAL: Any pool with a water depth of at least forty-two (42) inches for use by not more than two (2) owner families and their guests and situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three (3) stories in height.

RESTRICTIONS:

All swimming pools shall conform to the following restrictions:

- A. No swimming pool shall be located in any recorded easement.
- B. Swimming pools shall observe the same side and rear Setbacks as primary Buildings in their District;
- C. No swimming pool shall be located closer to the Front Lot Line than the Front Line of the Building;
- D. Pools must be a minimum of [REDACTED] ' from any property line and [REDACTED] ' from any other structure.
- E. No Swimming pool shall be located above or below any utility lines including electric, gas, or water.
- F. Swimming pools shall be securely fenced or covered as required by State Statute.
- G. A minimum 4' barrier surrounding pool is required, either fenced yard or pool fence with locking gate or ladder if pool is less than 4' above ground.
- H. If the top of the pool wall is less than 4' above any surround deck, patio, or grade, the barrier must be placed to be a minimum of 4' above
- I. For in-ground pools, an automatic locking pool cover may be installed in lieu of barrier, as provided for in 675 IAC CH 20.
- J. A temporarily installed above ground pool must be removed by the temporary pool permit expiration date.
- K. For pools less than 24" in height, no permit is required. Homeowner accepts responsibility for all liability.
- L. Any in-ground, partially in-ground pool, above-ground pool, permanently installed, or an above-ground, temporarily installed pool with a deck, requires a building/location improvement permit.
- M. Inspections are required for location, electrical, mechanical, concrete (in-ground pools), and final.
- N. Notice shall be given to the Town's Sanitary Superintendent prior to draining a Swimming Pool with a capacity of more than five hundred (500) gallons.

Page 102:

That is just moving something up in the order. Attorney Brazil and I discussed—we're saying that permits are required in these situations and not in these situations. That's just a change in location and you can see on Page 105 where I struck it at the end.

B. PERMIT UNNECESSARY: The provisions of 15-5-3 shall not apply to excavation done as part of the erection or alteration of a residential building or structure pursuant to a valid building permit issued by the Building Commissioner or to excavation at an improved location unless the final grade varies two (2) or more feet from the grade prior to the excavation or disrupts the drainage patterns of the area to the detriment of adjoining property, provided that such persons shall diligently and without unnecessary or unreasonable delay prosecute said work to completion. (Ordinance 219, 12/17/2008)

Page 105:

~~H. PERMIT UNNECESSARY: The provisions of 15-5-3 shall not apply to excavation done as part of the erection or alteration of a residential building or structure pursuant to a valid building permit issued by the Building Commissioner or to excavation at an improved location unless the final grade varies two (2) or more feet from the grade prior to the excavation or disrupts the drainage patterns of the area to the detriment of adjoining property, provided that such persons shall diligently and without unnecessary or unreasonable delay prosecute said work to completion. (Ordinance 219, 12/17/2008)~~

Page 113:

15-13-29 OUTDOOR BUSINESS PROPERTY STORAGE (Ordinance 303, 3/10/2021)

This is an insertion going off of our original Ordinance that we sent to the Town Council.

15-13-29-2 Applicability. This Outdoor Business Property Storage Ordinance shall apply to the following zones/districts: Residential/Commercial 1, Residential/Commercial 2, Downtown District, Business Park, and Special Use. This Outdoor Business Property Storage Ordinance shall NOT apply to the following: Residential Open Space District, Residential District, or any property used primarily for residential purposes regardless of the zone without a variance.

Page 114:

This is just to clarify lot coverage and walls and fences.

15-13-29 OUTDOOR BUSINESS PROPERTY STORAGE (Ordinance 303, 3/10/2021)

- H. The maximum percentage of a lot that may be used for business property storage is set forth in each zoning district and shall contribute to the maximum lot coverage in each zoning district.
- P. The maximum height of the enclosure, wall, or fence shall be established in each zoning district.

That's it for now.

McHargue: Right now, a lot of the Town Code regardless of the district says the maximum width of your driveway can be 22 feet. We talked about that, but it's outdated. I don't know where to go with that because I can probably pick out 100 driveways in this Town that are wider than 22 feet. My suggestion was 32 feet but measured at the street level. I think 32 feet is a standard number for a three-car garage. This will be continued next month.

Hull: Thanks to Oudman for her hard work, there was a lot involved in this.

Review of Table 5-2, Zoning Form & Function Table
Table to next month.

Good of the Order and Any Other Business

None

Announcements

None

Adjournment

McHargue makes a motion to adjourn at 9:03 p.m. Biancardi seconded the motion. Motion carried by unanimous vote.

APPROVED on June 7, 2021

Eric Hull, President

Marge Falbo, Secretary