

ORDINANCE 282-2018

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.

55. CONSTRUCTION PLAN: The maps or drawings, prepared by a licensed professional, accompanying a subdivision plat or application for a BUILDING/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.

~~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").

Section 2. 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.

Section 3. 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 an Building Permit/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: OMIT ENTIRE SECTION.

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

Section 4. 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 an 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.

Section 5. 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...

Section 6. 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/IMPROVEMENT LOCATION PERMIT: Any person making application for a Building/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).

Section 7. 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...

Section 8. 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 a 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.

Section 9. 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

ance with the provisions 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.

Section 10. 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.

Section 11. 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...

Section 12. That Section 15-13-21 of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended as follows:

A Planting 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. The Planting Plan shall indicate the location, quantity and common name...

Section 13. That Section 15 Table of Contents of Chapter 15 of the Town Code of the Town of Burns Harbor shall be amended to include the following:

SECTION 13: DEVELOPMENTAL STANDARDS

15-13-28 BUILDING DESIGN STANDARDS.....102

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:

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

All of which is ADOPTED this 11th day of April, 2018.

TOWN COUNCIL OF THE
TOWN OF BURNS HARBOR
Raymond Poparad, President
Eric Hull, Vice -President
Toni Biancardi
Marcus Rogala
Kevin Tracy

Attest: Jane M. Jordan, Clerk-Treasurer
4/18/18 - hspaxlp