

ORDINANCE 254-2013

AN ORDINANCE OF THE BURNS HARBOR TOWN COUNCIL AMENDING THE TEXT OF THE SUBDIVISION CONTROL ORDINANCE

WHEREAS, the Burns Harbor Town Council has adopted a Subdivision Control Ordinance codified as Chapter 14 of the Town Code of Burns Harbor, Indiana; and

WHEREAS, the Burns Harbor Advisory Plan Commission has initiated certain amendments to the text portions of the Subdivision Control Ordinance in order to make certain changes to the procedures for review and inspection of proposals before the Plan Commission; 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, and the Burns Harbor Plan Commission now certifies its proposal to amend the text portions of its Subdivision Control Ordinance to the Burns Harbor Town Council; and

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning these text amendments; 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 14-5-2(H) of the Burns Harbor Town Code shall be amended and hereafter read as follows:

H. LEGAL AND ENGINEERING FEES. Within its budget allotment, the Commission may contract for special services, such as professional services including legal and engineering services. In order to defray costs incurred by the Town in the administration, planning, review and inspection of applications and petitions arising under this Chapter 14, as amended from time to time, all applicants and petitioners shall be required to pay the actual costs of professional services incurred by the Town. All applicants for subdivision approval shall present and deposit a certified check payable to the Town in an amount equal to two percent (2%) of the cost of all infrastructure improvements, as estimated by the Town engineer, at the time of the application for primary plat approval. The actual costs of professional services incurred in the administration, planning, review, and inspection of subdivisions under this Chapter, as charged at the professional service providers' usual and customary rates for non-municipal clients, shall be drawn from the amount deposited with the Town. In the event that the actual costs of professional services exceed the amount deposited with the Town, the Town shall charge additional fees for those services based upon the actual costs incurred and paid by the Town. In the event the actual costs of professional services do not exceed the amount deposited with the Town, the difference shall be refunded to the developer upon the completion and acceptance of all infrastructure and the release of any maintenance guarantee. Professional service providers shall notify the Town in writing of their usual and customary rates for non-municipal clients, which information shall be available from the Town Clerk-Treasurer. In matters before the Plan Commission other than subdivisions, applicants and petitioners will be charged the actual costs of professional services as invoiced to the Town as an additional fee. All fees charged under this Section shall be paid prior to the issuance of any improvement location permit, and any relief granted under this Chapter shall be conditioned upon the full payment of such fees.

Section 2. That Section 14-5-6(C) of the Burns Harbor Town Code shall be amended and hereafter read as follows:

C. FEES: All such petitions not initiated by the Commission itself shall be accompanied by a filing fee in the form of a certified check or money order in the amount determined by the Commission from time to time and published in Section 5-15 of the Subdivision Control Ordinance. All professional services fees, including legal and engineering fees, incurred by the Commission shall be charged to the petitioner.

Commission shall be charged to the petitioner in accordance with Section 14-5-2(H).

Section 3. That Section 14-5-15 of the Town Code shall be amended and hereafter read as follows:

SCHEDULE OF FEES:

Subdivision primary plat: \$250 plus \$50 per lot

Rezoning: \$1,000

Secondary plat: \$250

Infrastructure guarantee reduction: \$250

Special Exception: \$150

Planned Unit Development: \$300 plus \$50 per lot

Section 4. That any inconsistent language concerning fees contained in Chapters 14 and 15 of the Burns Harbor Town Code, or on Table 15-4 or in Addendum 15-1 to the Burns Harbor Zoning Ordinance, is hereby repealed.

Section 5. That the Burns Harbor Clerk Treasurer is directed to establish any and all funds necessary to carry out the provisions of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE BURNS HARBOR TOWN

COUNCIL THIS 13th DAY OF March, 2013.

Councilman James McGee

Councilman Jeffrey Freeze

Councilman Eugene Weibl

ATTEST:

Jane Jordan, Clerk-Treasurer

(March 21, 2013)