

Beverly Shores Plan Commission Minutes

January 4, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:34 p.m. by virtual meeting broadcast to the public on Teams software. The public had been invited by email invitation. Members of the Plan Commission: John Blackburn, Greg Brown, Joe Kapacinskis, Greg Lyman, Tom Weber, Donna Norkus and Larry Stanton, were all present through the virtual meeting platform.
2. Election of Officers. The annual election of officers took place. Nominations were accepted for President. Commissioner Norkus nominated Greg Lyman to serve as President, Commissioner Stanton seconded. There were no other nominations. A roll call vote was taken and Commissioner Lyman was unanimously elected as President. Nominations were taken for the office of Vice President. Commissioner Lyman nominated Tom Weber to serve as Vice President, Commissioner Stanton seconded. There were no other nominations. A roll call vote was taken and Commissioner Weber was unanimously elected as Vice President. Ellen Hundt continues in her role as Recording Secretary.
3. Review of previous meeting minutes.

Minutes of the December 7, 2020 meeting were reviewed. Commissioner Stanton moved to accept, seconded by Commissioner Blackburn. Roll Call vote taken, and motion passed unanimously.

4. Old Business

Members of the Building & Site Committee, Dave Wagner and John Mackin, attended the meeting to continue the discussion of possible changes to the Building Code. An extensive discussion was held on these issues:

- i. Building Permit Expiration: Proposal to change the expiration of the building permit for a house to 18 months, and 12 months for any other building permit, the time would be calculated from the date of approval and would be specified on the permit. There would be no extensions of the permit. If construction is not completed, an application would need to be filed for a new permit and the permit fee would double.
- ii. Construction work hours: Proposal to change the work hours to designated hours of 7a.m. to 6 p.m. with no work on Sundays or Saturdays of certain holiday weekends. There was also discussion concerning limiting construction on a weekday holiday during the busier months.
- iii. Maximum building height: Proposal to change the maximum height to 35 feet.

- iv. Lot Coverage: There was extensive discussion on whether to amend the Bulk Regulations to include a concept of Lot Coverage to take into account all structures on the building lots. This would include among other things: driveways, accessory structures, decks, patios and similar types of permanent structures, but not landscaping elements. Arguments were raised in favor of the proposal based not only on slope stability and general drainage, but also lot density issues.
 - v. Registration of contractors: Proposal to change contractor registration to all contractors and sub-contractors working in the town including: landscaping, tree services, all construction related contractors and any other similar type of contractor. Since some of these contractors would be smaller businesses, the Committee proposed lowering the fee to \$75 annually from the current \$300. The registrations would expire on December 31 each year. Each applicant would be required to demonstrate workers compensation insurance coverage in addition to the minimum liability insurance limits.
 - vi. Driveways: Proposal to limit the width of a driveway. Widths of 12 feet, thirteen feet and up to 16 feet were discussed, plus an apron by the garage and a wider turning range at the street. There was discussion concerning whether a driveway should be permitted at all on a steep slope, and if so, what further limitations should be imposed. There was consensus that there are certainly slopes where a driveway would not be appropriate. The Building Commissioner recommends that the surface materials should be specified: a proposal was discussed for impervious surfaces such as: concrete, asphalt, pavers and brick. The drainage options would include curbs and drywells in addition to the trench provided in the current ordinance with a minimum drainage angle to keep the drain flowing.
 - vii. Fences: Proposal to specify the materials for the fence and discuss opacity.
 - viii. Trees and clear-cutting vegetation: Consider requiring the homeowner to file a plan with the Building Commissioner if land disturbing activities are contemplated such as clear-cutting bushes or vegetation. Differentiate between invasive and non-invasive. Differentiate activities on a steep slope and the impact on dune stability. Different standards for vacant land?
5. Comprehensive Plan 2021. The Commission continued discussion on the comprehensive plan. Each Commissioner agreed to review the current comprehensive plan, research possible areas of improvement and seek input for one of three general areas: Zoning Code, Quality of Life Provisions or Commercial District and Governmental Services.
 6. New Business. Building Height definition on a slope. Mark Weber, a town resident and Architect, made a presentation on changing the building height definition on slopes. He proposed a new definition which would be tied to the

existing terrain. The height would be limited by a measurement that followed the topography of the building lots. It was suggested that he make the proposal first to the Building Site Committee to get their input. No other new business was raised.

7. The next meeting date is February 1, 2021.
8. Commissioner Kapacinskas moved to adjourn the meeting; Commissioner Norkus seconded. Motion passed by unanimous roll call vote. Meeting adjourned at 8:59 pm.

Beverly Shores Plan Commission Minutes

February 1, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:32 p.m. by virtual meeting broadcast to the public on Teams software. The public had been invited by email invitation. Members of the Plan Commission: John Blackburn, Greg Brown, Joe Kapacinskas, Greg Lyman, Tom Weber, Donna Norkus and Larry Stanton, were all present through the virtual meeting platform.

2. Review of previous meeting minutes.

Minutes of the January 4, 2021 meeting were reviewed. Commissioner Stanton moved to accept, seconded by Commissioner Blackburn. Roll Call vote taken, and motion passed unanimously.

3. Old Business

The Building Commissioner, Charles Ray, and the Chair of the Building & Site Committee, Dave Wagner, attended the meeting to continue the discussion of possible changes to the Building Code. An extensive discussion was held on these issues:

- i. Building Permit Expiration: Proposal to change the expiration of the building permit for a house to 18 months, and 12 months for any other building permit, the time would be calculated from the date of approval and would be specified on the permit. There would be no extensions of the permit. If construction is not completed, an application would need to be filed for a new permit and the permit fee would double.
- ii. Construction work hours: Proposal to change the work hours to designated hours of 7a.m. to 6 p.m. with no work on Sundays or Saturdays of certain holiday weekends. There was also discussion concerning limiting construction on a weekday holiday during the busier months.
- iii. Maximum building height: Proposal to change the maximum height to 35 feet.
- iv. Lot Coverage: There was extensive discussion on whether to amend the Bulk Regulations to include a concept of maximum Lot Coverage to take into account all structures on the building lots. This would include among other things: driveways, accessory structures, decks, patios and similar types of permanent structures, but not landscaping elements. Arguments were raised in favor of the proposal based not only on slope stability and general drainage, but also lot density issues.
- v. Registration of contractors: Proposal to change contractor registration to all contractors and sub-contractors working in the town including: landscaping,

tree services, all construction related contractors and any other similar type of contractor. Since some of these contractors would be smaller businesses, the Committee proposed lowering the fee to \$75 annually from the current \$300. The registrations would expire on December 31 each year. Each applicant would be required to demonstrate workers compensation insurance coverage in addition to the minimum liability insurance limits.

- vi. Driveways: Proposal to limit the width of a driveway. Widths of 12 feet, thirteen feet and up to 16 feet were discussed, plus an apron by the garage and a wider turning range at the street. There was discussion concerning whether a driveway should be permitted at all on a steep slope, and if so, what further limitations should be imposed. There was consensus that there are certainly slopes where a driveway would not be appropriate. The Building Commissioner recommends that the surface materials should be specified: a proposal was discussed for impervious surfaces such as: concrete, asphalt, pavers and brick. The drainage options would include curbs and drywells in addition to the trench provided in the current ordinance with a minimum drainage angle to keep the drain flowing.
 - vii. Fences: Proposal to specify the materials for the fence and discuss opacity.
 - viii. Trees and clear-cutting vegetation: Consider requiring the homeowner to file a plan with the Building Commissioner if land disturbing activities are contemplated such as clear-cutting bushes or vegetation. Differentiate between invasive and non-invasive. Differentiate activities on a steep slope and the impact on dune stability. Different standards for vacant land?
4. Comprehensive Plan 2021. The Commission continued discussion on the comprehensive plan. Each Commissioner agreed to review the current comprehensive plan, research possible areas of improvement and seek input for one of three general areas: Zoning Code, Quality of Life Provisions or Commercial District and Governmental Services.
 5. The next meeting date is March 1, 2021.
 6. Commissioner Norkus moved to adjourn the meeting; Commissioner Kapacinskis seconded. Motion passed by unanimous roll call vote. Meeting adjourned at 9:10 pm.

Beverly Shores Plan Commission Minutes

March 1, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:32 p.m. by virtual meeting broadcast to the public on Teams software. The public had been invited by email invitation. Members of the Plan Commission: John Blackburn, Greg Brown, Joe Kapacinskis, Greg Lyman, Tom Weber, Donna Norkus and Larry Stanton, were all present through the virtual meeting platform.
2. Review of previous meeting minutes.
Minutes of the February 1, 2021 meeting were reviewed. Commissioner Norkus moved to accept, seconded by Commissioner Weber. Roll Call vote taken, and motion passed unanimously.
3. Old Business
Continued discussion of possible changes to the Building Code. An extensive discussion was held on these issues:
 - i. Building Permit Fees: Proposal to change the the building permit fees to more accurately reflect the town's cost to administer these fees. Although all voiced interest in increasing these fees, it was thought that a new rate per square foot should be developed after reviewing the experience of the Building Commissioner and the Building Committee. The Commissioners agreed to table this until the next meeting to obtain that input.
 - ii. Fences: Proposal to specify the materials for the fence and discuss opacity. An extensive discussion was held, discussion will continue at the next meeting.
 - iii. Trees and clear-cutting vegetation: Consider requiring the homeowner to file a plan with the Building Commissioner if land disturbing activities are contemplated such as clear-cutting bushes or vegetation. This discussion was tabled to a future meeting.
 - iv. Steep Slope: two alternative approaches to modifying the existing code provisions were discussed. A more extensive discussion will be held at the April meeting.
4. Comprehensive Plan 2021. The Commission continued discussion on the comprehensive plan. A discussion was had concerning a meeting held with the RDA concerning the creation of a TDD (Transit Development District) and the possible impact on the Commercial zone. The RDA is in the process of meeting with all the communities adjacent to the double tracking project. Legislation was put in place to create a TDD in each location to help these communities plan for

the impact and create additional resources for these communities to help accomplish the local goals as a result of the double tracking. The RDA will meet again with representatives of Beverly Shores Plan Commission and the Capital Planning Committee. After these preliminary meetings the RDA will conduct community meetings and hearings.

5. The next meeting date is April 19, 2021.
6. Commissioner Blackburn moved to adjourn the meeting; Commissioner Stanton seconded. Motion passed by unanimous roll call vote. Meeting adjourned at 8:20 pm.

Beverly Shores Plan Commission Minutes

April 19, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:32 p.m. by virtual meeting broadcast to the public on Teams software. The public had been invited by email invitation. Members of the Plan Commission: John Blackburn, Greg Brown, Joe Kapacinskis, Greg Lyman, Tom Weber, Donna Norkus and Larry Stanton, were all present through the virtual meeting platform.

2. Review of previous meeting minutes.

Minutes of the March 1, 2021 meeting were reviewed. Commissioner Stanton moved to accept, seconded by Commissioner Norkus. Roll Call vote taken, and motion passed unanimously.

3. Old Business

A. Sherri Ziller of the RDA attended the meeting along with her team to discuss the creation of a TDD (Transit Development District) and the possible impact on the Commercial zone. The RDA is in the process of meeting with all the communities adjacent to the double tracking project. Legislation was put in place to create a TDD in each location to help these communities plan for the impact and create additional resources for these communities to help accomplish the local goals as a result of the double tracking. The representatives of the RDA made a powerpoint presentation and then took questions. The RDA will conduct future community meetings and hearings.

B. Discussion of possible changes to the Building Code.

A discussion was held on these issues:

- i. Building Permit Fees: Proposal to change the the building permit fees to more accurately reflect the town's cost to administer these services and oversight. Although all voiced interest in increasing these fees, it was thought that a new rate per square foot should be developed after reviewing the experience of the Building Commissioner and the Building Committee. The Commissioners agreed to table this until the next meeting to obtain that input.
 - ii. Fences: Proposal to limit some types of fences, i.e. barbed wire fence and discuss opacity. A discussion was held concerning redefining opacity to a minimum openness, discussion will continue at the next meeting.
4. Comprehensive Plan 2021. The Commission continued discussion on the comprehensive plan.
 5. The next meeting date is May 3, 2021.

6. Commissioner Weber moved to adjourn the meeting; Commissioner Stanton seconded. Motion passed by unanimous roll call vote. Meeting adjourned at 8:10 pm.

Beverly Shores Plan Commission Minutes

May 3, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:32 p.m. by virtual meeting broadcast to the public on Teams software. The public had been invited by email invitation. Members of the Plan Commission: John Blackburn, Joe Kapacinkas, Greg Lyman, Tom Weber, Donna Norkus and Larry Stanton, were all present through the virtual meeting platform. Greg Brown was not present.

2. Review of previous meeting minutes.

Minutes of the April 19, 2021 meeting were reviewed. Commissioner Blackburn moved to accept, seconded by Commissioner Kapacinkas. Roll Call vote taken, and motion passed unanimously.

3. Old Business

A. The Commission briefly discussed the follow-up to last month's presentation by the RDA for a TDD (Transit Development District) and the possible impact on the Commercial zone. The RDA will conduct future community meetings and hearings.

B. Discussion of possible changes to the Building Code and Town Code.

A discussion was held on these issues:

- i. **Building Permit Fees:** Proposal to change the building permit fees to more accurately reflect the town's cost to administer these services, these fees have not changed in many years and the fees are much lower than neighboring communities. Commissioner Norkus made a presentation concerning neighboring communities fee structure. Based upon the presentation, a majority of the Commissioners expressed an interest in changing the square footage rate to \$1.35 from the current \$0.81 rate, this change would put the Town in the average range comparing neighboring communities. Additional changes were discussed. This discussion will continue at the next meeting.
- ii. **Fences:** Proposal to limit some types of fences, i.e. barbed wire fence and discuss opacity. A discussion was held concerning redefining opacity to a minimum openness. A fence setback on a slope was also discussed.
- iii. **Steep Slope:** An extensive discussion was held on consolidating the steep slope provisions into one Section and utilizing a new approach of limiting the quantity of sand that could be removed on a steep slope.

C. The Commissioners discussed whether to initiate a Petition to amend the Town Code concerning the eight areas discussed over the last year. These subjects were raised by the Building Commissioner and the Building and Site Committee who have spent many hours discussing issues with these provisions. Commissioner Stanton moved to initiate the Petition as follows:

A Recommendation by the Beverly Shores Advisory Plan Commission to amend portions of the text of the Town Code found in Section 10.99 related to Building Permit fees.

A Petition initiated by the Beverly Shores Advisory Plan Commission to amend portions of the text of the Zoning Ordinance found Section 155, related to:

1. Procedure for obtaining a building permit and duration of the permit,
2. Building regulations including work hours,
3. Contractor registration including expanding the scope of contractors required to register and reducing the annual registration fee,
4. Changes to the Bulk requirements in the Residential District including maximum Building Height and Lot coverage,
5. Driveways including maximum width in the Residential District
6. Fences in the Residential District,
7. Steep Slope including modifications and consolidation of the provisions into a new section.

Commissioner Norkus seconded the motion. The Motion passed by unanimous roll call vote and was designated as Plan Commission Docket 21-1. The Commissioners next discussed holding a public hearing on Petition 21-1 to determine whether to recommend the amendments to the Town Council. Commissioner Webber moved to conduct a public hearing beginning at 6:30 on Monday June 28 at the Town Hall Administration Building. Commissioner Blackburn seconded the motion. The motion passed by unanimous roll call vote.

4. The next meeting date is June 7, 2021.
5. Commissioner Norkus moved to adjourn the meeting; Commissioner Weber seconded. Motion passed by unanimous roll call vote. Meeting adjourned at 8:12 pm.

Beverly Shores Plan Commission Minutes

June 7, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:32 p.m. at the Beverly Shores Administration Building and broadcast to the public by Microsoft Teams software:
 - a) The following members were present in person: John Blackburn, Greg Lyman, Tom Weber, Donna Norkus and Larry Stanton;
 - b) The following member participated by electronic means, Joe Kapacinskas, through Microsoft Teams software, which permits all Members to simultaneously communicate both by audio and visual transmission.
 - c) The following Member was absent: Greg Brown;
 - d) The public was able to attend and observe the meeting through the Teams software and had been invited to attend and participate by prior email notification of the agenda and virtual link.
2. Review of previous meeting minutes.

Minutes of the May 3, 2021, meeting were reviewed. Commissioner Weber moved to accept, seconded by Commissioner Blackburn. Roll Call vote taken, John Blackburn-yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously.
3. Discussion of and Adoption of the Beverly Shores Plan Commission Electronic Participation Policy for Public Meetings.

The Plan Commission discussed the new Indiana Law concerning Electronic Participation of Plan Commission Members and the Public. The requirements and parameters of the law were discussed. The proposed policy was discussed at length. Commissioner Blackburn moved to adopt the policy; Commissioner Norkus seconded the motion. A roll call vote was taken, John Blackburn- yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously. The Beverly Shores Plan Commission Electronic Participation Policy For Public Meetings was adopted and signed by the Plan Commission President and the Recording Secretary at the meeting. A copy is attached to the minutes, the original signed policy is in the official Plan Commission records.
4. Old Business
 - A. A Recommendation by the Beverly Shores Advisory Plan Commission to amend portions of the Town Code found in Section 10.99 related to Building Permit fees.

There was continued discussion concerning changes to the building permit fee schedule. Commissioner Stanton moved to make a recommendation to the Town Council to amend

the relevant provisions of 10.99 related to building permit fees and contractor registration according to the attached schedule. Commissioner Blackburn seconded the motion. A roll call vote was taken: John Blackburn- yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously. The recommendation was signed at the meeting by the Plan Commission President and the Recording Secretary and forwarded to the Town Council.

B. Plan Commission Initiated Recommendation for an Amendment to the Zoning Ordinance related to:

- Revision to the definition of fence and bulk regulations for Fences § 155.003, § 155.086,
- Revisions of sections affecting Steep Slopes and consolidation into new sections §§ 155.140-155.145,
- Building Permit revisions § 155.058, § 155.059, § 155.065, § 155.198,
- Contractor registration revisions § 155.042, § 155.067,
- Maximum Building Height revision from 40 feet to 35 feet, § 155.082,
- Revision of the Lot Coverage provisions to a maximum of 30%, § 155.003,
- Revision of the driveways provision § 155.138,
- A violation of any these sections shall be subject to the penalty provisions of Sections 10.97, 10.98 of the Beverly Shores Town Code and 155.999 of the Zoning Ordinance.

The Petition had previously been set for public hearing on June 28 and had been designated as Plan Commission Docket 21-1. The Commissioners discussed proposed changes to the text recommended by the Town Attorney. The commissioners had no further changes to the text and the public and all commissioners were reminded that the public hearing would begin at 6:30 on Monday June 28 at the Town Hall Administration Building and would be broadcast to the public on the Teams Software. The Town Attorney was asked to publish the notice for the public hearing as required by law.

5. The next meeting date is the public hearing scheduled for June 28, 2021.
6. Commissioner Blackburn moved to adjourn the meeting; Commissioner Weber seconded. John Blackburn- yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously. Meeting adjourned at 7:32 pm.

BEVERLY SHORES PLAN COMMISSION

ELECTRONIC PARTICIPATION POLICY FOR PUBLIC MEETINGS

This Policy shall govern electronic participation in public meetings by the plan commission members, all in accordance with House Enrolled Act 1437 (2021) and Indiana Code chapter § 5-14-1.5.

1. **Minimum number physically present:** Except in cases of disaster or emergency, at least fifty percent (50%) of board members must be physically present at a meeting.
2. **Simultaneous communication required to participate:** Board members who participate in a meeting by electronic communication must use an electronic means of communication that allows all participating board members to simultaneously communicate with one another.
3. **Video and audio required to vote:** A board member participating by electronic communication shall not vote on any item during a meeting unless that member is using an electronic means of communication that is displaying video of the member in addition to transmitting audio.
4. **Public broadcast:** If any board member is participating by electronic communication during any meeting open to the public and not in executive session, the meeting shall be broadcast by electronic means to allow the public to attend and observe the meeting without being physically present.
5. **Roll call vote required:** If any board member is participating by electronic communication during any meeting open to the public and not in executive session, and eligible to vote under section 3 of this policy, all action shall be decided by roll call vote.
6. **Annual limit:** A board member may not attend more than half of the board's meetings in a calendar year by electronic means of communication, except for the circumstances set out in 9 below.
7. **Consecutive limit:** A board member may not attend more than two (2) consecutive meetings by electronic means of communication, except for the circumstances set out in Section 9 below.
8. **Physical attendance requirement:** If a board member attends two (2) consecutive meetings by electronic means of communication, that member must physically attend at least one (1) meeting before attending another meeting by electronic means, except for the circumstances set out in Section 9 below.
9. **Exceptions:** The limits of attendance by electronic means of communication set for in Sections 6, 7, and 8, shall not apply in the follow situations:
 - a. Military service of the board member;
 - b. Illness or other medical condition of the board member;
 - c. Death of a relative of the board member; or
 - d. Emergency involving actual or threatened injury to persons/property.
10. **Meeting minutes:** If any board member is member is participating by electronic communication during any meeting, the minutes shall include the following:
 - a. Statement of the names of each member who was physically present;

- b. Statement of the names of each member who participated by electronic means, and identify the electronic means used by the member;
- c. Statement of the names of any member who was absent; and
- d. Identify the electronic means of communication by which the public was able to attend and observe the meeting.

11. No electronic participation permitted: A board member may not participate by electronic means in any meeting involving final action on any of the following:

- a. Budget adoption;
- b. Reducing personnel;
- c. Initiating a referendum;
- d. Establishing or increasing a fee;
- e. Establishing or increasing a penalty;
- f. Using eminent domain authority; or
- g. Establishing, raising, or renewing a tax.

12. Emergency exceptions: In the event an emergency is declared by the Governor of Indiana under Ind. Code § 10-14-3-12, or a local disaster emergency is declared by the Town Council President under Ind. Code § 10-14-3-29, board members are permitted to participate in a meeting by electronic means of communication without restriction on the number of members participating, annual limit, or consecutive limit. Electronic participation during an emergency is subject to the following requirements:

- a. At least a quorum of board members participate in the meeting by electronic means of communication or in person;
- b. The public is able to simultaneously attend and observe the meeting, except for executive sessions;
- c. The minutes or memoranda of the meeting:
 - i. State the names of each member who participated by electronic
 - ii. means, and identify the electronic means used by the member; ii. State the names of any member who was absent; and
 - iii. Identify the electronic means of communication by which the public was able to attend and observe the meeting.
- d. All votes in a meeting where a member is participating by electronic means of communication must be done by roll call vote.

Adopted by the Beverly Shores Plan Commission on the 7th day of June, 2021, approved by the affirmative vote of 6 commissioners at the regularly scheduled meeting on the above date.

(s) Gregory Lyman
Gregory Lyman,
President of the Plan Commission

(s)Ellen Hundt
Ellen Hundt,
Recording Secretary

RECOMMENDED CHANGES TO BUILDING PERMIT FEES

Section	Subject Zoning & Subdivisions	Fee
155.040 & 155.055 &155.056 & 155.065	<p>1. Application for Site Plan approval applies to all new construction projects and all projects enlarging or modifying structures. Site Plan approval is not required for interior re-modeling projects.</p> <p>2. Application for Building permit, applies to all activities where a building permit is required pursuant to 155.055.</p> <p>First application (Site Plan or Building) requires deposit, which includes non-refundable administration fee and refundable credit toward permit. If the fee for the final permit issued is less than the amount of the deposit, the difference shall be refunded to the applicant within thirty (30) days of the Building Commissioner's approval of completed project.</p>	\$500 Deposit
	<p><u>Building permit fee calculation.</u> The sum of:</p>	
	<p>a. Building permit administration fee (non-refundable)</p>	\$200
	<p>b. Actual square footage* of structure (total new construction or incremental increase of actual square footage for existing structures) multiplied by the building permit fee rate. Fee includes six mandatory inspections. Applies to all activities, except c below.</p>	\$1.35/square foot
	<p>c. Building permit fee for all projects not increasing actual square footage* of structure. Fee includes two mandatory inspections.</p>	\$50
	<p>d. Additional mandatory inspections as determined by Building Committee</p>	\$75 each
	<p>* Actual square footage of a new or existing structure is calculated as the sum of square footage of above grade living space, garage, unfinished or finished basement below grade, and decks larger than 200 square feet.</p>	
	<p>3. Re-Inspection of rejected work (must be prepaid)</p>	\$75/hour, \$75 minimum

	4. Pre-application conference	n/c
	5. Certificate of occupancy (inhabited buildings only)	\$50
<u>155.034</u>	6. Application to BZA for variance Steep Slope Engineer's Fee	\$500 At cost
	7. Application to Plan Commission	\$100
<u>155.065</u>	8. Additional building permit(s) for an uncompleted project	Double Fee of the original permit
	Contractor Registration	
	Contractor registration	\$100
155.067	Contractor registration annual renewal	\$100

Beverly Shores Plan Commission Minutes

June 28, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:30 p.m. at the Beverly Shores Administration Building and broadcast to the public by Microsoft Teams software:
 - a) The following members were present in person: John Blackburn, Greg Lyman, Tom Weber, Donna Norkus, Joe Kapacinskas and Larry Stanton. Also present in person was Ellen Hundt, Town Clerk and Recording Secretary, Connor Nolan, Town Attorney.
 - b) No member participated by electronic means.
 - c) The following Member was absent: Greg Brown.
 - d) The public was able to attend, participate and observe the meeting through the Teams software and had been invited to attend and participate by published notice as well as prior email notification of the agenda and virtual link.
2. Review of previous meeting minutes.

Minutes of the June 7, 2021, meeting were reviewed. Commissioner Norkus moved to accept, seconded by Commissioner Kapacinskas. Roll Call vote taken, John Blackburn-yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously.
3. Old Business
4. Review and revision of the Building Permit Application Form and Building Permit Fee Application Form. After discussion and review Commissioner Weber moved to adopt the revised Building Permit Application Form and Building Permit Fee Application Form. Commissioner Stanton seconded the motion. A roll call vote was taken: John Blackburn-yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously.
5. Public Hearing.

Pursuant to prior publication of notice as required by law a public hearing was held on Plan Commission Docket 21-1 a Plan Commission Initiated Recommendation for an Amendment to the text of the Zoning Ordinance related to:

 - Revision to the definition of fence and bulk regulations for Fences § 155.003, § 155.086,
 - Revisions of sections affecting Steep Slopes and consolidation into new sections §§ 155.140-155.145,
 - Building Permit revisions § 155.058, § 155.059, § 155.065, § 155.198,

- Contractor registration revisions § 155.042, § 155.067,
- Maximum Building Height revision from 40 feet to 35 feet, § 155.082,
- Revision of the Lot Coverage provisions to a maximum of 30%, § 155.003,
- Revision of the driveway provisions § 155.138,
- A violation of any these sections shall be subject to the penalty provisions of Sections 10.97, 10.98 of the Beverly Shores Town Code and 155.999 of the Zoning Ordinance.

Commissioner Lyman gave a summary of the background for the proposed changes:

- The Building Commissioner and the chair of the Building and Site Committee had approached the Plan Commission to request a review of the Building Code because of reoccurring difficulties in applying certain provisions.
- The Plan Commission spent more than a year reviewing, gathering input, and revising these sections.
- The proposed revisions to the text were submitted to the Town attorney for review and revision.
- These proposed changes were then posted on the Town's web site for the public to review.
- The Public Hearing was scheduled, and Notice published as required by law.
- The problems raised were identified for each section and a brief description of the proposal was summarized.

The Public Hearing was opened. Members of the public were permitted to voice their opinions and questions concerning the proposals both for and against. The following residents spoke in person or virtually:

- Scott Vliek in general supported the changes. He had questions concerning the apron concept for the driveway, the definition of steep slopes and the requirement to identify slopes on the topo less than 33%.
- Sandra Linn in general supported the changes. She had concerns about the new contractor registration provisions. She indicated it was difficult to find contractors in this environment and did not want to make it more difficult. She suggested a minimum dollar amount for the project before requiring registration.
- John Dumelle in general supported the changes. He had questions concerning the cost to the property owner to provide a geotechnical report for the steep slope provisions and whether the definition of steep slope had changed from the prior version.

- David Phelps in general supported the changes. He had a question concerning whether garbage enclosures were regulated by the new fence provisions and several comments concerning the steep slope provisions. He commented that the steep slope provisions should have more protection for dune topography and aesthetics of the dunes and was also concerned about the sand displacement provisions in the new proposal. He commented that the amount of sand displacement permitted under the proposal was too great to protect the dune.
- Paul Zucker in general supported the new changes. He had concerns about the impact of the driveway provisions and building height changes to existing homes. He also agreed with David Phelps comments about dune topography as it related to steep slopes.
- Mary Fulghum in general supported the changes. She had a question concerning the viable alternative site language in the steep slope provision. She asked whether the Building and Site Committee's opinion on this issue would be binding on the BZA or whether the BZA could render its own interpretation.

Everyone who requested an opportunity to speak was given the opportunity. The Public Hearing was then closed. No written comments or questions had been submitted prior to the hearing.

The Commissioners thanked all the residents for their input then discussed the public comments and attempted to answer the questions raised in the hearing.

- The driveway apron was discussed, the maximum 2 car apron by the garage was in addition to the maximum width of the driveway as was the radius by the street. The steep slope definition was only clarified; it was still a one-foot vertical rise in a three-foot horizontal plane on a dune at least twenty foot in height. The Commissioners explained why the topo map needed to show slopes less than 33%.
- The Commissioners explained why it did not agree with the minimum dollar amounts for the contractor registration and indicated that other communities had similar provisions.
- The Commissioners acknowledged there was a cost to the geotechnical report but explained the need for the report. The definition of steep slope raised by the question had not changed in the proposed revision.
- The Commissioners explained in detail the steep slope changes. The steep slope sections were being consolidated in sections 155.140- 145 to help B&S Committee review projects. These provisions should not be read in isolation; the other requirements of the Zoning ordinance still applied to steep slope projects. In particular, the Dune topography provisions in section 155.131 must be met. A steep slope project review under the proposal would be: If there is a steep slope impacted by the buildings or construction activity, then the B&S Committee would first decide if there was a practicable alternative site on the building lot that would have no impact or less impact to the steep slope. If so, the committee would

require approval on the use of that site. If the property owner did not agree, they could petition the BZA for a variance. Second if there is no practicable alternative site, the property owner would have to provide a geotechnical engineering report to show the site plan, placement of building and construction activities would not cause damage to the dune, roadway, or neighboring properties. Third, if the first two are satisfied no more than 120 cubic yards of sand could be displaced for a septic and no more than 180 cubic yards of sand could be displaced for all structures combined. If the property owner's request was greater than these maximums, they would have to request a variance from BZA.

- Section 51.02 controls garbage enclosures, it is not a fence.
- Section 155.010 addresses existing structures that might become non-conforming pursuant to the proposed changes.
- The BZA would render its own interpretation of the relevant ordinances in the case where a variance is requested.

Following discussion, Commissioner Norkus moved to certify the proposal to amend the text of the Zoning Ordinance to the Beverly Shores Town Council. Commissioner Weber seconded. Roll Call vote taken, John Blackburn- yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously.

6. The next meeting date is scheduled for August 2, 2021.
7. Commissioner Blackburn moved to adjourn the meeting; Commissioner Kapacinskas seconded. John Blackburn- yes, Greg Lyman-yes, Tom Weber-yes, Donna Norkus-yes, Larry Stanton-yes and Joe Kapacinskas- yes; the motion passed unanimously. Meeting adjourned at 7:38 pm.

CERTIFICATION AND REPORT TO
THE TOWN COUNCIL OF BEVERLY SHORES

CERTIFICATION TO: THE HONORABLE ELLEN HUNDT, CLERK-TREASURER
TOWN COUNCIL OF THE TOWN OF BEVERLY SHORES

FROM: GREGORY LYMAN, PRESIDENT OF THE PLAN COMMISSION
ELLEN HUNDT, PLAN COMMISSION RECORDING SECRETARY

DATE: June 28, 2021

DIGEST: AN AMENDMENT INITIATED BY THE PLAN COMMISSION TO THE TEXT
PORTION of the ZONING ORDINANCE

PURPOSE: To update and clarify six areas of the Building Code and to bring these
provisions in line with similarly situated nearby communities. Attached is
the proposal and recommended amendments

SECTIONS AFFECTED: Chapter 155 of the Town Code, amendments to Sections: .003, .034, .037,
.042, .055, .058, .059, .065, .067, .082, .086, .131, .138, .198, creation of
new Sections: .140, .141, .142, .143, .144 and 145.

Date of Plan Commission Action: June 28, 2021, following a Public Hearing on that date

Action taken by Plan Commission: Vote to Certify its Proposal and Recommendation to Amend
the text of the Zoning Ordinance

Vote: In Favor: 6

Against: 0

Ellen Hundt, Plan Commission Recording Secretary: (s) Ellen Hundt

Gregory Lyman, Plan Commission President: (s) Gregory Lyman

Beverly Shores Plan Commission Minutes

October 4, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:32 p.m. at the Beverly Shores Administration Building and broadcast to the public by Microsoft Teams software:
 - a) The following members were present in person: John Blackburn, Greg Lyman, Donna Norkus, Tom Weber and Joe Kapacinskas. Also present in person was Ellen Hundt, Town Clerk and Recording Secretary.
 - b) The following members participated by electronic means Greg Brown and Larry Stanton.
 - c) The public was able to attend, participate and observe the meeting through the Teams software pursuant to prior email notification of the agenda and virtual link.
2. Review of previous meeting minutes.

Minutes of the August 4, 2021, meeting were reviewed. Commissioner Norkus moved to accept, seconded by Commissioner Kapacinskas. The motion passed unanimously.
3. Old Business
 - A. John Mackin, a resident and architect, appeared to discuss a possible sewer line in the commercial district in relation to the Comprehensive plan review. He submitted a diagram of a possible system. Mr. Mackin asked if he could make a presentation at the next meeting. Commissioner Weber asked him whether the presentation could include sewer coverages in the west side of Town, which in most places is flatter terrain and would limit the need for lift stations.
 - B. Continued Discussion of the Comprehensive Plan. Included in the discussion was the future recommendations for the parks and public spaces, septic inspections, and the commercial district. Commissioner Lyman suggested that the Commission consider a recommendation to update the Town Code, which although modified on a regular basis, has not been restated since 1983. The Commissioners agreed to continue these discussions at the next meeting.
4. The next meeting date is scheduled for November 1, 2021.
5. Commissioner Weber moved to adjourn the meeting Commissioner Norkus seconded. A roll call vote was taken; John Blackburn- yes, Greg Lyman-yes, Greg Brown-yes, Donna Norkus-yes, Larry Stanton-yes, Tom Weber-yes and Joe Kapacinskas- yes; the motion passed unanimously. Meeting adjourned at 8:10 pm.

Beverly Shores Plan Commission Minutes

November 1, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:31 p.m. at the Beverly Shores Administration Building and broadcast to the public by Microsoft Teams software:
 - a) All members were present in person: John Blackburn, Greg Brown, Joe Kapacinkas, Greg Lyman, Donna Norkus, Larry Stanton and Tom Weber. Also present in person was Ellen Hundt, Town Clerk and Recording Secretary.
 - b) The public was able to attend in person or participate and observe the meeting through the Teams software pursuant to prior email notification of the agenda and virtual link.

2. Review of previous meeting minutes.

Minutes of the October 4, 2021, meeting were reviewed. Commissioner Blackburn moved to accept, seconded by Commissioner Kapacinkas. The motion passed unanimously.

3. Old Business

A. Sewer System feasibility.

John Mackin, a resident and architect, appeared to discuss the need for a sewer line in the commercial district in relation to the Comprehensive plan review. He submitted a diagram of a possible system.

Charlie Ray, Executive Director of the Duneland Group, Engineers and Consultants, located in Northwest Indiana, attended, and presented an illustration of an “e one sewer system” for the commercial district that would tap into the Michigan City sewer system. Preliminary cost analysis was provided for sewer coverages including individual grinder systems for each resident or business. Although the estimates did not include the residential district, once the line was operational in the commercial district the residential district could be added in stages as the Town decided. The west side of the residential district, in particular, is less hilly and tends to contain older houses.

Dave Wagner, Beverly Shores Building Commissioner, also appeared to discuss the feasibility and need for a sewer system in Beverly Shores. He reminded the Commissioners that most septic systems in the Town are dry well or other banned systems. In 1991 the State Board of Health banned the future use of drywells. This is a continuing problem in the Town since many residents do not have sufficient land or sufficient soil content to meet the new requirements.

- B. Continued Discussion of the Comprehensive Plan. Included in the discussion was the future recommendations for the parks and public spaces, septic inspections, and the

commercial district. Commissioner Lyman suggested that the Commission consider a recommendation to update the Town Code, which although modified on a regular basis, has not been restated since 1983. The Commissioners agreed to continue these discussions at the next meeting.

- C. Business License. The current application for a business license was reviewed. This will continue at the next meeting.
- 4. The next meeting date is scheduled for December 6, 2021.
- 5. Commissioner Stanton moved to adjourn the meeting Commissioner Blackburn seconded, the motion passed unanimously. Meeting adjourned at 8:17 pm.

Beverly Shores Plan Commission Minutes

December 6, 2021

1. The meeting of the Beverly Shores Plan Commission was called to order at 6:32 p.m. at the Beverly Shores Administration Building and broadcast to the public by Microsoft Teams software:
 - a) The following members were present in person: John Blackburn, Joe Kapacinskas, Greg Lyman and Tom Weber. Also present in person was Ellen Hundt, Town Clerk and Recording Secretary.
 - b) Greg Brown, Donna Norkus and Larry Stanton were absent. A quorum was determined present for the meeting.
 - c) The public was able to attend in person or participate and observe the meeting through the Teams software pursuant to prior email notification of the agenda and virtual link.
2. Review of previous meeting minutes.

Minutes of the November 1, 2021, meeting were reviewed. Commissioner Weber moved to accept, seconded by Commissioner Kapacinskas. The motion passed by a 4-0 vote.
3. Old Business
 - A. Sewer System feasibility.

John Mackin, a resident, and architect appeared to discuss the need for a sewer line in the commercial district in relation to the Comprehensive plan review. He also asked about the procedure to change the permitted uses in the Commercial District.

Dawn Huston and Steve Huston appeared to discuss the need for a sewer line in the commercial district.
 - B. Continued Discussion of the Comprehensive Plan. Included in the discussion was the current ordinance requirements for Commercial District and the need to plan for a sewer line in both the commercial district and the residential district. After a review of the new housing permits in Town it was estimated that approximately 400 of the 510 residences in the residential district were built prior to 1992 when the septic regulations changed. Any resident that had a septic failure or replacement would have to comply with the new regulations which would be very expensive and, in some cases, not possible since the property owner may not have sufficient square footage and/or sufficient moderately drained soil as required to meet the statutory requirements. The county requires as much as an acre of land for some soil types in town to qualify for a septic permit. The Commissioners agreed to continue these discussions at the next meeting.

- C. Business License. The current application for a business license was reviewed. Commissioner Weber moved to approve the new Application for General Business License Form. Commissioner Blackburn seconded. The motion passed by a 4-0 vote.
 - D. BZA Forms. The Beverly Shores Board of Zoning Appeals forwarded proposed new forms to the Plan Commission for review. The Commissioners reviewed the forms. Commissioner Blackburn moved to approve the following forms: Application for Review or Appeal and Determination, Notice of Public Hearing for a Variance, Notice of Public Hearing for a Variance for Properties Within 300 feet of the Subject Property, Applicant's Proposed Findings of Fact for Conditional Use Variance, Applicant's Proposed Findings of Fact for a Development Standard Variance Involving a Steep Slope, Applicant's Proposed Findings of Fact for a Development Standard Variance, and Applicant's Proposed Findings of Fact for a Use Variance. Commissioner Kapacinskas seconded the motion. The motion passed by a 4-0 vote.
4. The next meeting date is scheduled for February 7, 2022.
 5. Commissioner Blackburn moved to adjourn the meeting, Commissioner Weber seconded, the motion passed by a 4-0 vote. Meeting adjourned at 7:36 pm.