

## Ogden Dunes Plan Commission

Regular Meeting Wednesday, March 13, 2024 - 7:00PM Town Hall

### Members of the Ogden Dunes Plan Commission

<input checked="" type="checkbox"/> Ken Thompson Chair / Citizen Member <input checked="" type="checkbox"/> Gen Code Review (574) 514-6318	<input type="checkbox"/> Arman Sarkisian Secretary / Citizen Member <input type="checkbox"/> BZA, Building Code Review (312) 590-2732	<input checked="" type="checkbox"/> Scott Kingan Town Council Member <input checked="" type="checkbox"/> Town Council President (219) 615-8057	<input checked="" type="checkbox"/> Jeremy Ogden Town Member <input checked="" type="checkbox"/> Town Marshall Building Commissioner (219) 314-8921
<input checked="" type="checkbox"/> Scott Stolarz Vice Chair / Citizen Member (219) 741-5040	<input checked="" type="checkbox"/> Dave Snyder Town Council Member (219) 734-6423	<input checked="" type="checkbox"/> Tom Cleland Citizen member (219) 712-1756	

1. **Call to Order @ 710p**
2. **Minutes** - Approval of the February 21, 2024, meeting minutes by unanimous consent
3. **Correspondence/Presentations.** - **Master Plan discussion** - Scott K - Scott K met with Austin Bonta to discuss commonalities as Portage is in the process of developing a Master Plan.
4. **Building Commissioner's Report** - Jeremy
  - A) Under Construction
  - B) Permits Issued
  - C) Nuisance Properties
  - D) Miscellaneous - interest issues
5. **Ordinance Planning** - With the settlement of the recent litigation on building heights, an ordinance revision is warranted to clarify measures of building height permissible with varying grades on the property.
6. **BZA Report** - Arman - Arman not present. However Tom Cleland was elected to the BZA board to replace AJ Bytnar.
7. **Old Business**
  - A) Proposed ordinance changes - see drafts below. After discussion and minor word changing, all proposed ordinances were approved.
  - B) Other
8. **New Business** - none noted except in "5" above.
9. **Public Comments**
10. **Member Comments**
11. **Adjourn**

The monthly agenda is prepared by the Plan Commission Chairman prior to each scheduled meeting. Please contact the Chairman with your requests for a place on the agenda by the Monday before the meeting. Public comments are welcome at the appropriate time as listed on the agenda but will be limited to a maximum of 2 minutes. Public comments are not to be a surrogate of a posted agenda item for discussion.

Proposed amendments to ordinance

Language in Black is original, Green will be the proposed language changes and Red is suggested language to be removed or amended.

## **152.077 WORK SITE AUTHORITY; TIME LIMITS.**

(A) Work site authority. After approval of a building permit, two sets of the approved plans and specifications shall be returned to the applicant. One copy of the approved plans and specifications shall be kept on the work site at all times that construction is in progress and shall be available for inspection by the Building Commissioner. ('99 Code, ' 10-159)

(B) Time limits. (1) The Building Commissioner shall, by certified mail to the applicant, cancel a permit if: (a) The permit holder fails to start construction within a period of 120 days of the date the permit was issued; or (b) The permit holder fails to proceed with the construction with reasonable diligence for any continuous period of six months, or;

(c) The permit holder fails to complete the construction within the 12 months immediately following the construction start date. (2) After the 12-month expiration date, the permit may be re-issued upon application, for a period not exceeding an additional six months, (the Building Commissioner, general contractor and the property owner will meet at the permitted location, they will come to an agreement as to the percentage of work remaining for completion for said project. The agreed percentage will be multiplied by the original permit cost, this calculated amount plus a 100-dollar permit origination fee will be the cost of extension) (This same process will occur if this permit is in need of extension a second and final time.) at double the original permit fee. (3) Any rejected applicant or the holder of an outstanding building permit may surrender it to the Building Commissioner any time before construction and may be refunded one-half the permit fee. ('99 Code, ' 10-160) (Ord. 643, passed 3-2-98)

## **' 152.045 SUPPLEMENTARY USE, HEIGHT, AREA AND YARD REQUIREMENTS.**

The regulations specified in this Zoning Code shall be subject to the following interpretations and exceptions.

- (A) Use. (1) Accessory uses. Accessory uses and structures, such as detached private garages, tool or storage sheds, swimming pools, fences, retaining walls and landscaping, are permitted in all districts in conjunction with a primary use or structure, provided the accessory use does not change the character of the district in which it is located. No accessory building (such as garage or shed) may be located closer than 5 Feet 15 feet to a side or rear lot line, no closer than ten feet from any portion of the principal building, and shall not project further than the front setback line of the principal building. Other structures, such as fences and retaining walls exceeding two feet in height must be set back not less than three feet from any property line.

### Zoning, Building and Subdivision Control

- (a) Not more than one garage, of not more than (three) two-car capacity (24 x 36 ft.), and of not more than one story or total height of 15 feet, nor more than one storage shed (maximum (168 sq. ft. or 12'x14')120 sq. ft.), shall be permitted on any lot in the R District. Temporary or movable structures, such as storage units or tent-like structures, are prohibited.

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## Zoning, Building and Subdivision Control 57

(a) Not more than one garage, of not more than two-car capacity (24 x 24 ft.), and of not more than one story or total height of 15 feet, nor more than one storage shed (maximum 120 sq. ft.), shall be permitted on any lot in the R District. Temporary or movable structures, such as storage units or tent-like structures, are prohibited.

(b) Outside storage of any materials or equipment, including vehicles, vans, boats, trailers and mobile homes, is prohibited.

(Exception: playground equipment, patio or pool furniture, normally in use, are permitted; vehicles or boats may be parked temporarily in driveways for periods not exceeding a total of 30 days in one calendar year.) Not more than four vehicles may be parked in any private driveway, other than for temporary guest use.

(2) Basement dwellings. No basement shall be used as a temporary dwelling.

(3) Dwellings on small lots. Notwithstanding the limitations imposed by any other provisions of this chapter, the Plan Commission may permit the erection of a dwelling on any lot in the R District, separately owned or under contract of sale and containing an area of less than 10,000 square feet, but not less than 8,000 square feet, and a width or depth less than required therein, provided that: (a) The lot was not diminished in area, width or depth subsequent to its final platting in accordance with law;

(b) The proposed erection plans result in a front yard of not less than 20 feet, a rear yard of not less than 15 feet and two side yards of not less than five feet each.

(4) Mobile homes. The parking of a mobile home in any district is hereby prohibited, unless otherwise provided in this chapter.

(5) Trailers. A trailer used for construction headquarters or for the storage of materials used during construction may be parked at a construction site for a period not to exceed six months upon the securing of a permit therefor. Such six-month period shall be renewable for one six-month period only at the option of the Plan Commission.

(6) Fences and the like. No fence, sign, structure or privacy wall shall be erected in any front, rear or side yard setback area, except as follows:

(a) An open decorative fence with not less than 80% free opening area, of not more than 32 feet or 42 inches in height, may be permitted;

(b) Fences and/or privacy walls ~~will not exceed~~ ~~not exceeding 52 feet or 72 inches~~ in height, may be permitted only in rear or side yard setback areas, if written approval of adjoining property owner(s) is filed with application; ~~the fence may be placed on the property line.~~