

ORDINANCE NO. 2018- 05

**AN ORDINANCE OF THE LONG BEACH TOWN COUNCIL
AMENDING TITLE XV, CHAPTER 154, SECTIONS 154.020 (DEFINITIONS) AND 154.060
(WATERFRONT SETBACK AND VIEW PROTECTION STANDARDS)
OF THE ZONING CODE OF THE TOWN OF LONG BEACH, INDIANA**

WHEREAS, the Long Beach Town Council on June 10, 2002, adopted a Zoning Code of the Town of Long Beach, LaPorte County, Indiana which is located at Chapter 154 of the Long Beach Town Code; and

WHEREAS, the Long Beach Advisory Plan Commission has initiated an amendment to the text portion of the Zoning Code in order to address sections concerning view protection standard; and

WHEREAS, a public hearing has been held before the Town of Long Beach Advisory Plan Commission, which has certified its proposal to amend the text of the Zoning Code to the Long Beach Town Council; and day

WHEREAS, notice has been given in accordance with Indiana Code of all proceedings concerning this text amendment to the Zoning Code; and

WHEREAS views of Lake Michigan are one of our communities most valued assets;

WHEREAS, the Advisory Plan Commission and the Town Council have paid reasonable regard to the Town's Comprehensive Plan, the current conditions and character of current structures and uses in each zoning district, the most desirable use for which the land in each zoning district is adapted, the conservation of property values throughout the jurisdiction, and responsible growth and development in the Town; and

WHEREAS, the Long Beach Town Council concurs with its Advisory Plan Commission and accepts its proposal to amend the text of the Zoning Code,

NOW THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Long Beach Town Council as follows:

1. Title XV, Chapter 154, Section 154.020 shall be amended to read as follows:

DECK. An open (unroofed, no pergola) surface designed to support human use including walkways and platforms and railings constructed of wood, metal, plastic or other material attached to a dwelling or accessory use structure.

- (1) **DECK, GROUND SURFACE.** A deck that is constructed on the surface of the ground.
- (2) **DECK, ELEVATED.** A deck that is constructed above the surface of the ground.

2. Title XV, Chapter 154, Section 154.060 shall be amended to read as follows:

(A) After the date of adoption of this chapter, construction of any new home or the expansion, remodeling or redevelopment (partial or total) of any residential dwelling, accessory use, building or structure, on a Zoning Lot in which the property line abuts or, if not abutting, is adjacent to a non-buildable parcel, tract or area of land that abuts Moon Valley, the Long Beach Golf Course or any water body shall comply with the following view protection and waterfront setback standards.

(B) It is the intent of these standards to protect the view of Moon Valley, the Long Beach Golf Course and any water body from the principal permitted dwelling.

(1) No dwelling or accessory use, building or structure located on a Zoning Lot in which the property line abuts or, if not abutting, is adjacent to a non-buildable lot, parcel or tract of land that abuts Moon Valley, the Long Beach Golf Course or any water body shall block the view from any other dwelling, located on an adjacent Zoning Lot in which the property line abuts or, if not abutting, is adjacent to a non-buildable lot, parcel or tract of land, that abuts Moon Valley, the Long Beach Golf Course or any water body.

(2) The Waterfront Setback line upon which a dwelling accessory use, building or structure, shall be built on a Zoning Lot that abuts or, if not abutting, is adjacent to a non-buildable lot, parcel or tract of land, that abuts Lake Michigan shall be a line measured from the Zoning Lot line abutting the public right-of-way known as Lake Shore Drive perpendicular to said Zoning Lot line, a distance no greater than 106.60 feet. No dwelling, accessory use, building or structure shall be located any closer to Lake Michigan than 106.60 feet from the Zoning Lot line abutting the public right-of-way known as Lake Shore Drive.

(3) Notwithstanding any language contained in this section nor in any other section or provision of this chapter there may be added to the dwelling, building or structure to be built on a Zoning Lot that abuts or, if not abutting, is adjacent to a non-buildable lot, parcel or tract of land that abuts Lake Michigan, a deck which may extend no further than a line measured from the Zoning Lot line abutting the public right-of-way known as Lake Shore Drive perpendicular to said Zoning Lot line a distance of 123 feet provided that no deck or stairway shall extend beyond (lakeward of) a seawall or revetment. All decks shall be subject to the following:

(a) For Zoning Lots North of Lake Shore Drive:

(1) All decks must either be ground level or elevated no higher than the elevation of the first story floor. The term *FIRST STORY* shall be defined as that level of living space of a structure, the floor of which has as its elevation, the height closest to the elevation of the center line of the public right-of-way known as Lake Shore Drive measured immediately adjacent to the building lot.

(2) A deck shall be allowed to be constructed at an elevation equal to, but no higher than, the elevation of an existing first story deck on an adjacent Zoning Lot.

In the circumstance where (1) and (2) conflict, the lower elevation shall apply.

(3) The waterfront setback from the shoreline of any water body upon which the dwelling, accessory use, building or structure shall be built, shall be determined by the Building Commission, as determined by the following criteria:

(i) Equal to the average of the waterfront setbacks of dwellings already built on both sides of the Zoning Lot upon which the dwelling, accessory use, building or structure is to be built but no less than required minimum setback of the zoning district; or

(ii) Equal to the waterfront yard setback of the dwelling built on one side of the Zoning Lot upon which a dwelling, accessory use, building or structure is to be built but no less than required minimum setback of the zoning district; or

(iii) The required minimum waterfront yard setback of the zoning district, if Zoning Lots adjacent on both sides of the Zoning Lot where the proposed dwelling, accessory use building or structure is to be built upon is vacant. accessory use building or structure is to be built upon are vacant but not greater than 106.60 line.

(iv) No other structures, including fences, boathouses, cabanas and other structures and landscaping plants, except for those already in existence, shall be built or planted as to block the view of the surface water features of any dwelling located on an adjacent Zoning Lot.

(b) For Zoning Lots on Moon Valley, Golf Course and bodies of water other than Lake Michigan:

The building line setback shall be determined by the Building Commission, as determined by the following criteria:

(i) Equal to the average of the building line setbacks of dwellings, accessory uses, buildings or structures already built on both sides of the Zoning Lot upon which the dwelling, accessory use, building or structure is to be built but not less than the minimum setback;

(ii) Equal to the building line setback of the dwelling, accessory use, building or structure already built, but only built on one side of the Zoning Lot upon which a dwelling, accessory use, building or structure is to be built but not less than the minimum setback or

(iii) The required building line setback of the zoning district, if Zoning Lots adjacent on both sides of the Zoning Lot where the proposed dwelling, accessory use building or structure is to be built upon are vacant. .

(iv) Elevated decks may not extend beyond the building line setback .

Note in the circumstance where the setbacks conflict, the more restrictive setback shall apply.

(6) The height of any structure including any proposed new dwelling, accessory use buildings, or structure constructed, and the remodeling and redevelopment of any dwelling, accessory use, building or structure in a residential district on a Zoning Lot abutting or, if not abutting, is adjacent to a non-buildable parcel, tract or area of land that abuts a water body, Lake Michigan, Moon Valley, the Golf Course or other water body shall be limited to the maximum height allowable in the zoning district provided that such height does not block the view from any existing dwelling, accessory building, use or structure on a abutting Zoning Lot or property.

(8)

(C) Side Setback North of Lake Shore Drive

(1) In the R2 zoning district north of Lakeshore Drive when two adjacent lots are combined to a single Zoning Lot, the 6' side setback shall double to 12'. If three or more lots are combined, it shall increase to 16 feet.

(2) In the R1 zoning district north of Lakeshore Drive when two adjacent lots are combined to a single Zoning Lot, the 10' side setback shall increase to 12'. If three or more lots are combined, it shall increase to 16 feet.

(3) See Chapter 154 Appendix A.

(D) Legally Permitted structures in existence prior to the passage of this ordinance are exempt.


(E) No structure shall be erected on the Public Trust Land of the State of Indiana.

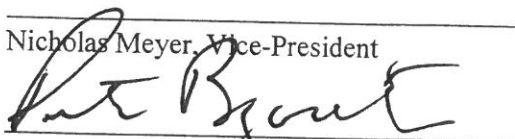
(Ord. 0203, passed 6-10-02; Am. Ord. 0302, passed 2-9-04; Am. Ord. 1002, passed 6-14-10; Am. Ord. xxxx, passed xx-xx-20xx) Penalty, see § 154.999.

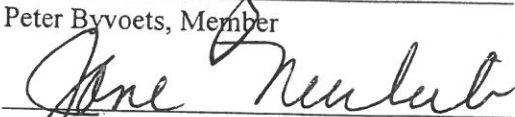
ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this 10th day of September, 2018.

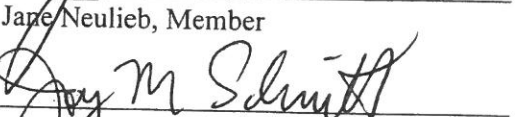
LONG BEACH TOWN COUNCIL

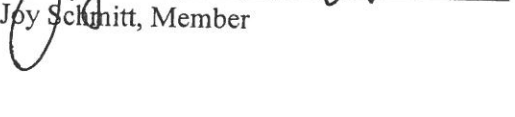
By:


Bob LeMay, President



Nicholas Meyer, Vice-President


Peter Byvoets, Member


Jane Neulieb, Member


Joy Schmitt, Member

ATTEST:


Bill DeFuniak, Clerk-Treasurer