

TOWN OF BURNS HARBOR, INDIANA

TOWN CODE

APPENDIX - A

**APPLICATION FOR PRIMARY APPROVAL OF A SUBDIVISION
TOWN OF BURNS HARBOR, INDIANA**

Date Received: _____

Public Hearing Date: _____

Subdivision Fee: _____

Name of Applicant/Developer: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Name of Subdivision: _____

General location (attach legal description):

Acres/Parcel Size: _____

Number of Lots: _____

Zoning of Parcel: _____

Name of registered Engineer or Surveyor preparing Subdivision Plat: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

I (we) hereby apply to the BURNS HARBOR ADVISORY PLAN COMMISSION of BURNS HARBOR, INDIANA for primary approval of the above described subdivision plat in accordance with the Subdivision Control Ordinance. I (we) are the owner(s) or authorized agent(s) of the owner(s) of the real estate included in said subdivision. The proposed plat and filing fee accompany this application.

(Signature of Applicant)

(Printed Name)

*If the owner is not the applicant, the owner must submit a notarized letter with the application authorizing the above named applicant's to act as agents for the purposes of this application.

STATE OF INDIANA, COUNTY OF PORTER SS:

Subscribed and sworn before me this _____ day of _____, 20_____.

(Signature of Notary Public)

My commission expires: _____

APPENDIX - B

**NOTICE OF PUBLIC HEARING
BEFORE THE BURNS HARBOR ADVISORY PLAN COMMISSION**

Notice is hereby given that the Plan Commission will hold a public hearing at the Town Hall, 1240 North Boo Road, Burns Harbor, Indiana 46304 on the _____ day of _____, 20____, and will hear the Petition of _____ (insert name of petitioner(s) requesting _____) (Insert the type of Petition being filed and the action requested to be taken by the Plan Commission) for the following described real estate in Burns Harbor, Indiana, to-wit:

which property is commonly known as _____
_____ (insert address of location of property).

A copy of the Petition is on file at the Office of the Burns Harbor Clerk-Treasurer, 1240 North Boo Road, Burns Harbor, Indiana, for examination by the public before the public hearing. Written objections to the Petition that are filed with the Plan Commission's Secretary prior to the hearing will be considered. Oral comments concerning the Petition will be heard at the public hearing. The hearing may be continued from time to time as may be found necessary. The hearing will begin at 7:00 p.m. or as soon thereafter as the agenda for the Plan Commission will permit.

BURNS HARBOR ADVISORY COMMISSION

PUBLICATION DATE: At least 10 days prior to meeting date. Publication is required one time only.

Proof of publication can be sent to the Town of Burns Harbor, 1240 North Boo Road, Burns Harbor, Indiana 46304 and _____
(Petitioner's home address)

Note to Petitioner: The Notice must be placed in a newspaper of general circulation within the Town at least ten (10) days prior to the meeting date. Petitioner is responsible for the cost of publication and is expected to bring a receipt for payment to the Public Hearing.

APPENDIX - C

FORM OF NOTICE TO PROPERTY OWNERS WITHIN 300 FEET

DATE _____

Mr. and Mrs. _____
(Name)

(Street)

(Town, State, Zip)

Dear Mr. and Mrs. _____ :

We are the owners of the following described real estate in the Town of Burns Harbor, Indiana, to-wit:

(insert legal description)

Commonly known as _____ (insert address or general location of property.)

We have submitted a Petition to the Plan Commission for:

(insert the type of petition and the action requested to be taken by the Plan Commission) for the above-described property.

The Plan Commission has set our Petition for public hearing on _____, 20__ at _____ o'clock p.m. at the Burns Harbor Town Hall, 1240 North Boo Road, Burns Harbor, Indiana.

You are invited to be present for said hearing and to direct your comments to the Plan Commission concerning this application or to submit your comments to the Plan Commission in writing prior to the hearing.

Very truly yours,

(Petitioner's signature)

APPENDIX - D

**FINDINGS AND ACTIONS TAKEN ON PETITIONER'S REQUEST FOR PRIMARY
PLAT APPROVAL FOR A SUBDIVISION BEFORE
THE TOWN OF BURNS HARBOR ADVISORY PLAN COMMISSION**

Petition No.: _____

The application of (Name:) _____

Legal description of subdivision: _____

Address: _____

Date of public hearing held: _____

Date public hearing closed: _____

The Plan Commission now FINDS:

1. That the application for primary plat approval DOES _____ DOES NOT _____ conform to all requirements of the Town of Burns Harbor Comprehensive Plan, Subdivision Control Ordinance, and the Rules of Practice and Procedure of the Plan Commission.

In the event "DOES NOT" was checked above, the reasons shall be set forth in the following space:

The Plan Commission does now GRANT _____ REJECT _____ the primary plat approval of the petitioner(s).

And further decides the following condition be imposed:

Receipt of a final plat and guarantees as required by The Town of Burns Harbor Subdivision Control Ordinance; and

Dated: _____

BURNS HARBOR ADVISORY PLAN COMMISSION

ATTEST:

Secretary:

APPENDIX - E

** This form is to be used in the event a person who will be appearing in front of the BZA or Plan Commission does not have legal title, or is not an equitable owner of the property in question. The owner of the real estate must sign the Power of Attorney authorizing the person appearing before the Board to act with proper authority on the owner's behalf in presenting the petition.

STATE OF INDIANA

SS:

COUNTY OF _____

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, _____ (insert name of property owner), a resident of _____ County, State of _____, have made, constituted and appointed, and by these presents do make, constitute and appoint _____ (insert name of appointee) of _____ County, State of _____, my true and lawful attorney, for me and in my name, to do the following:

1. Act for me and in my behalf in connection with a petition before the _____ (Town of Burns Harbor Board of Zoning Appeals or Town of Burns Harbor Advisory Plan Commission) concerning property located at _____ (insert address), Burns Harbor, Porter County, Indiana, legally described as follows:
(Insert legal description)

2. Accept conditions on any variance(s) sought by the petition and make written commitments concerning the use of the real estate in the event that a variance(or variances) is granted.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____,
20__.

(Signature of property owner)

STATE OF INDIANA
COUNTY OF PORTER

SS:

Before me, the undersigned, a Notary Public in the aforesaid county and state this ____ day
of _____, 20 _____, personally
appeared _____ (name), and acknowledged the
execution of the foregoing instrument.

WITNESS my hand and Notarial Seal.

, Notary Public

(Print name)

My commission expires: _____
Resident of _____ County

APPENDIX - F

IRREVOCABLE LETTER OF CREDIT INFRASTRUCTURE GUARANTEE

Date: _____

Town of Burns Harbor Plan Commission
1240 N. Boo Road
Burns Harbor, IN 46304

Re: IRREVOCABLE LETTER OF CREDIT FOR _____
Members of the Town of Burns Harbor Advisory Plan Commission:

_____ hereby establishes and issues in favor of the Town of Burns Harbor, Indiana ("Town") its Irrevocable Letter of Credit ("Credit") pursuant to the Town of Burns Harbor Subdivision Control Ordinance in the amount of _____ subject to the following conditions:

1. That this Credit binds the undersigned, their heirs, executors, administrators, successors and assigns firmly for a period of thirty (30) months from and after _____, which date is necessarily the same date of secondary plat approval by the Plan Commission. Accordingly, the expiration date for this letter of Credit is _____.

2. That all improvements required by the town shall be completed by _____, hereinafter referred to as "Owner" in accordance with the requirements of the Town Code and the plans that have been approved by the Plan Commission for this _____ (insert Subdivision or PUD) no later than _____, which date is necessarily two (2) years from the date of secondary plat approval.

3. That the failure of the owner to complete the public improvements secured by this Credit, on or before two (2) years from the secondary plat approval shall be considered a default by the Owner and the issuing institution of this Credit.

4. That the issuing institution of this Credit will pay all attorney's fees and out-of-pocket costs, including costs of paid staff of the Town, incurred in enforcing collection of this Credit in the event the issuing institution fails to honor the Town's demand for payment under the terms of this Credit.

5. That this Credit may be reduced or partially discharged only by the Plan Commission upon receipt of a sworn statement by the Owner's engineer of the costs of work performed and estimating the amount of improvement remaining to be performed. Upon receipt of the sworn statement of the Owner's engineer, the Town engineer shall review said sworn statement and determine after inspection if the improvements conform with the approved plat and the Town standards concerning their construction. The Town engineer shall further determine whether the Owner's engineer's sworn statement is accurate and then report his findings to the Plan Commission as to the costs of the conforming work performed. This Credit may then be reduced and partially

discharged by the Plan Commission in the amount of the costs of the conforming work performed as determined by the Town engineer. However, in no event shall this Credit be reduced to an amount less than 110 percent of the estimated costs of the balance of the improvements to be constructed.

6. That in the event the Town of Burns Harbor by its Plan Commission, wishes to draw upon this Credit, it shall give a signed statement by its designated representative that the aforementioned improvements have not been completed within the time limit set in paragraph 2 of this Credit. _____ shall then issue a check payable to the Town within 10 days of receipt of the signed statement. No additional action is required by the Town other than giving its signed statement and indicating the amount of money required to be paid by the issuing institution pursuant to this Credit.

7. That to the extent they do not conflict in any way whatsoever with this Credit, this Credit is subject to the Uniform Customs and Practice for Documentary Credits (1993 revision), International Chamber of Commerce publication #500, enforced as of January 1, 1994.

Issued this _____ day of _____, _____, by
_____ (issuing institution).

Issuing Institution

By:

Its: _____
(Print Title)

(Printed Signature)

Accepted this _____ day of _____, _____, by the Plan Commission

TOWN OF BURNS HARBOR
ADVISORY PLAN COMMISSION

By:

Its: _____
(Print Title)

(Printed Signature)

APPENDIX - G

**BEFORE THE TOWN OF BURNS HARBOR TOWN COUNCIL
AND BURNS HARBOR ADVISORY COMMISSION**

IN RE: THE PETITION OF

TO THE BURNS HARBOR TOWN COUNCIL AND ADVISORY PLAN COMMISSION FOR A PLANNED
UNITED DEVELOPMENT DISTRICT ORDINANCE NO. _____

PETITION FOR A PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

_____ (petitioner) applies for and request that the Burns Harbor Council, after receiving the advice of its Plan Commission, approve a PUD District Ordinance for real estate located in the Town of Burns Harbor, Indiana. In support of this Petition, the undersigned would state the following:

1. That the undersigned has received and reviewed a copy of:
 - a. Town of Burns Harbor Subdivision Control Ordinance, which provides for, among other things, Planned Unit Development District Ordinances.
 - b. The Burns Harbor Town standards (last edition); and
 - c. The Rules of Practice and Procedure of the Burns Harbor Advisory Plan Commission.

All aforementioned documents are on file in the office of the Burns Harbor Clerk Treasurer located at 1240 North Boo Road, Burns Harbor, Indiana. Additionally, a copy of the checklist for these proceedings has also been reviewed by the undersigned.

2. That the undersigned has paid to the Burns Harbor clerk-Treasurer a filing fee in the amount of \$ _____ Which has been computed as follows:

\$ _____	\$300 application fee; plus
\$ _____	\$100 per lot
\$ _____	Total (\$500 minimum)

Additionally, the undersigned has read Section 14-3.5-15 of Burns Harbor Town Code and agrees to pay all consultant fees, engineering fees, and attorneys fees incurred by the Town during its consideration of this Planned Unit Development.

3. That the undersigned is the owner of the legal or equitable title of the following described real estate in Burns Harbor, Porter County, Indiana to-wit:

See attached Exhibit "A"

generally located at _____
(address or general location of property)

The document showing the undersigned to be the owner of this property is a _____
_____ And is attached to this Petition as Exhibit "B."

4. That the undersigned represents that the concept plan process as required pursuant to the Subdivision Control Ordinance of the Burns Harbor Town Code has been concluded by the Plan Commission.

5. That the undersigned agrees to comply with all notice requirements set forth the Plan Commission's Rules and Regulations.

6. Attached to this Petition is 15 copies of the written text portion of the proposed PUD Ordinance and 15 copies of the drawing portion of the proposed PUD Ordinance with all information that is required pursuant to the Subdivision Control Ordinance of the Burns Harbor Town Code.

Petitioner

Petitioner's Address:

Telephone No.: _____

Dated: _____

APPENDIX - H

(PROPOSED ORDINANCE)

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN OF BURNS HARBOR,
PORTER COUNTY, INDIANA ESTABLISHING A
PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, a public hearing has been held as required by law and the Plan Commission has recommended the adoption of a PUD District Ordinance for certain land located within the corporate boundaries of the town of Burns Harbor and

WHEREAS, the Burns Harbor Town Council concurs in the recommendation of the Plan Commission.

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

SECTION 1. That a PUD District is approved for the following described real estate, to-wit:
(See attached Exhibit "A")
which real estate is generally located at _____

SECTION 2. That the name and address of the petitioner for this PUD District Ordinance is: _____

SECTION 3. That the attached as Exhibit "B" is the recorded document showing the petitioner's ownership interest in this parcel, which document is in the form of a _____

SECTION 4. That Chapter 14 and 15 of the Town of Burns Harbor Town Code, along with the Burns Harbor Town Standards, latest edition, shall apply to the development of this property, except for the following variances to same:

- a. Development standard variances:
 - I. _____
 - _____
 - ii. _____
 - _____
 - iii. _____
 - _____
 - iv. _____
 - _____
 - v. _____
 - _____

- b. Use variances:
 - I. _____
 - _____
 - ii. _____
 - _____
 - iii. _____
 - _____
 - iv. _____
 - _____
 - v. _____
 - _____

- c. Variances from the Town of Burns harbor Subdivision Control Ordinance:
 - I. _____

- ii. _____
- _____
- iii. _____
- _____
- iv. _____
- _____
- v. _____
- _____

d. Variances to Burns Harbor Town Standards:

- I. _____
- _____
- ii. _____
- _____
- iii. _____
- _____
- iv. _____
- _____
- v. _____
- _____

SECTION 5. That all uses and the area in acres of each use in this PUD District are as follows:

- a. _____
- _____
- b. _____
- _____
- c. _____
- _____
- d. _____
- _____
- e. _____
- _____
- f. _____
- _____

SECTION 6. That the total number of residential units in this District is _____ and the percent of each type of each residential use is:

- a. _____% for _____ use;
- b. _____% for _____ use.; and
- c. _____% for _____ use.

SECTION 7. That the delineation of each business and/or industrial use and total are in acres of each business and/or industrial use is as follows:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____
- h. _____

SECTION 8. That the following phasing schedule of development shall apply in this District:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

SECTION 9. That the detailed description of location and proposed use for all proposed open and/or recreation space is as follows:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

SECTION 10. That the general description of community services available to this PUD District's residents, including schools, fire protection, parks, and all public/private utilities, is as follows:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

SECTION 11. That a general statement on proposed ownership and maintenance of common open space is as follows:

SECTION 12. That the proposed construction schedule for this PUD District shall be as follows:

SECTION 13. That the objectives of PUD Districts as set forth in Section 14-3.5-2 of the Burns Harbor Town Code including a specific written submission addressing plans in Section 14-3.5-2 of the Burns Harbor Town Code having to do with the preservation of natural topographical and geological features and the land, is as follows:

SECTION 14. That the reasonable conditions or written commitments concerning the use and development of the land contained in this PUD District are as follows:

Reasonable Conditions:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____

Written Commitments:

- a. _____
- b. _____
- c. _____
- d. _____

e.

SECTION 15. That the drawing portion of the PUD District Ordinance showing the plan of development for this parcel, as required by Section 14-3.5-11(B) of Burns Harbor Town Code, is attached hereto, incorporated herein, and marked as Exhibit "C".

SECTION 16. That any violation of this PUD District Ordinance shall constitute a violation of the Town Code punishable by a fine from \$1.00 to \$2,500 per violation for each day said violation exists in accordance with the general penalty provisions found in Section 1-9 of the Burns Harbor Town Code.

SECTION 17. That 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 _____ day of _____, 20_____.

BURNS HARBOR TOWN COUNCIL

By: _____

ATTEST:

Clerk-Treasurer
Town of Burns Harbor

APPENDIX - I

BEFORE THE BURNS HARBOR ADVISORY PLAN COMMISSION

IN RE: PETITION TO THE BURNS HARBOR ADVISORY PLAN COMMISSION
FOR A CHANGE TO THE BURNS HARBOR ZONING MAP NO. _____

PETITION

We, the undersigned, petition the Plan Commission for a change in the Burns Harbor Zoning Map for the parcel or property described herein and show to the Plan Commission the following:

1. That we have received a copy of the Rules of Practice and Procedure of the Plan Commission on file in the Offices of the Clerk-Treasurer. We have also received a copy of the checklist also on file as aforesaid.

2. That we have paid to the Clerk-Treasurer the appropriate filing fee for this Petition.

3. That we own at least 50 percent of the following described real estate that is the subject matter of this Petition, which is located in Burns Harbor, Indiana to-wit
(insert legal description)

which property is commonly known as: _____

(Address or general location of property).

4. That we attach a copy of the deed or other instrument vesting at least 50 percent of the legal ownership of the property described in paragraph 3 above to the undersigned.

5. That the Zoning Map currently shows this property as being zoned _____.

6. That your petitioner(s) believe that the aforesaid property should be rezoned to _____.
(State zoning classification desired)

7. That the requested zoning pays reasonable regard to:

a. The Comprehensive Plan for the reasons set forth as follows:

b. Current conditions and the character of current structures and uses in the land and surrounding area for the reasons set forth as follows:

c. The most desirable use for the land for which we request a change in the Zoning Map adapted for the following reasons:

d. The conservation of property values throughout the Town for the following reasons:

e. Responsible development and growth for the following reasons:

8. That your petitioner(s) will take the necessary steps 10 days prior to any public hearing set on this Petition to notify all owners of property within 300 feet of the land for which the change in the zoning Map is sought of the date, time, and place of any public hearing to be held on this Petition.

WHEREFORE, your petitioner(s) request that this Plan Commission do the following:

1. Review this Petition to determine whether it is in proper order and form and, upon determining so, set this matter for public hearing.
2. The Secretary of this Plan Commission publish notice in the Chesterton Tribune at least 10 days prior to said public hearing informing the public of the date, time, and place of the public hearing.
3. That the Plan Commission recommend to the Town Council that an ordinance be passed changing the Zoning Map for the aforesaid property from its present zoning classification of _____ To the requested zoning classification of _____.

Petitioner

Petitioner
Address of Petitioner(s):

Telephone No. _____

Date: _____

PLAN COMMISSION'S ACTION

Public hearing set for _____

Results of public hearing: _____

Ordinance No. _____ (passed) (rejected) by the Town council on _____