

**ORDINANCE 2017-XXX**

**WATERFRONT SETBACK/VIEW PROTECTION STANDARDS**

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

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

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

**Chapter 154.060 shall read in its entirety as follows:**

**154.060 WATERFRONT SETBACK AND VIEW PROTECTION STANDARDS.**

**(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 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 building (such as residence or accessory use, building or structure).**

**(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, accessory use building or structure 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 from the shoreline upon which the 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 adjacent 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 123.40 feet provided that no deck or stairway shall extend beyond (lakeward of) a seawall. Any such deck, or that portion of a deck which extends beyond 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 106.60 feet, shall be subject to the following:

(a) 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.

(b) Notwithstanding division (B)(3)(a) hereinabove, 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.

(c) No decks shall be allowed to be constructed or attached to a structure at a height equal to or greater than the second story floor. The term *SECOND STORY* shall be defined as that level of living space of a structure, the floor of which has an elevation greater than the elevation of its first story floor as defined in division (B)(3)(a) hereinabove.

(4) 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:

(a) Equal to the average of the waterfront 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;

(b) Equal to the average of the waterfront yard setback of the dwelling, accessory use, building or structure already, but only built on one side of the zoning lot upon which a dwelling, accessory use, building or structure is to be built and the required minimum waterfront yard setback of the zoning district; or

(c) 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 are vacant. . **Note in the circumstance where the setbacks in sections (2) and (4) conflict, the more restrictive setback shall apply.**

**(5) 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, accessory building, use or structure located on an adjacent zoning lot.**

**(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 other than Lake Michigan shall be limited to the maximum height allowable in the zoning district provided that such height does not block reasonable viewing of the water body from any existing dwelling, accessory building, use or structure on any abutting zoning lot or property.**

**(7) The height of any structure including any proposed new dwelling, accessory use building, 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 lot, parcel, tract or area of land that abuts Lake Michigan shall be limited to the maximum height allowable in the zoning district.**

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

**(8) In view of the fact that views of Lake Michigan are one of our community's most cherished and valuable assets:**

**(a.) 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.**

**(b) 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.**

**CHAPTER 154 APPENDIX A as amended and attached.**

**ALL OF WHICH IS PASSED AND ADOPTED by the Town Council of the Town of Long Beach, LaPorte County, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

**LONG BEACH TOWN COUNCIL**

**By:**

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**Peter Byvoets, President**

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**Robert Lemay**

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**Joy Schmitt**

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**Jane Neulieb**

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**Nick Meyer**

**ATTEST:**

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**William deFuniak : Clerk-Treasurer**