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Land Use Committee

NIRPC Office, Dune Room

March 05, 2020

10:30 - 11:30 am

- | | | |
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| 1.0 | Call to Order | <i>Greg Stinson</i> |
| 2.0 | Approval of Minutes of October 3, 2019 Meeting | |
| 3.0 | Living Streets Update Presentation (pp. 1-6) | <i>Mitch Barloga</i> |
| 4.0 | Regional Planning | <i>Eman Ibrahim</i> |
| 4.1 | UPWP FY 2021-2022 Overview | |
| 4.2 | Indiana Legislative Update – Planning/Zoning | |
| | <ul style="list-style-type: none">• House Bill 1061 (pp. 7-9) | |
| 5.0 | Communities Update | <i>Everyone</i> |
| 5.1 | Downtown Hammond Plan Update | <i>Eman Ibrahim</i> |
| 6.0 | Next Meeting | |
| 6.1 | Next meeting Thursday April 02, 2020 at 10:30 am | |

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LAND USE COMMITTEE MEETING
NIRPC Dune Room
October 3, 2019
Minutes

Members & visitors: George Topoll, George Malis, Michael Barry, Nick Bellar, Kristina Kuzma

NIRPC Staff: Eman Ibrahim, Gabrielle Biciunas, Meredith Stilwell, Kevin Polette

George Topoll called the meeting to order at 10:32 am with the Pledge of Allegiance.

On motion by Nick Bellar and second by Michael Barry, the minutes of the June 6, 2019 meeting were approved.

Living Streets Presentation

Gabrielle Biciunas presented on the Living Streets policy. NIRPC adopted the Complete Streets policy in 2010 and is now moving forward with the Living Streets policy due to the significant increase in green infrastructure planning over the last 10 years. The objective is to merge the Complete Streets and Green Streets policies into the Living Streets policy. To accomplish this objective, NIRPC will create a Living Streets workshop to review the draft document in detail. The first meeting is scheduled for November 13, 2019, at 1:30 p.m. in the Lake Michigan Room at NIRPC. The final draft document will be discussed at the topical committees before being presented to the TPC and Full Commission meetings.

Regional Planning

Eman Ibrahim updated the committee on the Sensible Tools Handbook Update. The 2007 Handbook was based on the Indiana planning and zoning law of 2003. The updated Handbook will be compatible with the 2017 edition of the planning and zoning book. The updated Handbook is comprised of two parts, planning and making decisions. The working group met in September and 4 focus areas have been determined: public health, green environment, economic equality and sustainable transportation.

Eman Ibrahim updated on E-Commerce in Northwest Indiana. NIRPC is investigating impacts of e-commerce to offer recommendations to municipalities on how best to anticipate the impact of e-commerce and how to mitigate the effects of the land use and transportation while taking advantage of the opportunities and benefits offered. With completely new trends and without much research, it is a struggle to get the data. Meetings are being held with the NWI Forum and the Lake County Economic Alliance to help determine where distribution centers and warehouses are located. A map has been completed for each community to show distribution center and warehouse locations. Meetings are being held with the communities to get more information for this project.

Eman Ibrahim updated the Committee on the Transit Oriented Development Project. The RDA is working to define the TDD area along all the South Shore stations and proposed West Lake corridor. NIRPC is completing a different analysis, looking at not only these station areas, but also bus corridors and would like to create a funding program at the end of the project analysis. Different MPO TOD programs are being looked at for ideas.

Communities Update

Nick Bellar noted that 109th is currently being worked on. A lot of right of way acquisition is being done currently. There will be a passing blister at Arizona and 109th and A passing blister was installed at Fayette at the Wyndance subdivision. Right of way acquisition at Grant Boulevard is also in the works.

Michael Barry stated a high-end development has been proposed for the old water park in Porter. There is currently not enough sewer capacity and solutions to the issue are being looked into and priced out. A trucking company has expressed a desire to move to Porter at an existing gas station and parking area located where I-94 and US20 meet, but is very much preliminary.

Kristina Kuzma reported that Lake County is revising its subdivision and zoning ordinances. A consultant has been hired. They are focusing on farmland preservation.

George Topoll reported that the Lake Michigan Coastal program accepted Union Township's preproposal for a grant to incorporate a comprehensive plan.

Eman Ibrahim reported that Jeff Speck has been hired to complete the downtown Hammond plan. A train stop is being proposed on the Westlake corridor and an EIS has already been completed. George Malis noted Hammond recently had the official opening of the hiking/biking bridge near Conkey.

The next meeting of the Land Use Committee will be on February 6, 2020 at 10:30 a.m.

Hearing no other business, George Topoll adjourned the meeting at 11:30 a.m.

DRAFT 12-11-19

RESOLUTION 20-XX

A RESOLUTION IMPLEMENTING LIVING STREETS GUIDELINES FOR NIRPC-PROGRAMMED TRANSPORTATION PROJECTS

WHEREAS, the Northwestern Indiana Regional Planning Commission (NIRPC) promotes an equitable and effective multimodal, regional land use/transportation system that is safe, as well as energy, environmentally and fiscally efficient, maximizes regional connectivity, serves the mobility needs of all citizens, utilizes stormwater runoff mitigation best practices, improves the health of the general public, and is environmentally sensitive; and

WHEREAS,, NIRPC promotes sustainable transportation that encourages walking, rolling, bicycling and transit use while promoting safe operations for all users, while improving the natural and built environment via the integration of more energy efficient and ecologically friendly management practices, as increased walking, rolling and cycling offers the potential for better air quality, reduces motor traffic, curbs fossil fuel reliance, fosters a more efficient right-of-way, promotes greater health of the local population and manages stormwater runoff while allowing for the implementation of permeable surfaces, referred to commonly as “Green Streets” concepts; and

WHEREAS, "Complete Streets" are roadways that accommodate safe, efficient and equitable access for all users by law including pedestrians, bicyclists, motorists and transit riders of all ages and abilities; and

WHEREAS, Complete Streets are achieved when transportation agencies routinely plan, design, construct, re-construct, operate, and maintain the transportation network to improve travel conditions for all users of the roadway, and adopt methods that increase the longevity, accessibility, and efficiency of the roadway in a manner consistent with, and supportive of, the surrounding community; and

WHEREAS, increasing active and sustainable transportation (e.g., walking, rolling, bicycling, using public transportation and low-emission vehicles) offers the potential for improved public health, economic development, a cleaner environment, reduced transportation costs, enhanced community connections, social equity, and more livable communities; and

WHEREAS, Complete Streets principles have been, and continue to be, adopted nationwide at state, regional, and municipal levels in the interest of adherence to federal regulations that promote multimodal transportation options and accessibility for all users, including NIRPC's 2010 *Complete Streets Policy & Guidelines*; and

WHEREAS, "Green Streets" represent a stormwater management approach that incorporates vegetation (perennials, shrubs, trees), soil, and engineered systems (e.g., permeable pavements) to slow, filter, and cleanse stormwater runoff from impervious surfaces (e.g., streets, sidewalks); and

WHEREAS, NIRPC seeks to combine both Complete and Green Streets principles into a unified policy called "Living Streets;" and

WHEREAS, Living Streets provide for the development of pedestrian, rolling, bicycle, transit and electric vehicle charging infrastructure, green stormwater infrastructure, and ecological revitalization which offers long term cost savings, public health improvements, pollution reduction, water quality and habitat improvement, increases green space while reducing fossil fuel demands, and creates safe opportunities for convenient active transportation; and

WHEREAS, Living Streets improvements follow Universal Design principles that include, but are not limited to, marked bicycle lanes on the roadway, paved shoulders, signed bike routes, safe access to bus stops, shared use paths, sidewalks, bicycle parking facilities, marked or raised street crossings (including over- and under passes), pedestrian signals, signs and auditory cues, multi-purpose spaces, vegetated swales, green gutters, rain gardens, stormwater curb extensions, pervious paving, stormwater planters, increased green space, and urban street trees; and

WHEREAS, providing access for people with disabilities is a civil rights mandate that is not subject to limitation by project costs, levels of use, or "exceptional circumstances" where the Americans with Disabilities Act requires pedestrian facilities that, when newly constructed or altered, be accessible; and

WHEREAS, NIRPC is responsible for planning and programming transportation projects that utilize federal grants which adhere to goals and objectives from previously adopted documents such as the *NWI 2050 Plan*, *Creating Livable Communities*, *Greenways+Blueways 2020 Plan*, *the Marquette Action Plan*, and other applicable documents; and

WHEREAS, it is NIRPC's vision to undertake bold planning initiatives that positively impact Northwestern Indiana's future to create a strong, accessible, safe, sustainable, climate-resilient, clean and high-quality environment in which to live, work and play.

NOW, THEREFORE, BE IT RESOLVED that NIRPC supports the concept of Living Streets and hereby establish the attached Guidelines to incorporate Living Streets facilities to the most practicable extent as proposed by the project sponsor in all transportation projects using NIRPC-attributable federal funds;

BE IT FURTHER RESOLVED that Living Streets Guidelines are hereby established wherein project sponsors need to provide in the written request for federal funding documentation providing for the inclusion of Living Streets facilities in the proposed project seeking NIRPC-attributable funds and application materials must include a description of the facilities;

BE IT FURTHER RESOLVED that sponsors using other local, state, or non-NIRPC attributable federal funds be encouraged to accommodate practicable Living Streets facilities, in the planning and design of all proposed transportation projects;

BE IT FURTHER RESOLVED that NIRPC-based stakeholder committees responsible for various funding priorities utilize these Living Street Guidelines and review proposed project descriptions to account for Living Streets adherence, and providing

exemptions to projects where deemed appropriate.

Duly adopted by the Northwestern Indiana Regional Planning Commission on this historic day somewhere in the near future.

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION

Living Streets Planning & Design Guidelines

Below are planning and design guidelines to assist project sponsors in the accommodation of all users (bicyclists, pedestrians, transit users, motorists and people with disabilities, hereafter referred to as “Living Streets” facilities). Project sponsors shall use these guidelines in planning for and designing their projects. The Guidelines will be used by NIRPC staff and relevant committees as the proposed project is processed through current project selection and planning review.

1. Living Streets facilities shall be established on rehabilitation, restoration, and resurfacing (3R), partial 3R, and new construction and reconstruction (4R) projects unless one or more of the following conditions are met (entities will be required to provide evidence for justification of exemption(s)):

a. Where non-motorized users are prohibited by law from using the roadway.

In this instance, the applicant should accommodate Living Streets facilities as practicable within the right of way or within the same transportation corridor. Such projects shall still be inclined to incorporate green infrastructure improvements referenced in the above document.

b. The cost of establishing Living Streets facilities that meet applicable standards would exceed 15% of the cost of the larger transportation project. Eligible costs may include additional right-of-way acquisition, utility relocation, utility replacement by way of natural infrastructure, vegetative additions, and other construction costs with the establishment of said facilities.

c. Where the project consists of minor maintenance or repair (reconstruction is not included). Minor projects include, but are not limited to, emergency and periodic/preventative maintenance.

- d. Where the project consists primarily of the installation of traffic control or safety devices and little or no additional right-of-way is to be acquired.
- e. There are topographic or natural resource constraints.
- f. Where factors indicate an absence of need.
- g. Where existing Living Streets facilities currently exists or are scheduled for construction within or near the corridor.

2. On proposed 3R and 4R projects that do not increase vehicular capacity, Living Streets facilities shall be incorporated where applicable and as proposed by the project sponsor including in the following ways:

- a. Resurfacing including striping for additional shoulder width and/or crosswalks, as well as bike lanes where feasible in urban settings.
- b. Signalization including installation of pedestrian activated signals, and/or review of proper operation and timing of pedestrian phases.
- c. Restriping sufficiently wide pavements and bridge decks for additional shoulder width in accordance with applicable federal guidelines.
- d. Bridge deck replacement with extension of bridge deck (or other means) to accommodate all users.
- e. In cases where an adopted regional or local plan proposes a bikeway, rolling or pedestrian way that would pass under or over a bridge that is to be reconstructed, the bridge shall be reconstructed to accommodate intended users.
- f. Intersection upgrades including crosswalks and pedestrian actuated signals.
- g. In rural areas, paved shoulders should be included in all new construction and reconstruction projects on roadways used by more than 1,000 vehicles per day (ADT). Shoulders with a minimum of five-foot paved asphalt width preferred, accompanied by bicycle-friendly rumble strips. Paved shoulders have safety and operational advantages for all road users in addition to providing a place for bicyclists and pedestrians to operate.
- h. Addresses right-of-way flooding.
- i. In stormwater runoff areas generated from human land uses.
- j. In places where additional vegetation can lead to improved pollinator habitat,

heating/cooling cost savings, and increased public health.

3. The design and development of the transportation infrastructure shall improve conditions for all users by:

a. Planning projects for the long-term. The design and construction of new transportation facilities should presume demand for all users, aim to improve health and increase ecological resilience, and not preclude the provision of future improvements. In particular, where development is projected to change the character of an area from rural to suburban to urban over the long-term, it is encouraged that adequate right-of-way and infrastructure be established as part of a near-term project to accommodate future facilities where applicable. Every project should be planned and designed with the ultimate, long-term goal of creating, over time, Living Streets facilities.

b. Connecting Living Streets facilities across jurisdictional boundaries. As the metropolitan planning organization, NIRPC has a vantage point from which to recommend to the jurisdictions the connection and continuity of facilities for all users for the purpose of qualifying for federal funding. One way which NIRPC does this is through the *Comprehensive Regional Plan* which is updated every five years.

c. Designing context-appropriate facilities to the best currently available standards and guidelines. The design of said facilities shall be in accordance with applicable federal guidelines.

d. Addressing the need for bicyclists, rollers and pedestrians to cross corridors as well as travel along them. Even where bicyclists, rollers and pedestrians may not commonly travel along a corridor that is being improved or constructed, they will likely need to be able to cross that corridor safely and conveniently. For instance, a roadway project that does not contain a bike facility (interstate highway) should address bridge crossings that are hostile for bicycles, rollers and pedestrians. Therefore, the design of intersections and interchanges shall accommodate cyclists, rollers and pedestrians in a manner that is safe, accessible and convenient.

e. Creating a more connected, renewed, united and vibrant Northwest Indiana. Living Streets projects support NIRPC's planning initiatives including those that address climate change and its potential impacts.

House Bill 1061

This bill, if enacted, would be a major step back for planning and local control in Indiana.

Authored by

[Rep. Jeff Ellington](#).

Co-Authored by

[Rep. Doug Miller](#), [Rep. Carolyn Jackson](#).

Subdividing land: Allows a property owner to subdivide a parcel by deed, if the parcel is being subdivided to build or expand a residential structure or home, the use is a permitted use, the deed is recorded, a plat drawing is submitted to the political subdivision, and the lot is served by a permitted septic system, sewer system, or package plant for sewage treatment. Provides that the subdivision of a parcel is not subject to any requirements or approvals of the political subdivision with regard to zoning the property with certain exceptions.

APA-IN: What the Bill is intended to do

The bill's author and supporters believe that by preempting minimum lot size requirements in our state that additional needed housing will be built. The author's intent—as stated in the House Commerce meeting—does not match what the bill would actually do.

- Subdivisions could be created by deed without going through the needed development checkpoints in order to ensure that there is adequate public facility capacity to serve the new development. – Traffic wise, subdivisions of any size could be created by deed without ensuring that the supporting roads can handle increased travel volume.
- Drainage issues could be aggravated by increasing the amount of impervious surface without properly mitigating the effects that increase would have on drainage and nearby farmland.
- Lots could be created and sold without ensuring that there is an adequate site of a septic system or proper site distance for a driveway—rendering a person's investment worthless.
- Land use conflicts between agricultural and residential uses would increase by locating a higher number of residences near active farming operations without educating those moving there about the difference between rural and suburban living.
- The cost of serving residents would increase leading to either higher taxes or reduced services. By increasing the number of residences far outside of a municipality, counties will be faced providing services further out where the development may not “pencil out.”
- Cities and towns could be forced to serve large lot developments where the market would typically demand a higher and better use. Communities would have to install and *maintain* the same amount of pipe but only receive a fraction of the revenue needed to serve those developments—placing the burden on the rest of the ratepayers.

House Bill 1060 (*Bill died without much explanation*)

House Bill (H)

Authored by

[Rep. Doug Miller](#).

Co-Authored by

[Rep. Timothy Wesco](#), [Rep. Edward Clere](#), [Rep. Chris May](#).

Regulation of building materials: Provides that a state agency or political subdivision may not adopt or enforce a law in certain instances as it relates to building products, materials, and aesthetic methods for Class 1 and Class 2 structures.

APA-IN: What the Bill is intended to do

The bill's author and supporters believe that by restricting the state and units of government from adopting and enforcing a standard based on how to construct a building, the materials allowed for use, and/or maintenance standards that housing will become more affordable for more Hoosiers. Supporters also purport that aesthetic standards are the major factor that homeownership is out of reach for Hoosiers instead of the steady and rapid increase in the price of building materials.

What the Bill Does If enacted,

It eliminates the ability of local communities to determine design criteria to be implemented. The bill would have a wide range of effects on development in Indiana including the following:

- Effectively bans form-based codes by eliminating material requirements – Voids all construction design standards for all commercial and residential structures
- Eliminates sensible local control over sensitive local issues
- Removes stability in established neighborhoods by introducing building materials inconsistent with those neighborhoods
- Moves the ability to establish aesthetic standards from elected local leaders to an unelected commission which can only act to further safety, sanitary conditions, energy conservation, and accessibility for the disabled
- Creates a back door to appeal decisions made by local units or the Division of Fire and Building Safety through the courts instead of exhausting administrative remedies.
- This particular provision is troubling because the chapter of Indiana Code includes design releases issued by the state and qualified local units by interpreting complex building codes
- Invalidates the authority to enforce a design release, which is designed for safety, because no order of the division can be more detailed than the state building code
- Prohibits a design review from including special conditions that respond to a specific site condition
- Places Indiana's participation in the National Flood Insurance Program (NFIP) in jeopardy since communities will not be able to require the use of flood resistant materials in structures because the exclusion for federal requirements only applies to federal funding and housing programs

The bill falls short in decreasing the costs of residential development.

Senate Bill 148 (*Passed - referred to the Local Government Committee*)

Engrossed Senate Bill (S)

Authored by

[Sen. Blake Doriot](#), [Sen. Linda Rogers](#).

Sponsored by

[Rep. Doug Miller](#), [Rep. Jim Pressel](#), [Rep. Christy Stutzman](#).

Zoning and manufactured homes: Provides that a comprehensive plan or zoning ordinance: (1) may not prohibit a proposed residential structure solely because the proposed residential structure is a manufactured home; and (2) may require a manufactured home to be located and installed according to the same standards that apply to a site-built, single family dwelling on the same lot, including a permanent foundation system, setbacks, minimum square footage, and aesthetic appearance. Provides that, subject to certain conditions an industrialized residential structure may be located in a mobile home community. Provides that units of local government may not adopt or enforce certain ordinances, regulations, requirements, or other restrictions that mandate size requirements for a manufactured home that is placed in a mobile home community. Makes conforming changes

Senate Bill 100 (*Passed - referred to the Local Government Committee*)

Authored by

[Sen. Blake Doriot](#), [Sen. Mike Bohacek](#), [Sen. Linda Rogers](#).

Sponsored by

[Rep. Doug Miller](#), [Rep. Christy Stutzman](#), [Rep. Jim Pressel](#).

Nonconforming* structures: Provides that the parcel owner shall be allowed to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets certain requirements.

Allow homeowners to reconstruct a house even though it does not meet the dimensional standards of an ordinance.

The author has consented to two amendments, one on [floodplains](#), and one on [historic districts](#), which we expect to be incorporated into the bill this week.

* A **nonconforming structure** is a structure that complied with zoning and development regulations at the time it was built but which, because of subsequent changes to the zoning and/or development regulations, no longer fully complies with those regulations.

Senate Bill 23 (*Passed -referred to local government committee*)

Authored by

[Sen. Philip Boots](#), [Sen. Mike Gaskill](#), [Sen. Rick Niemeyer](#).

Co-Authored by

[Sen. James Buck](#).

Sponsored by

[Rep. Jeffrey Thompson](#).

Annexation: Provides, with certain exceptions, that the following apply to annexations for which an annexation ordinance is adopted after March 31, 2020: (1) A municipality initiating an annexation must file a petition with the court signed by at least: (A) 51% of the owners of land that is not exempt from property taxes in the annexation territory; or (B) the owners of more than 75% in assessed valuation of land that is not exempt from property taxes in the annexation territory. (2) If the petition filed by the municipality has enough signatures, the court must hold a hearing to review the annexation. (3) Adds provisions regarding the validity of a signature on an annexation petition. (4) Eliminates the remonstrance procedure for annexations and reimbursement of remonstrator's attorney's fees and costs. (5) Provides that remonstrance waivers are void for annexations for which the annexation ordinance is adopted after March 31, 2020. (6) Provides that a settlement agreement in lieu of annexation that is executed after March 31, 2020, is void. (7) Eliminates provisions regarding the contiguity of a public highway. Eliminates provisions that prohibit an annexation from taking effect in the year preceding the year that a federal decennial census is conducted.