

INDIANA FIRE PREVENTION AND BUILDING SAFETY COMMISSION

TO: Jill Coniff, Planner for the City of Whitestown, Indiana
 John R. Molitor, Counsel to the Whitestown Plan Commission
FROM: Fire Prevention and Building Safety Commission (Commission) Staff
DATE: Tuesday, December 1, 2020
RE: Commission Review of Ordinance No. 2020-17 – Town of Whitestown Unified
 Development Ordinance – Staff Review Memo

The information contained in this memo is advisory only. Commission staff does not have the authority to approve or deny ordinances or other regulations adopted by a political subdivision that qualify as fire safety or building laws. The decision to approve or deny ordinances or other regulations is left to the Commission.

GENERAL INFORMATION

Political Subdivision	Ordinance Number	Ordinance Type
Town of Whitestown	2020-17	Building (Zoning Ordinance)
Date of Adoption	Date of Submission	First Commission Meeting
July 2, 2020	September 15, 2020	October 6, 2020
Fire Safety/Building Law	Follow Template?	Recommendation
Building Law	No	Denial

PROVISIONS THAT DUPLICATE, CONFLICT, OR OVERLAP WITH STATEWIDE CODE

The following is a list of potential defects identified between this ordinance and the state's building and fire safety laws:

#	Ordinance Citation	State Citation	Explanation of Defect
1	Section 9.4(A)(6)	675 IAC 14-4.4 (2020 IRC). See Chapter 7 and Chapter 8.	The ordinance attempts to regulate building material specifications and performance criteria for Class 2 structures, which is already regulated by the Commission's rules in the 2020 Indiana Residential Code. While the Commission's rules do not regulate the aesthetics of a structure, they do regulate building material specifications and performance criteria. When adopting provisions that regulate matters already addressed by the Commission's rules, such as material specifications and performance criteria in this case, the provisions may not differ with the Commission's rules, otherwise they will

			be found in conflict. If a local jurisdiction wishes to prohibit the use of a certain building product for aesthetic or other similar reasons, it may be done in a manner that does not conflict with the Commission's rules, however standards for performance criteria or building specifications may not be set that conflict with the Commission's rules.
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ADDITIONAL COMMENTS
