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www.townofclearlake.org

Town of Clear Lake – Plan Commission Meeting Tuesday, February 6, 2024

Conference number 1-646-931-3860

Meeting ID: 647 970 5713

Web Passcode: Clear

Phone Passcode: 121380

Join Zoom Meeting: <https://us06web.zoom.us/j/6479705713?pwd=bGoxRjIITXNXeWRhQlcrVzljaHUwdz09>

Agenda

- A.** Call to Order
- B.** Introductions and Roll Call
- C.** Approval of Meeting Agenda
- D.** Approval of Minutes
 - 1. November 6, 2023
- E.** Budget Items
- F.** Applications, Petitions, or Hearings
 - 1. UDO Change 2023-02, Bill Hanna
- G.** Old Business
 - 1. UDO Change 2023-03, Bill Hanna
- H.** New Business
- I.** Election of Officers
 - 1. President
 - 2. Vice-President
 - 3. Executive Committee
 - 4. Secretary
- J.** Adjournment

The New regular scheduled meeting of the Clear Lake Plan Commission will be on Tuesday, May 7, 2024, at 7 PM. The deadline for items requiring legal notices is 28 days prior to the meeting.

**Town of Clear Lake Plan Commission
Meeting Minutes – November 6, 2023**

Plan Commission President Bill Hanna called the meeting to order at 7:00pm.

There were 8 residents in attendance and 2 via Zoom.

Members introduced themselves:

Bill Hanna, 208 West Clear Lake Drive
George Schenkel, 144 West Clear Lake Drive
Dan Rippe, 126 Lakeside Court
Mike Hawk, Attorney to the Plan Commission
Jennifer Smith-Sattison, Billing Clerk
Robert Hawley, Zoning Administrator
Guy Rodgers, Street & Sewer Superintendent
Jim McClain, 1226 Quiet Harbor
Jessica Swander, 7382 E State Road 120
Jim Hauguel, 154 West Clear Lake Drive

Zoning Administrator, R. Hawley went through zoom instructions.

B. Hanna asked for a motion to approve agenda.

Motion by: G. Schenkel

To approve agenda

2nd by: G. Rodgers

All in favor, say aye. Motion carried; agenda approved.

B. Hanna asked for a motion to approve minutes from August 1, 2023, Plan Commission meeting.

Motion by: D. Rippe

To approve August 1, 2023, minutes.

2nd by: J. Swander

All in favor, say aye. Motion carried; minutes from August 1, 2023, approved.

No Budget Items.

Rezoning 2023-01: Rezone two lots in the Neighborhood Commercial District (NC) to Single Family Residential District (SR). Lots are currently vacant and located along Lakeside Court abutting 101 Lakeside Court.

Zoning Administrator R. Hawley went through the staff report.

Rezoning Applicant, Bruce Krill (online) discussed that he is not planning on doing anything with the lots at this moment in time but is planning for their children in the possible future, so if they wanted, they could do something with the properties. He also went through the questions that were brought up from the last meeting.

Plan Commission discussed and asked rezoning applicant, Bruce Krill and Zoning Administrator, R. Hawley questions.

B. Hanna asked for a motion for a recommendation of Rezoning 2023-01 to the Town Council.

Motion by: D. Rippe made a motion to recommend Rezoning 2023-01 as an unfavorable recommendation to the Town Council.

To recommend Rezoning 2023-01 as an unfavorable recommendation to the Town Council.

2nd by: J. Swander

Roll Call:

G. Rodgers – Yes

J. McClain – Yes

J. Swander – Yes

J. Hauguel – Yes

D. Rippe – Yes

G. Schenkel – Yes

B. Hanna – Yes

7 – 0 to recommend Rezoning 2023-01 as an unfavorable recommendation to the Town Council.

Old Business

B. Hanna went through the progress of the UDO change 2023-01.

G. Schenkel went through UDO change 2023-01.

Zoning Administrator R. Hawley went through feedback forms for UDO change 2023-01.

B. Hanna asked for a motion to open for public comment.

Motion by: J. Swander

To open for public comment.

2nd by: D. Rippe

All in favor, say aye. Motion carried; open for public comment.

Resident Todd Swander discussed why he was in opposition of UDO change 2023-01.

Resident Bob Hill (Zoom) discussed why he was in support of UDO change 2023-01.

B. Hanna asked for a motion to close public comment.

Motion by: J. Hauguel

To close public comment.

2nd by: D. Rippe

All in favor, say aye. Motion carried; closed public comment.

Plan Commission discussed UDO change 2023-01.

- UDO Article Description: Definition: Accessory Structure, Occupiable & Guest Quarters
- UDO Article #: 11.02, Defined Words
- UDO Page #: 11-03, 11-16
- Description of Change: Remove references to Guest Quarters in Accessory Structures to clarify the permitted use of Occupiable Accessory Structure & amended and establish regulation of Guest Quarters in all districts.
- Basis for Change: Remove contradiction, add clarity, attain uniformity of language, and support the Comprehensive Plan consistent with UDO Change 2022-02.

B. Hanna asked for a motion for a recommendation of UDO change 2023-01 to the Town Council.

Motion by: G. Schenkel made a motion to recommend UDO change 2023-01 as a favorable recommendation to the Town Council.

To recommend UDO change 2023-01 as a favorable recommendation to the Town Council.

2nd by: J. Hauguel

Roll Call:

D. Rippe – Yes

J. Hauguel – Yes

J. Swander – Yes

J. McClain – No

G. Rodgers – Yes

B. Hanna – Yes

G. Schenkel – Yes

6 – 1 to recommend UDO change 2023-01 as a favorable recommendation to the Town Council.

UDO change 2023-02.

- UDO Article Description: The Footprint of Primary Structure
- UDO Article #: 5.13.C
- UDO Page #: 5-12
- Description of Change: Change UDO 5.13.C and add 5.13.D.
- Basis for Change: 5.13.C as it applies to LA structures is overly restrictive. The proposed revision will create a standard that will reduce the likelihood of residents requesting a variance and achieve desired architectural features.

B. Hanna went through UDO change 2023-02.

Plan Commission members and Attorney M. Hawk discussed UDO change 2023-02.

B. Hanna asked for a motion to accept UDO change 2023-02 as amended with the word structure added to Section C following LA Lot for public hearing.

Motion by: D. Rippe made a motion to approve UDO change 2023-02 as amended with the word structure added to Section C following LA Lot for public hearing.

To approve UDO change 2023-02 as amended with the word structure added to Section C following LA Lot for public hearing.

2nd by: G. Schenkel

Roll Call:

J. Hauguel – Yes

J. Swander – Yes

J. McClain – Yes

G. Schenkel – Yes

G. Rodgers – Yes

D. Rippe – Yes

B. Hanna – Yes

7 – 0 to approve UDO change 2023-02 as amended with the word structure added to Section C following LA Lot for public hearing.

New Business.

B. Hanna went through UDO change 2023-03.

- UDO Article Description: Nonconforming Structure Standard
- UDO Article #: 8.04.C.2
- UDO Page #: 8-03
- Description of Change: Modify verbiage of 8.04.C.2 Removal of permanent structures.
- Basis for Change: To clarify what qualifies as removed or razed structure.

Plan Commission members and Attorney M. Hawk discussed UDO change 2023-03.

B. Hanna asked for a motion to postpone UDO change 2023-03.

Motion by: J. Swander

To postpone UDO change 2023-03.

2nd by: J. McClain

All in favor, say aye. Motion carried; UDO change 2023-03 postponed.

Zoning Administrator Robert Hawley went through tentative Plan Commission meeting dates for 2024.

B. Hanna asked for a motion to approve 2024 Plan Commission meeting dates.

All in favor, say aye. Motion carried; 2024 Plan Commission meeting dates approved.

B. Hanna entertained a motion to adjourn meeting.

Motion by: J. Hauguel

To adjourn meeting.

2nd by: J. Swander

All in favor, say aye. Vote was unanimous. Motion carried; meeting adjourned.

Meeting adjourned at 8:57pm.

Bill Hanna, Plan Commission President

Attest: Jennifer Smith-Sattison, Billing Clerk



**LEGAL NOTICE OF A PUBLIC MEETING
BEFORE THE PLAN COMMISSION
TOWN of CLEAR LAKE, INDIANA**

DATE: January 24, 2024
TO: All persons located within the Town of Clear Lake zoning jurisdiction
FROM: Town of Clear Lake Planning Commission & Zoning Administrator
RE: Public Hearing on zoning amendment 2023-02, amending section 5.13.A and 5.13.C

The Plan Commission of the Town of Clear Lake, Indiana, will conduct a public hearing on Tuesday, February 6, 2024, at 7 PM in the Clear Lake Town Hall at 111 Gecowets Drive, Fremont, IN 46737.

At the public meeting, all interested people will be given the opportunity to be heard. Written objections that are filed before the public hearing shall be received by the Zoning Administrator three (3) days prior to the hearing at the Clear Lake Town Hall.

The files pertaining to the request are available for public inspection during regular business hours at the Clear Lake Town Hall or it may be viewed on the Town website at townofclearlake.org.

Questions or comments should be directed to the Zoning Administrator at 260.495.9158 or at zoning@townofclearlake.org.

Robert Hawley
Town of Clear Lake Zoning Administrator

UDO Change Initiation

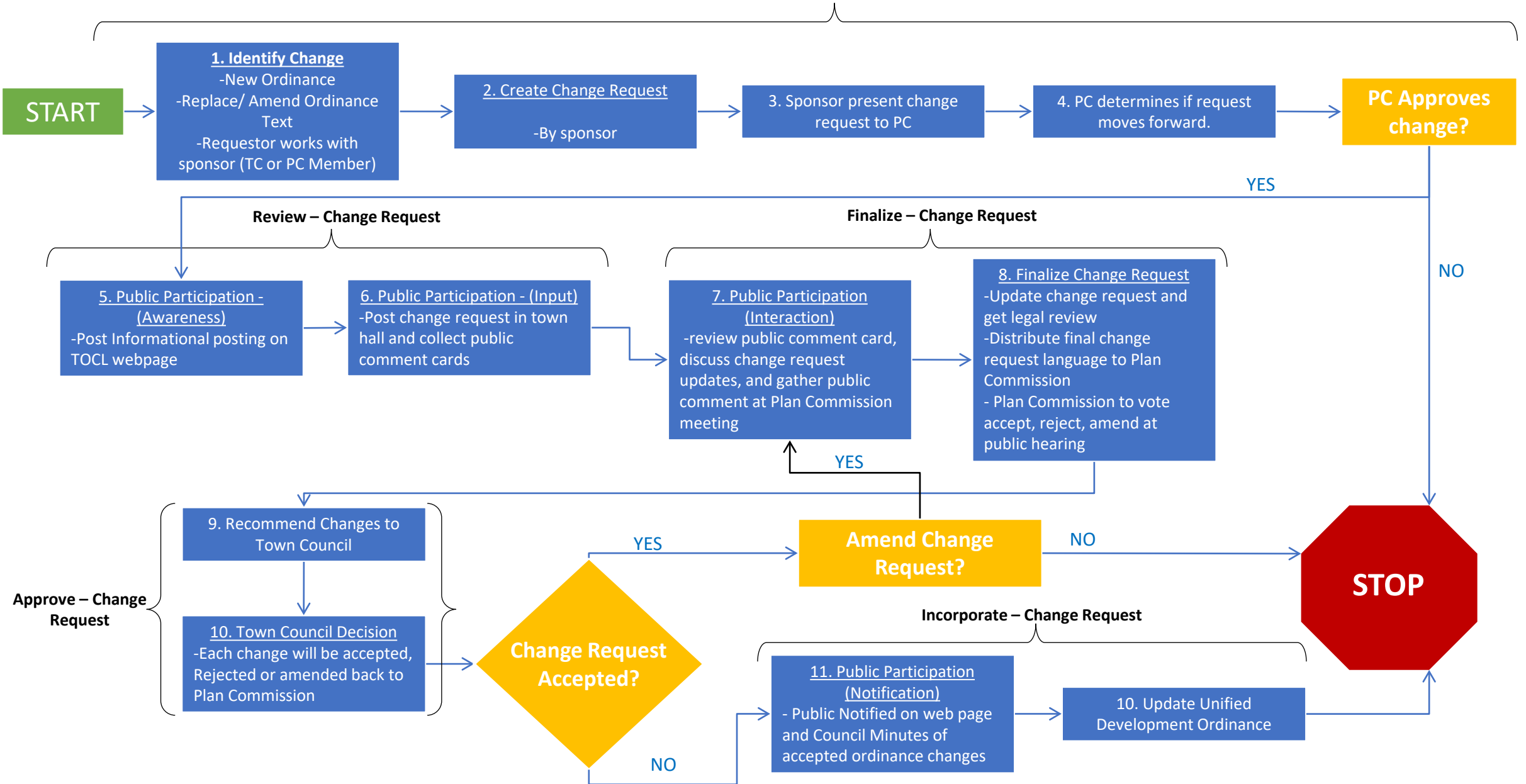
A member of the Plan Commission and/or Town Council who will partner with the Zoning Administrator in championing the proposed UDO change through the UDO change process.

Responsibilities:

1. Participate with Zoning Administrator in completing each step of the UDO change process
2. Complete the UDO change form and submit to the Zoning Administrator
3. Document/Communicate why the change is necessary (see evidence categories below)
 - a. Provide supporting evidence the deficiency is impacting the realization of the comprehensive plan
 - b. Provide supporting evidence the deficiency is repeatedly a variance request
4. Assess and communicate how the proposed change addresses the deficiencies identified in #3
5. Present the change at the Plan Commission meetings, answer any questions, and support closure of any action items

Change Process – Unified Development Ordinance *Section 9.18 UDO Text Amendment PG 9-43*

Draft – Change Request



Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: Bill Hanna

UDO Change Log Number: 2023-02

Date: August 1, 2023

Revised: November 6, 2023

UDO Revision Affected: _____

Change Status: Draft – Change Request

I. UDO Article Description: The Footprint of Primary Structure

UDO Article #: 5.13.A, 5.13.C

UDO Page #: 5-12

Change Category: Amendment

Comp Plan Objectives: Policy 7.2, Objective 7.2.1

Ensure that existing and future Clear Lake property owners can move through the permitting procedure as quickly as possible while still protecting the interests of the Town.

Policy 2.1, Objective 2.1.2

Continue to review and modify, as necessary, land use regulations so that property values are protected and enhanced.

II. Description of Change:

Change UDO 5.13: Add 5.13.A.1 and Modify 5.13.C and Add 5.13.C.1

III. Basis for Change:

5.13.C as it applies to LA structures is overly restrictive. The proposed revision will create a standard that will reduce the likelihood of residents requesting a variance and achieve desired architectural features.

5.13.A.1 offers an exception to structures that qualify with this section, and structures that fall into this category have low impact or effect to the surrounding properties in which they are established.

IV. Change Language (From, To):

From:

A. Project Applicability: Architectural details consistent with the requirements of this Unified Development Ordinance shall be required for new primary structures, new accessory buildings, and rehabilitation of a roof where the roof pitch is modified.

C. Footprint of Primary Structure: The footprint of the primary structure's foundation shall not be a simple rectangle or square. An open-sided porch, screen porch, patio or stoop's foundation shall not be considered part of the home's foundation in regard to this provision. If there are six (6) foundation segments, the shortest segment shall be at least ten percent (10%) of the entire foundation's perimeter. If there are seven (6) or more foundation segments, there is not a minimum length for any foundation segment.

Unified Development Ordinance (UDO) Proposed Text Amendment

To:

A. Project Applicability: Architectural details consistent with the requirements of this Unified Development Ordinance shall be required for new primary structures, new accessory buildings, and rehabilitation of a roof where the roof pitch is modified.

1. Exceptions: Accessory structures less than 144 square feet shall be exempted from the remaining provisions of section 5.13.

C. Footprint of Primary Structure: The footprint of the primary structure's foundation shall not be a simple rectangle or square. An open-sided porch, screen porch, patio, or stoop's foundation shall not be considered part of the home's foundation in regard to this provision. If there are six (6) foundation segments, the shortest segment shall be at least ten percent (10%) of the entire foundation's perimeter. If there are seven (~~6~~7) or more foundation segments, there is no not-a minimum length for any foundation segment. LA Lots shall meet the standards of section 5.13.C (1).

1. LA Lot Structure Footprint: The structure shall have a minimum of six (6) foundation segments and the shortest segment shall be no less than 6 feet.

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By:

Date Codified

Summary / Review

8.1.2023 Tabled for further review and research.

10/30/2023 Added exemption, and corrected formatting.

Feed Back – UDO Change 2023-02

		Support	Oppose
Total	2	1	1

		<i>% of Total</i>	<i>Comments</i>
No Concerns	0		
Undesirable Viewshed	0		
Harmful to Natural Resources	0		
Undue Strain on infrastructure	0		
Risk to Personal Safety	0		
Undesirable Development Density	0		
Undue Strain on Enforcement	0		
Undesirable Aesthetic Appeal	1	50%	1
<ul style="list-style-type: none"> • <i>Trying to eliminate plain square or rectangular buildings with no architectural interest.</i> 			
Increased Population			

I agree that there should be architectural interest in the new LA structures, but I think 6' setback is too much...it seems like 3-4' would provide the interest without the awkwardness. Aesthetic appeal is what we are talking about here...architectural interest instead of a plain square or rectangular building.

Anything to simplify while protecting the intentions of our UDO and Comprehensive Plan should be considered. The endless stream of variance applications has become exhausting and frustrating for our community where the majority simply want the UDO and Comprehensive Plan upheld.

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: Bill Hanna

UDO Change Log Number: 2023-03

Date: 10/30/2023

Revised:

UDO Revision Affected:

Change Status: Draft – Change Request

I. UDO Article Description: Nonconforming Structure Standard

UDO Article #: 8.04.C.2

UDO Page #: 8-03

Change Category: Amendment

Comp Plan Objectives: Policy 7.2, Objective 7.2.1

Ensure that existing and future Clear Lake property owners can move through the permitting procedure as quickly as possible while still protecting the interests of the Town.

Policy 2.1, Objective 2.1.2

Continue to review and modify, as necessary, land use regulations so that property values are protected and enhanced.

II. Description of Change:

Modify verbiage of 8.04.C.2 Removal of permanent Structures

Basis for Change:

To clarify what qualifies as removed or razed structure.

IV. Change Language (From, To):

From:

2. *Removal of Permanent Structures*: If a permanent structure is fully or significantly removed or razed, the remaining permanent structure shall lose its legal nonconforming status and become illegal nonconforming; unless by significantly removing or razing the permanent structure the remaining permanent structure is in compliance or more in compliance with the current Unified Development Ordinance.

To:

2. *Removal of Permanent Structures*: If a permanent structure is fully or significantly removed or razed (i.e., fifty percent (50%) or more of the structure is removed or razed (measured by the perimeter wall), or if twenty five percent (25%) or more of the nonconforming portion of the structure is removed or razed (measured by the perimeter wall), the remaining permanent structure or portion of the structure that is nonconforming shall lose its legal nonconforming status and become illegal nonconforming. ~~; unless by significantly removing or razing the permanent structure the remaining permanent structure is in compliance or more in compliance with the current Unified Development Ordinance.~~ If loss of legal nonconformance status occurs, then any remaining portion of the structure shall be brought into compliance with the current Unified Development Ordinance.

Unified Development Ordinance (UDO) Proposed Text Amendment

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By:

Date Codified

Summary / Review
