



111 Gecowets Drive Fremont IN 46737
(260) 495-9158 / (260) 495-5902 fax
www.townofclearlake.org

Town of Clear Lake - Plan Commission Meeting Tuesday, May 2, 2023

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=bGoxRjllTXNXeWRhQlcrVzljaHUwdz09>

Agenda

- Call to Order
- Introductions and Roll Call Quorum
- Approval of Meeting Agenda
- Approve minutes – February 7, 2023
- Budget items – None
- Applications, Petitions, and/or Hearings
 - UDO Change 2022-02
- Old Business
- New Business
 - UDO Change 2023-01
 - Feedback Form Proposal
 - Public Opinion/ Feedback Submission Guidelines
 - UDO Comprehensive Plan Update
 - 2023 PC Objectives
 - Comprehensive Plan Update
 - UDO Updates
- Adjournment

The next regularly scheduled meeting of the Clear Lake Plan Commission will be Tuesday, August 1, 2023, at 7:00 PM. The deadline for items requiring legal notices is July 3, 2023.

**Town of Clear Lake Plan Commission
Meeting Minutes – February 7, 2023**

Plan Commission President Dan Rippe called the meeting to order at 7:00pm.

There were 2 residents in attendance and 4 via Zoom.

Members introduce themselves:

Jim Hauguel, 154 West Clear Lake Drive
Jim McClain, 1226 Quiet Harbor
Don Luepke, Alternate
Dan Rippe, 126 Lakeside Court
George Schenkel, 144 West Clear Lake Drive
Mike Hawk, Attorney to the Plan Commission
Jennifer Smith-Sattison, Town Clerk
Robert Hawley, Zoning Administrator
Bill Hanna (online), 208 West Clear Lake Drive

D. Rippe asked for a motion to approve agenda.

Motion by: G. Schenkel

To approve agenda

2nd by: D. Luepke

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

D. Rippe asked for a motion to approve minutes from November 1, 2022, Plan Commission meeting.

Motion by: D. Luepke

To approve November 1, 2022, minutes.

2nd by: J. Hauguel

All in favor, say I. Motion carried; minutes from November 1, 2022, approved.

No Budget Items.

No Applications, petitions, or hearings.

Old Business.

UDO Change 2022-02

Zoning Administrator Robert Hawley goes through how they got to where they are at with the UDO change.

G. Schenkel goes through the proposed change of UDO 2022-02 Article 5.09(A), the description of change and the bases for the change.

Plan Commission discusses the proposed changes.

D. Rippe asked for a motion to approve UDO changes for 2022-02 to be scheduled for a public hearing at the next meeting May 2nd, 2023.

Motion by: G. Schenkel

To approve UDO changes for 2022-02 to be scheduled for public hearing at the next meeting May 2nd, 2023.

2nd by: D. Luepke

All in favor, say I. 5 yay's. 1 nay. Motion carried; UDO changes for 2022-02 to be scheduled for public hearing at the next meeting May 2nd, 2023, approved.

New Business – Election of President, Vice President, and Executive Committee.

D. Rippe asked for nominations for Plan Commission President.

G. Schenkel nominated B. Hanna.

All in favor, say I. Motion carried; B. Hanna Plan Commission President.

D. Rippe asked for nominations for Plan Commission Vice President.

B. Hanna nominates D. Rippe.

All in favor, say I. Motion carried; D. Rippe Plan Commission Vice President.

D. Rippe asked for nominations for Plan Commission Executive Committee.

G. Schenkel nominates J. Hauguel.

All in favor, say I. Motion carried; J. Hauguel Plan Commission Executive Committee.

D. Rippe hands meeting over to newly elected Plan Commission President B. Hanna.

G. Schenkel and R. Hawley go through and discuss the changes to the Plan Commission Rules of Procedures.

Plan Commission discusses the Rules of Procedures.

B. Hanna asked for a motion to approve Plan Commission Rules of Procedure document as written with changes to 4.4.7 A and B.

Motion by: D. Rippe

To approve Plan Commission Rules of Procedure document as written with changes to 4.4.7 A and B.

2nd by: G. Schenkel

All in favor, say I. Motion carried; Plan Commission Rules of Procedure document as written with changes to 4.4.7 A and B, approved.

D. Rippe entertained a motion to adjourn the meeting.

Motion by: D. Luepke

To adjourn the meeting.

2nd by: D. Rippe

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

Meeting adjourned at 8:05pm.

Bill Hanna, Plan Commission President

Attest: Jennifer Smith-Sattison, Clerk

Zoning Administration UDO Change Introductions

Plan Commission Meeting

May 2, 2023

Change Number 2022-02: Guest Quarters in Accessory Structures

- Change Description:
 - *Remove all references to Water and Sewer availability in all Accessory Structures to better understand the permitted use of Accessory Structure.*
- Public Feedback:
 - *See Next Slide*
- Unintended Comments:
 - *None Identified*
- Unintended Consequences:
 - *None Identified*
- Mitigation:
 - *None*

UDO Change Feedback Form Summary

UDO change # 2022-02

Description: Removal of guest quarters & statement of bathrooms and utility sinks may be allowed if granted a variance.

Name	Address	Support	Oppose	Undesirable Viewshed Impact to Lake	Harmful to Natural Resource	Undue Strain on Infrastructure	Risk to Personal Safety	Undesirable Development Density	Undue Strain on Enforcement	Undesirable Aesthetic Appeal	Increased Population
Total		55	3	17	19	33	11	40	23	16	38
Other Comments											Total Number of comments
Feel strongly this should be a Clear Lake Standard and be passed.											13
Amendment will keep Clear Lake from over development and over crowding. It will help to preserve our beautiful lake for future generations.											5
We opposed accessory structures that would result in additional residential/ visitation activity.											7
add to amendment: "included in the prohibition are no full or partial bathroom, no utility sink, no kitchen or kitchenette, no site sewer and into interior water supply											1
This is consistent with the comprehensive plan and the UDO											8
No Change. Additional steps should be taken for allowance											3

UDO Change Feedback Form Summary

UDO change # 2022-02

Description: Removal of guest quarters & statement of bathrooms and utility sinks may be allowed if granted a variance.

Name	Address	Support	Oppose	Undesirable Viewshed Impact to Lake	Harmful to Natural Resource	Undue Strain on Infrastructure	Risk to Personal Safety	Undesirable Development Density	Undue Strain on Enforcement	Undesirable Aesthetic Appeal	Increased Population
James Horein	160 WCLD	1			1	1		1	1	1	1
Joan Eckstein	810 SCLD	1				1		1			1
Eric Belfrage	105 Billings	1		1	1	1	1	1			1
Mark Loughery	342 ECLD	1		1	1	1		1	1	1	1
Jeanne Loughery	342 ECLD	1		1	1	1		1	1	1	1
Barb Wenger	210 WCLD	1		1		1		1			1
Bob Hill	936 SCLD	1			1	1	1	1	1		1
Ronald Oldsen	776 SCLD	1			1	1	1	1	1	1	1
Chris & Beth Schweikert	280 Lakeview Dr. #6	1		1	1	1		1	1	1	1
Ray Scott	280 Lakeview Dr. #15	1		1	1	1	1	1	1	1	1
Joe Sorg	280 Lakeview Dr. #18	1		1	1	1	1	1	1	1	1
James Bachman		1						1			1
Mary Scrogham	280 Lakeview Dr. #3	1		1	1	1		1		1	
Dan Disser	280 Lakeview Dr. #8	1			1	1		1	1		1
John Wilhelm	206 WCLD	1			1	1	1	1	1		1
Dale & Beth Aeschliman	978 Paradise Pt.	1				1		1			1
Kay Kummer	844 SCLD	1		1	1	1	1	1	1	1	1
Ronald Kummer	844 SCLD	1		1	1	1		1		1	
Sally Eckrich	948 SCLD	1						1			1
Jack Horrell	800 SCLD	1									
John & Julia Starner	486 ECLD	1				1		1			1
Tom Snyder	740 SCLD	1		1	1	1	1	1	1	1	1
Bob & Vicki Hill	936 SCLD	1			1	1		1	1		1
Ann DeWert	168 WCLD	1		1		1		1		1	1
Kathy Schenkel	144 WCLD	1									
Rick Sadowski	808 SCLD	1			1			1	1	1	1
Walter (Terry) Newcomb	998 SCLD	1		1				1			1
Norbert Schenkel	472 ECLD	1						1			1
Rick & Angie Behnfeldt	103 Billings Ct.	1									
Mike Slee	904 SCLD	1				1		1			1
Thomas Humbrecht	142 WCLD	1		1		1		1	1		1
Judith Bauman	596 ECLD	1									
Richard Eckert	598 ECLD	1				1		1	1		1
Alex & Susan Connett	700 SCLD	1				1		1	1		1
Robert Webster	592 ECLD	1									
Don & Pat Helton	352 ECLD	1									
Cheryl Johnson	180 WCLD	1									
Don Schenkel	150 WCLD	1				1		1	1		1
Joe & Kathy Schenkel	72 WCLD	1									
Bruce Matasick	834 SCLD	1									
Brian Weber	822 SCLD	1									
Chris & Marti Slee	902 WCLD	1				1		1			1
Pam Reith	674 SCLD	1									
Katy Hoehn	304 ECLD	1					1	1	1		1
Tim & LuAnn McArdle	782 SCLD	1				1		1			1
Mary Brooke	878 SCLD	1									
Molly Nagle	256 WCLD	1						1			1
Cindy & Steve King	184 WCLD	1		1				1	1	1	1
JoEllen Culbertson	100 Lakeside Ct.	1		1		1		1			
Charmaine & Robert Ekroth	174 WCLD	1			1	1		1			1
Dennis Keiser	934 SCLD		1								
Jackie Keiser	934 SCLD		1								
Sue Compo	414 ECLD	1				1	1	1	1	1	1
David & Rebecca Terreo	732 SCLD	1									
Dan McArdle	686 SCLD		1								
Tim Reith		1				1		1			1
Wendy Talarico Elgas	346 ECLD	1		1	1	1	1	1	1	1	1
Total		55	3	17	19	33	11	40	23	16	38

Other Comments	Total Number of comments
Feel strongly this should be a Clear Lake Standard and be passed.	13
Amendment will keep Clear Lake from over development and over crowding. It will help to preserve our beautiful lake for future generations.	5
We opposed accessory structures that would result in additional residential/ visitation activity.	7
add to amendment: "included in the prohibition are no full or partial bathroom, no utility sink, no kitchen or kitchenette, no site sewer and into interior water supply	1
This is consistent with the comprehensive plan and the UDO	8
No Change. Additional steps should be taken for allowance	3

UDO Change Initiation

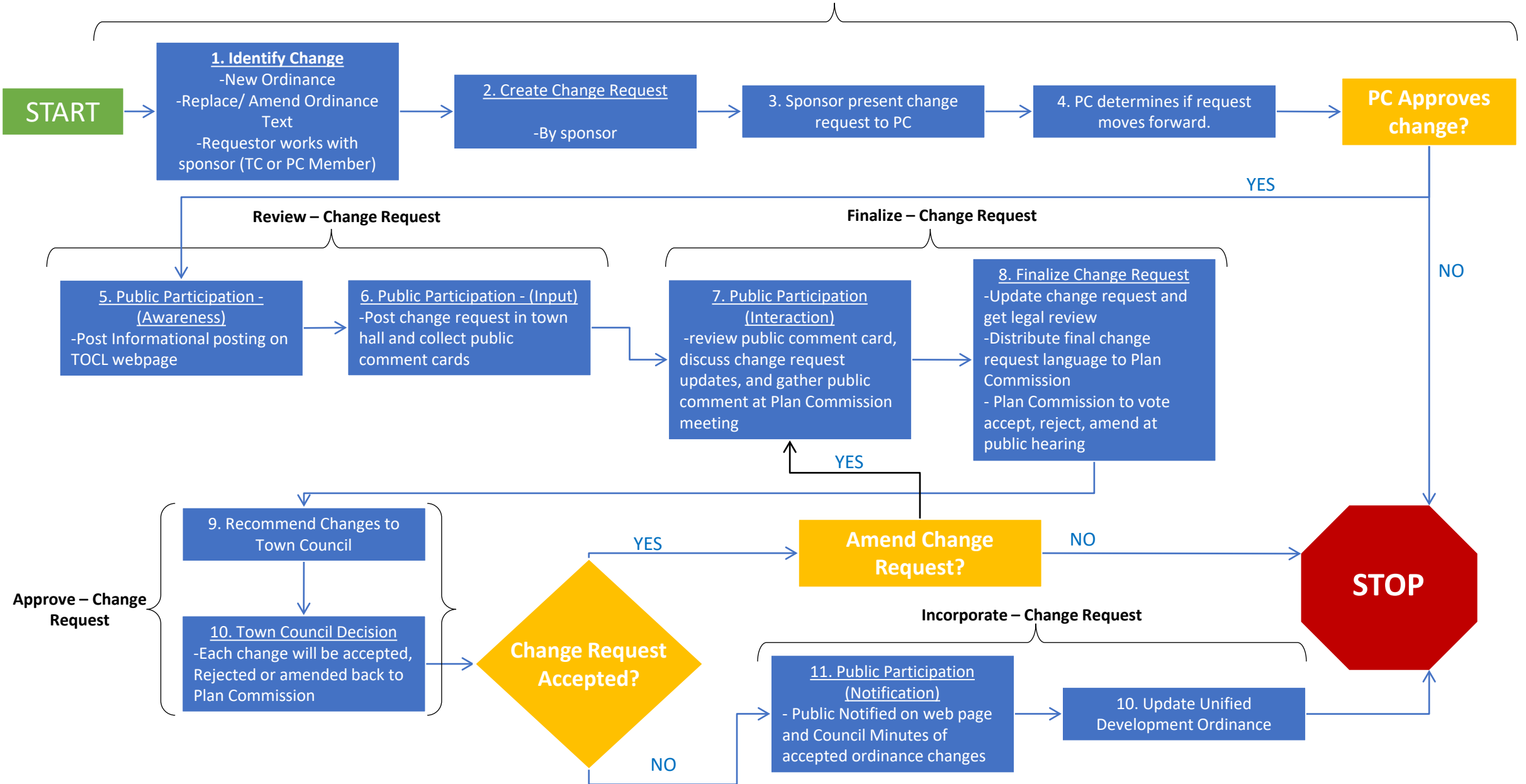
A member of the Plan Commission and/or Town Council who will partner with the Zoning Administrator in championing the proposed UDO change through the UDO change process.

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: George Schenkel

UDO Change Log Number: 2023-01

Date: May 2, 2023

UDO Revision Affected: _____

Change Status: _____

- I. UDO Article Description: Definition: Accessory Structure, Occupiable
UDO Article #: 11.02, Defined Words
UDO Page #: 11-03
Change Category: Amendment
Comp Plan Objectives: Policy 2.2, Objective 2.2.1 and 2.2.2; Policy 7.4, Objective 7.4.1; and "Lake Accessory" classification per Comprehensive Plan (page 50)

II. Description of Change:

Remove references to Guest Quarters in Accessory Structures to clarify the permitted use of Occupiable Accessory Structure.

III. Basis for Change:

Remove contradiction, add clarity, attain uniformity of language, and support the Comprehensive Plan consistent with UDO Change 2022-02.

IV. Change Language (From, To):

From:

Accessory Structure, Occupiable: An accessory structure used as a habitable space that is clearly complementary and incidental to a primary structure's use (e.g. recreation room, artist studio, woodworking shop or guest quarters). An occupiable accessory structure shall not include residential units, studio apartments, and businesses. An occupiable accessory structure may be combined with a storage-based accessory structure.

To:

Accessory Structure, Occupiable: An accessory structure used as a habitable space that is clearly complementary and incidental to a primary structure's use (e.g. recreation room, artist studio, or woodworking shop ~~or guest quarters~~). An occupiable accessory structure shall not include residential units, guest quarters, studio apartments, and businesses. An occupiable accessory structure may be combined with a storage-based accessory structure.

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By: _____

Date Codified _____

The basis for this change is to: 1) remove contradiction, 2) add clarity, and 3) support the Comprehensive Plan.

1. **Contradiction**- “Guest Quarters” implies residential when the sentence that follows specifically states that “An occupiable accessory structure shall not include residential units, studio apartments, and businesses.”
2. **Clarity**- There was great confusion during an April 11 BZA variance hearing when the current definition was introduced into the discussion. This change would correct the erroneous placement of the words “guest quarters” and clear up the confusion.
3. **Supports the Comprehensive Plan**

Comprehensive Plan:

- Housing
 - Policy 2.2: Discourage new residential development, particularly those with direct access to the lake, and prohibit new and existing channel developments.
 - Objective 2.2.1: Eliminate new second- and third-tier access to Clear Lake and subsequent larger pier construction in residential areas.
 - Objective 2.2.2: Enforce and strengthen the existing anti-funneling ordinance.
- Land Use
 - Policy 7.4: Prohibit any development that may endanger, obstruct, harm, or otherwise negatively impact the residential quality of the Town.
 - Objective 7.4.1: Preserve and enhance the residential quality of the Town.
- Land Use Classification (2013 Update to the Clear Lake Comprehensive Plan - page 50)
 - Lake Accessory – Area classified as “lake accessory” includes lots used in conjunction with adjacent lake residential uses, primarily for parking and storage.

Accessory Structures Water and Sewer Availability

- Change description:
 - Remove references to Guest Quarters in Accessory Structures to clarify the permitted use of Occupiable Accessory Structure.
- Zoning: Lake Accessory (LA) Section 5.09
- The deficiency is impacting the realization of the comprehensive plan
 1. Comprehensive Plan (Housing) Policy 2.2, Objective 2.2.1 & 2.2.2
 2. Comprehensive Plan (Land Use) Policy 7.4, Objective 7.4.1
- The deficiency is repeatedly a variance request
 1. *None, but current UDO add confusion and uncertainty to the existing Ordinance.*

Unintended Consequence Assessment

Date: 5.2.2023

Change Description: Remove references to Guest Quarters in Accessory Structures to clarify the permitted use of Occupiable Accessory Structure.

Increased Population	Natural Resource	Infrastructure	Personal Safety	Development Density	Enforcement	Aesthetic Appeal	Viewshed	Mitigation Approach
None								

Criteria Assessed



111 Gecowets Drive Fremont IN 46737
(260) 495-9158 / (260) 495-5902 fax
www.townofclearlake.org

Memorandum

DATE: May 2, 2023
TO: Plan Commission, Board of Zoning Appeals
FORM: Robert Hawley, Zoning Administrator
SUBJECT: Public Feedback, Establishing Requirements

Due to recent discussions regarding public feedback forms and who can respond and how frequently, the following language is to entertain discussion on amending the rules of procedure, in hopes to create consistency when going through feedback forms.

Public Participation/ Feedback Form:

General Information:

1. *The purpose of the Feedback Form is to guide residents on what information is pertinent to the Public Hearing.*
2. *The completed feedback form will be supplied to the (Plan Commission / Board of Zoning Appeals) members before the review phase of the public hearing.*
3. *The form shall be made available through the town's website.*
4. *All completed forms need to be either turned in at the Town hall or emailed to the zoning administrator three (3) days prior to the public hearing.*

Qualifying Submittal: *To be considered valid feedback, residents shall meet the following conditions:*

1. *Name and address need to be provided to verify a property owner.*
2. *One feedback form per resident, and no more than two per parcel.*
 - a. *A resident can mean person(s) and group(s) in which property is owned in the Town of Clear Lake.*
3. *If a resident owns more than one parcel, then only one feedback form may be submitted in the owner's name.*

Anyone wishing to abstain from providing their name for the public may do so, so long as the information is available to the zoning administrator for verification purposes. The zoning administrator shall take the appropriate steps to redact information identifying the resident/ property owner.

UDO Change Initiation

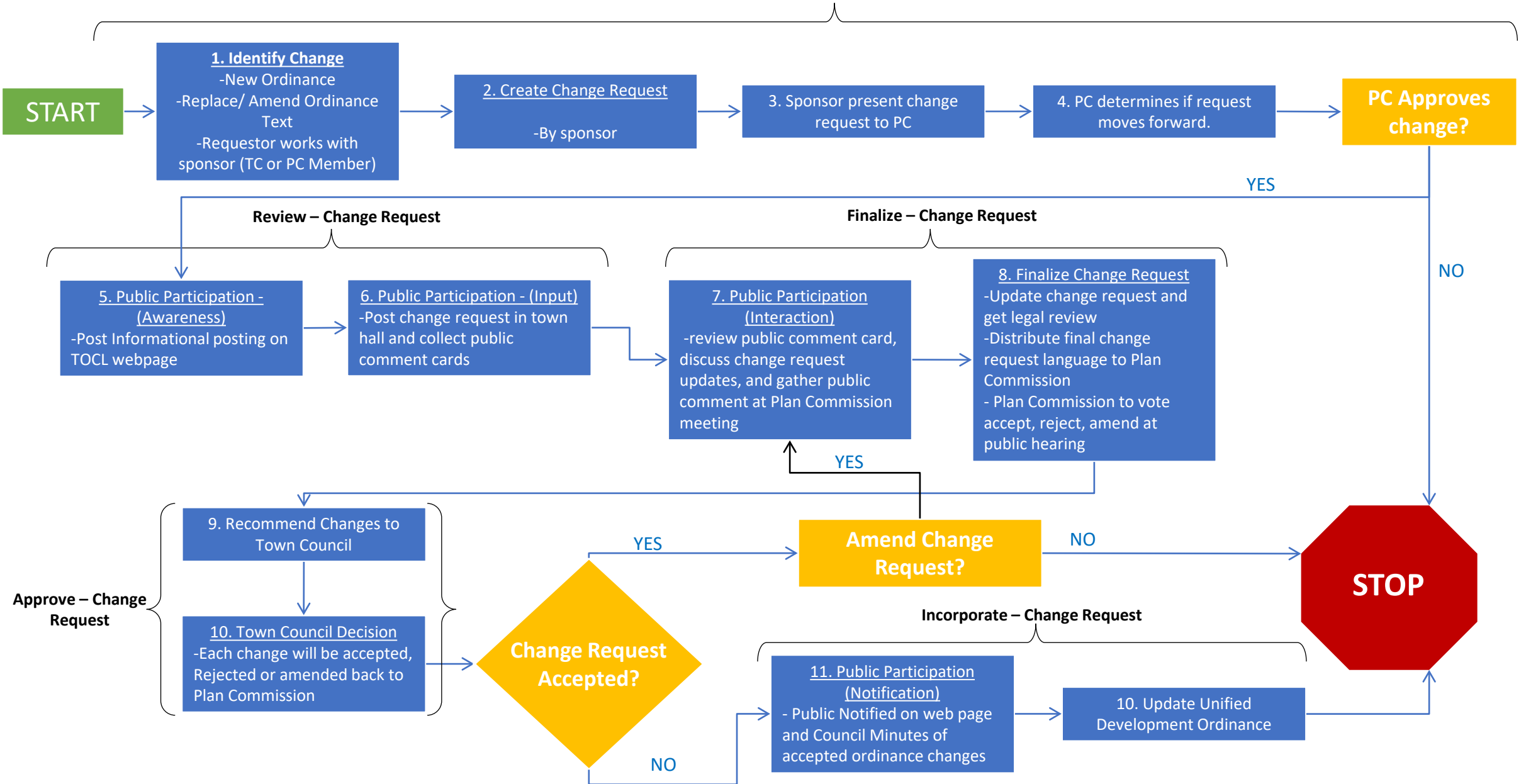
A member of the Plan Commission and/or Town Council who will partner with the Zoning Administrator in championing the proposed UDO change through the UDO change process.

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



Accessory Structures Water and Sewer Availability

- Change description:
Remove all references to Water and Sewer availability in all Accessory Structures to better understand the permitted use of Accessory Structure.
- Zoning: Lake Accessory (LA)
- The deficiency is impacting the realization of the comprehensive plan
 1. *Comprehensive Plan (Housing) Policy 2.2, Objective 2.2.1 & 2.2.2*
 2. *Comprehensive Plan (Land Use) Policy 7.4, Objective 7.4.1*
- The deficiency is repeatedly a variance request
 1. None, But current UDO adds confusion and uncertainty to the existing Ordinance.

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: George Schenkel

UDO Change Log Number: 2022-02

Date: July 21, 2022

UDO Revision Affected: _____

Change Status: _____

- I. UDO Article Description: **Lake Accessory; Accessory Structure Standard**
UDO Article #: 5.09(A)
UDO Page #: 5-08
Change Category: Amendment
Comp Plan Objectives: Policy 2.2, Objective 2.2.1 and 2.2.2; Policy 7.4, Objective 7.4.1; and "Lake Accessory" classification per Comprehensive Plan (page 50)

II. Description of Change:

Remove references to Water and Sewer availability in Accessory Structures to clarify the permitted use of Occupiable Accessory Structure.

III. Basis for Change:

Remove contradiction, add clarity, attain uniformity of language, and support the Comprehensive Plan

IV. Change Language (From, To):

From:

2. Occupiable Accessory Structure: Occupiable accessory structures may include a garage converted to an art studio, woodworking shop, guest quarters, or recreation room. Residential units, studio apartments, businesses, and the like shall not be permitted as an occupiable accessory structure. Occupiable accessory structures may have a full bathroom and/or utility sink if the owner is granted a variance allowing on-site sewer and interior water, but under no circumstances shall a kitchen be permitted.

To:

2. Occupiable Accessory Structure: Occupiable accessory structures may include a garage converted to an art studio, woodworking shop, ~~guest quarters,~~ or recreation room. Residential units, studio apartments, businesses, and the like shall not be permitted as an occupiable accessory structure. ~~Occupiable accessory structures may have a full bathroom and/or utility sink if the owner is granted a variance allowing on-site sewer and interior water, but under no circumstances shall a kitchen be permitted.~~

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By: _____

Date Codified _____

Lake Accessory; Accessory Structure Standard (UDO Article #: 5.09A)

Comprehensive Plan:

- Housing
 - Policy 2.2: Discourage new residential development, particularly those with direct access to the lake, and prohibit new and existing channel developments.
 - Objective 2.2.1: Eliminate new second- and third-tier access to Clear Lake and subsequent larger pier construction in residential areas.
 - Objective 2.2.2: Enforce and strengthen the existing anti-funneling ordinance.
- Land Use
 - Policy 7.4: Prohibit any development that may endanger, obstruct, harm, or otherwise negatively impact the residential quality of the Town.
 - Objective 7.4.1: Preserve and enhance the residential quality of the Town.
- Land Use Classification (2013 Update to the Clear Lake Comprehensive Plan - page 50)
 - Lake Accessory – Area classified as “lake accessory” includes lots used in conjunction with adjacent lake residential uses, primarily for parking and storage.

Unified Development Ordinance:

- General Comment:
 - Throughout the Unified Development Ordinance (UDO), this is the only Article (5.09(A)(2)) that states you can ask for a variance for a build outside the parameters of the UDO. Request for any variance is addressed in the UDO.
 - UDO (1.26) Board of Zoning Appeals Summary of Duties
 - (A) Board of Zoning Appeals Duties:
 - (1) *Appeals*: Hear and determine appeals from, and review any order, requirement, decision, or determination made by an administrative official or commission (except the Plan Commission) charged with the enforcement of this Unified Development Ordinance.
 - (3) *Variances*: Authorize, on appeal in specific cases, variances from the terms of this Unified Development Ordinance.
- UDO (9.19) Variance
 - This section addresses every step from initial request for a variance to the formal procedure of a Board of Zoning Appeal’s final decision.

Unintended Consequence Assessment

Change Description: **Accessory Structures Water and Sewer Availability**

Date: 8-25-22

Increased Population	Natural Resource	Infrastructure	Personal Safety	Development Density	Enforcement	Aesthetic Appeal	Viewshed	Mitigation Approach
None								

Criteria Assessed

The logo features a large yellow sun with blue outlines, positioned above stylized blue waves. A small orange horizontal bar is located to the right of the sun's upper portion.

Town of
BEAR LAKE
EST. 1932

Compressive Plan

Plan Commission Meeting 5.2.2023

What is a Comprehensive plan

- The comprehensive plan is the foundational document of long-term planning and zoning in Indiana (500 Series of Title 36-7-4).
- Long Term Planning (Usually 20 scope)
 - It guides investments
 - It protects property values
 - It creates healthier communities
- Lays the foundation for Zoning Codes

Town of Clear Lake Today

- Currently the town has adopted a 2006 Comprehensive plan with a 2013 update.
 - Both documents are still in place.

Even with the 2013 update it is good practice to review the current plan on a regular basis to ensure the document stays up to date with public input, demographics, and inconsistency .

Subject Matter Experts

- I have reached out to 4 Subject Matter Experts (SME's) and provide a request for quote.
 - Region 3-A, Matt Brinkman, Executive Director
 - Veridus Group, Alaina Shonkwiler, Community and Economic Development
 - Hometown Initiatives, LLC, Amy Schweitzer, AICP
 - Groundrules, INC., Brad Johnson, AICP

2 out of 4 have provided quotes as requested

Each SME was provided a letter of Request for Quote and the 2006 Comp. Plan and the 2013 Update.

Request for Quote

- Phase One

- Scope of Work
- Establish a steering committee to oversee.
- Hold a Town Meeting/ Open House (Minimum of 2)
- Prepare & Conduct a Public Survey

- **Note:** Phase Two was requested as a major amendment vs a minor amendment, and that Phase One would lay out the communities needs for an update and drive Phase Two.

- Phase Two

- Demographic Update
- Acknowledge accomplishments of current pan
- Drafts
 - A – to committee
 - B – to public
 - C – Hearing & Certification

Proposed Next Steps

- Create Comprehensive Plan Tutorial for Town Council and Residents
- Survey PC, BZA, and Council members for input on needs, deficiencies, additions, etc.
- Interview SME candidates
- SME presentations at Council and/or Town Hall forum
- Develop master timeline and associated costs
- Create final proposal with options
- Seek approval for contract