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[www.townofclearlake.org](http://www.townofclearlake.org)

**Town of Clear Lake – Plan Commission Meeting**  
**Tuesday, June 11, 2024**  
**5:30 PM (*Rescheduled meeting*)**

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=bGoxRjIITXNXeWRhQlcrVzljajUwdz09>

### **Agenda**

- A.** Call to Order
- B.** Introductions and Roll Call
- C.** Approval of Meeting Agenda
- D.** Approval of Minutes
  - 1. February 6, 2024
- E.** Budget Items
  - 1. None
- F.** Applications, Petitions, or Hearings
  - 1. None
- G.** Old Business
  - 1. UDO Change 2023-02, Bill Hanna & UDO Change 2024-01, Jim McClain – Request (*tabled*)
  - 2. UDO Change 2023-03, Bill Hanna – Request (*tabled*)
- H.** New Business
  - 1. Development Standards Ad Hoc Committee
  - 2. UDO Change 2024-02, Bert Elliott – Request
- I.** Adjournment

The New regular scheduled meeting of the Clear Lake Plan Commission will be on Tuesday, August 6, 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 – February 6, 2024**

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

There were 3 residents in attendance and 2 via Zoom.

Members introduced themselves:

Bill Hanna (Zoom), 208 West Clear Lake Drive

Jim McClain, 1226 Quiet Harbor

Jessica Swander, 7382 E State Road 120

Bert Elliott, 1058 South Clear Lake Drive

Jim Hauguel, 154 West Clear Lake Drive

Guy Rodgers, Street & Sewer Superintendent

Dan Rippe, 126 Lakeside Court

Mike Hawk, Attorney to the Plan Commission

Jennifer Smith-Sattison, Billing Clerk

Robert Hawley, Zoning Administrator

Zoning Administrator, R. Hawley went through zoom instructions.

B. Hanna asked for a motion to approve agenda.

J. McClain requests to add UDO 2024-01 under new business.

**2<sup>nd</sup> by:** J. Swander to add UDO 2024-01 under new business.

All in favor, say aye. Passed 6-1. Adding UDO 2024-01 under new business approved.

B. Hanna entertained a motion to approve minutes from November 6, 2023, Plan Commission meeting.

**Motion by:** D. Rippe

To approve November 6, 2023, minutes.

**2<sup>nd</sup> by:** J. Swander

All in favor, say aye. Motion carried; minutes from November 6, 2023, approved.

No Budget Items.

UDO change 2023-02

Zoning Administrator R. Hawley went through the progress of the UDO change.

B. Hanna went through UDO change 2023-02.

Plan Commission discussed UDO change 2023-02.

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

**Motion by:** J. Hauguel

To open for public comment.

**2<sup>nd</sup> by:** J. Swander

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

Residents discuss UDO change 2023-02.

B. Hanna entertained a motion to close public comment.

**Motion by:** J. Hauguel

To close public comment.

**2<sup>nd</sup> by:** G. Rodgers

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

J. McClain motions to table UDO 2023-02 to new business, topic 2024-01, for further discussion (Note this was never formally revisited but falls under the sub-committee work for 2024-01).

**2<sup>nd</sup> by:** J. Swander

All in favor, say aye. Passed 5-2. Table UDO 2023-02 to new business for further discussion, approved.

UDO change 2023-03

B. Hanna went through UDO change 2023-03.

Plan Commission discussed UDO change 2023-03.

D. Rippe requests samples of non-conformity for the next meeting.

B. Hanna entertained a motion to table UDO change 2023-03 until next Plan Commission meeting (May 7, 2024).

**Motion by:** D. Rippe

To table UDO change 2023-03 until next Plan Commission meeting allowing Zoning Administrator time to assemble a categorial list (e.g., set-back) of legal non-conforming residences and quantity of occurrences for each around the lake and make a recommendation how the proposed change provides a balanced approach to trigger compliance to the comprehensive plan and scope of ILP project.

**2<sup>nd</sup> by:** J. Hauguel

All in favor, say aye. Motion carried; UDO change 2023-03 is tabled until next Plan Commission meeting, approved.

UDO change 2024-01

J. McClain went through UDO change 2024-01.

B. Hanna entertained a motion to establish a sub-committee under the Plan Commission to study and propose new architectural standards for Article 5.1.3. Action is for Bert Elliott to use the Road Committee Charter as an example and draft an Architectural sub-committee charter to the PC Executive Committee for review/approval.

**Motion by:** J. Swander

**2<sup>nd</sup> by:** D. Rippe

All in favor, say aye. Motion carried; A sub-committee under the Plan Commission to study and propose new architectural standards for Article 5.1.3, approved.

Election of Officers

Plan Commission President:

D. Rippe nominated B. Hanna.

B. Hanna accepted.

J. Swander nominated J. Hauguel.

J. Hauguel accepted.

B. Hanna received 2 votes.

J. Hauguel received 5 votes.

J. Hauguel is Plan Commission President.

Plan Commission Vice President:

J. Swander nominated D. Rippe

D. Rippe accepted.

D. Rippe nominated B. Hanna.

B. Hanna accepted.

D. Rippe received 5 votes.

B. Hanna received 2 votes.

D. Rippe is Plan Commission Vice President.

Plan Commission Executive Committee:

J. McClain nominated J. Swander.

J. Swander accepted.

B. Elliott nominated B. Hanna.

B. Hanna accepted.

D. Rippe nominated B. Elliott

B. Elliott accepted.

J. Swander received 4 votes.

B. Hanna received 2 votes.

B. Elliott received 1 vote.

J. Swander is Plan Commission Executive Committee.

Plan Commission Secretary:

G. Rodgers nominated R. Hawley

R. Hawley accepted.

R. Hawley received 7 votes.

Zoning Administrator R. Hawley is Plan Commission Secretary.

President J. Hauguel entertained a motion to adjourn meeting.

**Motion by:** J. McClain

To adjourn meeting.

**2<sup>nd</sup> by:** J. Swander


All in favor, say aye. Motion carried, meeting adjourned.

Meeting adjourned 8:45pm



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Jim Hauguel, Plan Commission President



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Attest: Jennifer Smith-Sattison, Billing Clerk

\*Zoom recorded meeting was unsuccessful.

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 (67) 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 at least ten percent (10%) of the roadside frontage foundation and the offset shall be located on the roadside.

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By:

Date Codified

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\_\_\_\_\_

### Summary / Review

8.1.2023	<u>Tabled for further review and research.</u>
10/30/2023	<u>Added exemption, and corrected formatting.</u>
5/3/2024	<u>Modified 5.13.C.1</u>
	_____
	_____

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

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V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By:

Date Codified

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Summary / Review

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# Ad-hoc Task Force on Architectural Standards

Bert Elliott  
Town of Clear Lake Plan Commission  
May 7, 2024

# Charter

- **Goals:**
  - To protect and preserve the scenic beauty, aesthetics, and heritage of the Town of Clear Lake built environment.
  - Assure the voice of the citizens are heard and guide our decisions on Architectural Standards
- **Responsibilities:**
  - Gather broad public input on Town of Clear Lake Architectural Standards.
    - Build community understanding of current Architectural Standards
    - Understand goals and concerns of community members
      - The objective for TOCL Architectural Standards - What is the goal and desired outcome for the community?
      - Input on specific provisions impacting garages, primary structures, etc.
  - Report out findings to Plan Commission
    - Make recommendations for revision to the Architectural Standards based on community goals

# Scope, Timing, & Membership

- **Scope**
  - UDO Section 5.13 Architectural Standards
  - While current UDO regulations regarding building area, setbacks, height, etc. can impact aesthetics, these are outside of the scope of the committee.
- **Timing**
  - June: Public meetings seeking citizen input
  - August PC meeting: Report out and recommendations
  - The task force will disband after the objectives are completed.
- **Membership**
  - Three Plan Commission members

## Current UDO

### Architectural Standards (AR)

05

#### 5.13 AR-01: Residential and Neighborhood Commercial Architectural Standards

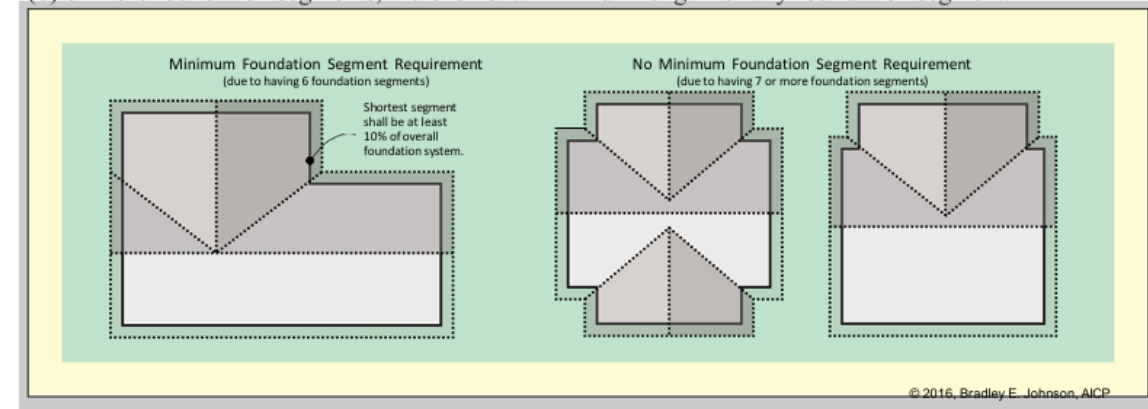
This Architectural Standards section applies to the following districts:

RE SR LR LA MR NC

The intent of the Architectural Standards is to protect the health, safety, and welfare of the residents by maintaining the Town's character and improving the quality of life of the residents. The following standards apply:

- 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.
- B. **Roof Requirements:** The following applies to primary and accessory buildings.
  1. **Minimum and Maximum Roof Pitch:** The minimum pitch of at least eighty percent (80%) of a building's roof shall be five vertical units to twelve horizontal units (5:12 pitch). The maximum pitch of at least eighty percent (80%) of a building's roof shall be twelve vertical units to twelve horizontal units (12:12 pitch).
  2. **Minimum Eave Overhang:** The roof structure shall have eaves or overhangs a minimum of nine (9) inches from the facade's siding material on at least eighty percent (80%) of the roof line. The eave or overhang shall be measured after the installation of masonry.
  3. **Roof Design:**
    - a. **Type:** At least sixty-five percent (65%) of the building's roof shall be either a gable, hip, mansard, shed, or gambrel design.
    - b. **Planes:** The roof system of the primary structure shall have at least four (4) planes. If there are six (6) or less roof planes, the minimum of any single plane shall be ten percent (10%) of the entire roof system. If there are seven (7) or greater roof planes, there is not a minimum size for the roof planes. For this provision, the roof over a bay or box window shall not be considered a unique roof plane.

- 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.



- D. **Front Facade Orientation:** The front facade of a primary structure shall either face a street yard, lake yard, or front yard. Under no circumstances shall a front facade face a side yard. If the front facade is not obvious, the Zoning Administrator shall determine which side of the home shall be considered the front. The location of the main entrance shall not be the predominant determining factor due to unique lake-related architecture. Rather, the structure's architectural features shall be used with main entrance only a contributing factor.



## Alignment to Comprehensive Plan

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### HOUSING

Through the *Unified Development Ordinance*, the Town of Clear Lake is working to develop and implement regulations that preserve the existing cottage-style character of areas around the lake while accommodating the desires of those wanting larger, year-round homes.

**Policy 2.1** Balance the preservation of the lake environment with the needs of a growing year-round population.

**Objective 2.1.1:** Ensure development conforms to the Town's land use regulations recognizing that many lots around the lake possess unique and sometimes challenging features.

**Objective 2.1.2:** Continue to review and modify, as necessary, land use regulations so that property values are protected and enhanced.

### LAND USE

While many of the Town's land use regulations stayed the same, the look and format of those regulations changed dramatically when the Town adopted a Unified Development Ordinance in 2009. According to the Values Survey, there are mixed opinions on the effectiveness and ease of use of the new ordinance.

**Policy 7.2** Ensure land use regulations have sufficient flexibility to allow property owners and the Town to propose measures to adapt development to unique and difficult site conditions, preserve open space and natural resources, and avoid negative impacts on surrounding properties.

**Objective 7.2.1:** Ensure existing and future Clear Lake property owners can move through permitting procedures as quickly as possible while still protecting the interests of the Town.

**Objective 7.2.2:** Ensure that reconstruction and rehabilitation of properties in the Town of Clear Lake are consistent with a residential lake setting.

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: Bert Elliott

UDO Change Log Number: 2024-02XX

Date: 03/01/2024

Revised:

UDO Revision Affected:

Change Status: Draft – Change Request

I. UDO Article Description: Improvement Location Permit

UDO Article #: 9.05.E.2

UDO Page #: 9.06 and 9.07

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 9.05.E.2 and the ILP application to require a site plan provided by a registered land surveyor

Basis for Change:

Requiring a professional land survey as part of ILP's removes ambiguity and reduces the chance of errors in site plans while protecting land owners and the town.

IV. Change Language (From, To):

From:

E. Filing Requirements:

2. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
  - b. Flatwork projects.
    - i. A drawing of the parcel with dimensions.
  - c. Projects involving non-inhabitable structures mounted on a permanent foundation.
    - i. *All requirements of Section 9.05(E)(3)(a): Applicability.*
    - ii. A scale drawing of the parcel with dimensions.
  - d. Projects involving inhabitable buildings.
    - i. *All requirements of Section 9.05(E)(3)(a): Applicability.*
    - ii. Denotation of the location of mature trees, greater than nine (9) inches in caliper.
    - iii. Elevation above sea level at the location of the project prior to alteration of land.



Unified Development Ordinance (UDO) Proposed Text Amendment

- iv. If the Zoning Administrator suspects the intended site of an inhabitable building to be a wetland, the Zoning Administrator may request a determination by a soil scientist as to whether a wetland exists.
  - v. Denotation of adjacent zoning districts if different than the subject parcel
  - vi. Location of existing or proposed drainage tile.
  - vii. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
  - viii. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
  - ix. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.
  - x. Easements (e.g., Sewer Grinder, etc.) on the parcel, including the name of the easement holder.
  - xi. Denotation of the location of canopy trees required by 5.38 Landscaping pg. 5-34
3. *For Permanent Alteration to the Land:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
- a. Applicability: Projects that involve disturbing (e.g. altering drainage or relocating dirt on-site) more than five percent (5%) of a parcel's area on a parcel less than five (5) acres in area, or disturbing any portion of a site greater than five (5) acres, or a project which results in more than 300 cubic yards of soil being disturbed (cumulative of soil added from one area and soil removed from another, not the net of soil added and removed) shall provide the following.
    - i. A scale drawing of the parcel with dimensions.

**To:**

E. Filing Requirements:

2. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
- b. Flatwork projects.
    - i. A drawing of the parcel with dimensions prepared and stamped by a registered land surveyor.
  - c. Projects involving non-inhabitable structures mounted on a permanent foundation.
    - i. *All requirements of Section 9.05(E)(3)(a): Applicability.*
    - ii. A scale drawing of the parcel with dimensions prepared and stamped by a registered land surveyor.
  - d. Projects involving inhabitable buildings.
    - i. *All requirements of Section 9.05(E)(3)(a): Applicability.*
    - ii. A scale drawing of the parcel with dimensions prepared and stamped by a registered land surveyor.
    - ~~iii.~~ Denotation of the location of mature trees, greater than nine (9) inches in caliper.
    - ~~iv.~~ Elevation above sea level at the location of the project prior to alteration of land.
    - ~~v.~~ If the Zoning Administrator suspects the intended site of an inhabitable building to be a wetland, the Zoning Administrator may request a determination by a soil scientist as to whether a wetland exists.
    - ~~vi.~~ Denotation of adjacent zoning districts if different than the subject parcel

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Unified Development Ordinance (UDO) Proposed Text Amendment

- ~~vi~~-vii. Location of existing or proposed drainage tile.
- ~~vii~~-viii. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
- ~~viii~~-ix. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
- ~~ix~~-x. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.
- ~~x~~-xi. Easements (e.g., Sewer Grinder, etc.) on the parcel, including the name of the easement holder.
- ~~xi~~-xii. Denotation of the location of canopy trees required by 5.38 Landscaping pg. 5-34

3. *For Permanent Alteration to the Land:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
  - b. Applicability: Projects that involve disturbing (e.g. altering drainage or relocating dirt on-site) more than five percent (5%) of a parcel's area on a parcel less than five (5) acres in area, or disturbing any portion of a site greater than five (5) acres, or a project which results in more than 300 cubic yards of soil being disturbed (cumulative of soil added from one area and soil removed from another, not the net of soil added and removed) shall provide the following.
    - i. A scale drawing of the parcel with dimensions prepared and stamped by a registered land surveyor.

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By: \_\_\_\_\_

Date Codified \_\_\_\_\_

Summary / Review

# Site Survey Requirement for Permanent Structures

Bert Elliott  
Town of Clear Lake Plan Commission  
May 7, 2024

# Why Require a Survey?

- **The Town of Clear Lake environment**
  - UDO contains relatively complex set of setback, coverage, and viewshed requirements
  - TOCL has large share of irregular lots due to a long history of development and natural lake shore
- **An accurate site plan is critical to evaluating the ILP (the structure does not yet exist!)**
  - Professional surveyors are trained to locate boundaries and certify accuracy.
  - Surveyors are licensed and carry E&O insurance in the unlikely case they make an error.
  - Cost to property owner is small compared to the cost of a new structure
  - Site surveys are a commonly required by municipalities to get a building permit
- **Critical to resolving questions regarding compliance**
  - Site survey is "go-to" document in these cases

**A site survey removes ambiguity, protecting both the property owner and the town**

## Alignment to Comprehensive Plan

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### HOUSING

Through the *Unified Development Ordinance*, the Town of Clear Lake is working to develop and implement regulations that preserve the existing cottage-style character of areas around the lake while accommodating the desires of those wanting larger, year-round homes.

**Policy 2.1** Balance the preservation of the lake environment with the needs of a growing year-round population.

**Objective 2.1.1:** Ensure development conforms to the Town's land use regulations recognizing that many lots around the lake possess unique and sometimes challenging features.

**Objective 2.1.2:** Continue to review and modify, as necessary, land use regulations so that property values are protected and enhanced.

### LAND USE

While many of the Town's land use regulations stayed the same, the look and format of those regulations changed dramatically when the Town adopted a Unified Development Ordinance in 2009. According to the Values Survey, there are mixed opinions on the effectiveness and ease of use of the new ordinance.

**Policy 7.2** Ensure land use regulations have sufficient flexibility to allow property owners and the Town to propose measures to adapt development to unique and difficult site conditions, preserve open space and natural resources, and avoid negative impacts on surrounding properties.

**Objective 7.2.1:** Ensure existing and future Clear Lake property owners can move through permitting procedures as quickly as possible while still protecting the interests of the Town.

# IMPROVEMENT LOCATION PERMIT

# \_\_\_\_\_

Town of Clear Lake 111 Gecowets Drive, Clear Lake, Fremont IN 46737

Office: (260)495-9158 Mobile: (260)243-6701 Email: zoning@townofclearlake.org

## APPLICANT INFORMATION

Name \_\_\_\_\_ E-mail \_\_\_\_\_

Address \_\_\_\_\_  
*lake permanent*

Phones \_\_\_\_\_  
*preferred other*

## PROJECT INFORMATION

**Project Address** \_\_\_\_\_

Property Owner \_\_\_\_\_

Contractor \_\_\_\_\_

Contact Info \_\_\_\_\_

Project Description \_\_\_\_\_

Est. Start Date \_\_\_\_\_ Est. Completion Date \_\_\_\_\_

Provide a to-scale site plan illustrating the proposed improvements. **Site plans must be provided by a registered land surveyor for all improvements involving structures with permanent foundations, flatwork, or alterations of land. Please refer to the table on Page 2 for specific site plan requirements. ~~The table on page 2 should be used as a guide for the information needed on the site plan.~~**

## SIGNATURES

I certify that I am authorized to act on behalf of the property owner and to the accuracy of all information provided with this application including the site plan, survey, and dimensions of the proposed improvements. I understand that the Town of Clear Lake reserves the right to revoke this permit upon finding that the work performed is not consistent with the information provided in this application. Additionally, I grant the Town of Clear Lake and its agents the authority to enter the property during the application stage and construction to determine compliance.

\_\_\_\_\_  
*Applicant's Signature*

\_\_\_\_\_  
*Date*

## FOR OFFICE USE ONLY

Prerequisites:  Administrative Subdivision

Application:  Approved

- Sewer Connections/Grinder/Well/ Drainage  Denied
- Construction Parking
- Landscaping Requirements  Survey and Site Plan provided and accepted
- Local Subdivision Covenants  Foundation As-Built Survey
- Addresses (house/garage lot) *Due after foundation is complete*

- Internal:
- New Driveway or Improvements in ROW  Post-Construction As-Built Survey *Due at Certificate of Occupancy*
  - Placard
  - Non-objection Letter

\_\_\_\_\_  
Zoning Administrator's Signature

\_\_\_\_\_  
Date

## GUIDE FOR PREPARING SITE PLAN

Use this table as a guide when preparing the site plan for submittal. The larger the project, the more detailed the site plan should be. Questions should be directed to the Zoning Administrator. The Zoning Administrator may require any additional information necessary to determine compliance with the provisions of the Unified Development Ordinance.

	Flatwork	Accessory Structure <small>not on a permanent foundation</small>	Accessory Structure <small>on a permanent foundation</small>	Primary Structure	Alteration of Land	Change of Use	Mechanical Equipment <small>(E.G., Generator)</small>
Site plan prepared and stamped by a registered land surveyor	X		X	X	X		
North arrow	X	X	X	X	X	X	X
Property lines	X	X	X	X	X	X	X
Property dimensions	X	X	X	X	X	X	X
Building envelope		X	X	X	X	X	X
Existing structures	X	X	X	X	X	X	X
Proposed structures	X	X	X	X	X	X	
Adjacent right-of-ways, road surfaces, and alleys	X	X	X	X	X	X	X
Existing structures on adjacent lots				X			
Established building setback line		X		X			X
Viewsheds of adjacent lots				X			
Existing and proposed lot coverage	X	X	X	X		X	
Existing and proposed structure coverage		X	X	X			
Easements with purpose of easement and name of easement holder	X	X	X	X	X		
Location of mature trees with > nine-inch (9") diameter				X	X		
Existing elevation, above sea level				X	X		
Wetland determination					X		
Existing and proposed drainage tile, swales, and drainage plans	X			X	X		
Denotation of floodplain and wetland	X		X	X			

Utility features and lines (electric/water/sewer/etc.)			X	X			X
Erosion control methods, locations, and management strategy	X	X	X	X	X		
Existing and proposed two-foot (2') contours					X		
Pond cross section					X		
Details on change of use						X	

Stamp of registered professional engineer, surveyor, landscape architect, or architect.



## **Development Standards Ad Hoc Committee Guidelines**

There has been significant discussion around Architectural Standards (AR) as it relates to both Primary Structures and Accessory Structures (AS), including a couple of tabled UDO change requests currently on the agenda. As a result of these discussions, a motion was made and passed to establish a sub-committee under the Plan Commission to study and propose new architectural standards for Article 5.1.3 and draft a charter for PC Executive Committee review.

In determining the scope of the sub-committee charter, Executive Committee members reviewed the details related to the change requests. The review resulted in a need to initially provide clarification around the context of AR changes and associated topics related to Primary and Accessory Structures prior to any next steps in the UDO change process. It is recommended that an Ad-hoc committee be formed and led by Bert Elliot, along with two volunteers, to review the definitions around Primary Structures and all affiliated Accessory Structures, b) review all Accessory Structure Standards (Sections 5.04-5.12), c) provide clarification as to how these topics relate to the primary structure references in Section 5.13 and, d) provide suggestions to the Executive Committee for further action. It will be important to understand what constitutes a primary structure and how structures are determined for LR and LA zoning districts. The Executive Committee requests feedback from this study by July 15th to review the findings and suggestions before the August Plan Commission meeting.

The purpose of this ad-hoc committee is to provide greater clarity and consistency of application for the Zoning Administrator in addition to minimize the need for BZA exceptions.

### **Accessory Structure Standards (AS)**

#### 5.04 AS-01: General Accessory Structure Standards

Applies to All Zoning Districts

#### 5.05 AS-02: *Conservation, Parks and Recreation, and Agricultural Accessory Structure Standards*

#### 5.06 AS-03: Rural Estate Residential Accessory Structure Standards

#### 5.07 AS-04: Single-family Residential Accessory Structure Standards

#### 5.08 AS-05: Lake Residential Accessory Structure Standard

#### 5.09 AS-06: Lake Accessory Accessory Structure Standards

#### 5.10 AS-07: Multiple-family Accessory Structure Standards

#### 5.11 AS-08: *Institutional and Marina Accessory Structure Standards*

#### 5.12 AS-09: Neighborhood Commercial Accessory Structure Standards

### **Architectural Standards (AR)**

#### 5.13 AR-01: Residential and Neighborhood Commercial Architectural Standards

Applies to Zoning Districts: RE, SR, LR, LA, MR, NC

## Development Standards Ad Hoc Committee Guidelines

### Article 11: Definitions – Page 11-25

**Primary Structure:** The structure in which the use of the lot or premises is located or conducted, with respect to residential uses, the primary structure shall be the main dwelling. An occupiable accessory structure, accessory dwelling, and commercial building shall always be considered a primary structure.

### Article 11: Definitions – Page 11-03

**Accessory Dwelling (or Dwelling Unit):** A dwelling subordinate to a primary dwelling on the same lot. This use is typically referred to as a “Granny Flat” or “In-law Apartment.”

**Accessory Structure:** A structure which:

1. Is subordinate to a primary structure in area, intent, and/or purpose;
2. Contributes to the comfort, convenience, or necessity of occupants of the primary structure or primary use;
3. Does not alter or change the character of the premises;
4. Is located on the same lot as the primary structure or use;
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of this Unified Development Ordinance unless otherwise provided for;
6. Is separate from a primary structure (see note below);
7. Is not designed for human occupancy as a dwelling or commercial use; and
8. In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications tower, antenna, or other radio or cellular communications equipment.

(Note: A roof, sidewalk, deck, unenclosed breezeway, enclosed breezeway without climate control, or the like connecting an accessory structure to a primary structure shall not result in the accessory structure being designated as a part of the primary structure.)

**Accessory Structure, Occupiable:** An accessory structure used as a non-habitable space that is clearly complementary and incidental to a primary structure's use (e.g. recreation room, artist studio, or woodworking shop). 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.

**Accessory Structure, Recreation-based:** An accessory structure used for recreation, entertainment, and lounging (e.g. a sport court or play set). Generally, recreation-based accessory structures do not include enclosed structures, partially enclosed structures, roofed structures, or portions thereof.

**Accessory Structure, Storage-based:** An accessory structure used to store, keep, shelter, or contain material items (e.g. a shed or carport). Generally, storage-based accessory structures are enclosed, roofed, and/or partially enclosed structures. Storage-based accessory structures do not include play sets with roofs.

**Accessory Structure, Support-based:** An accessory structure used to provide essential services to a primary structure, primary land use, or another type of accessory structure. Examples of support-based accessory structures include maintenance facility, mechanical structure, freestanding canopy, stand-alone bathroom facilities, enclosed vending, kiosk, or structures used in support of the primary structure