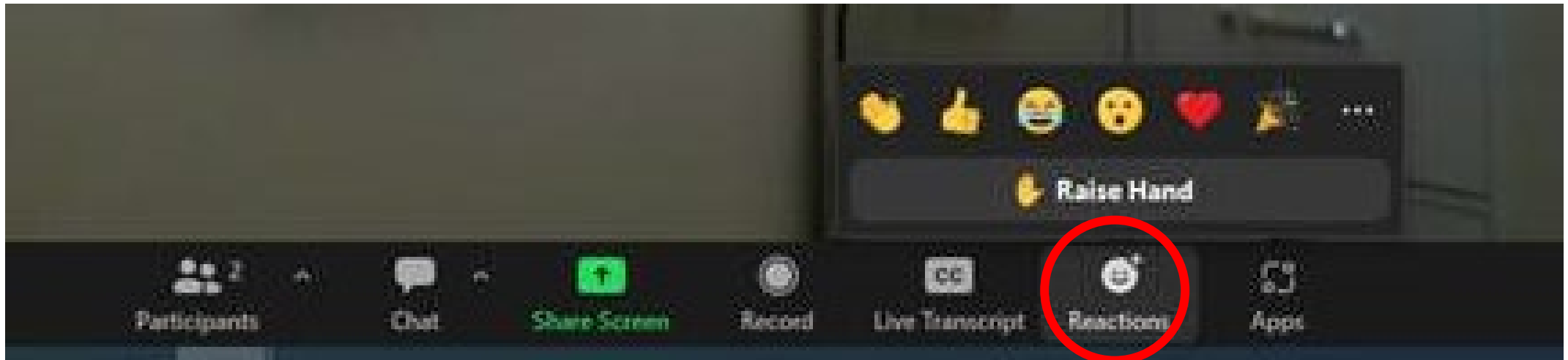
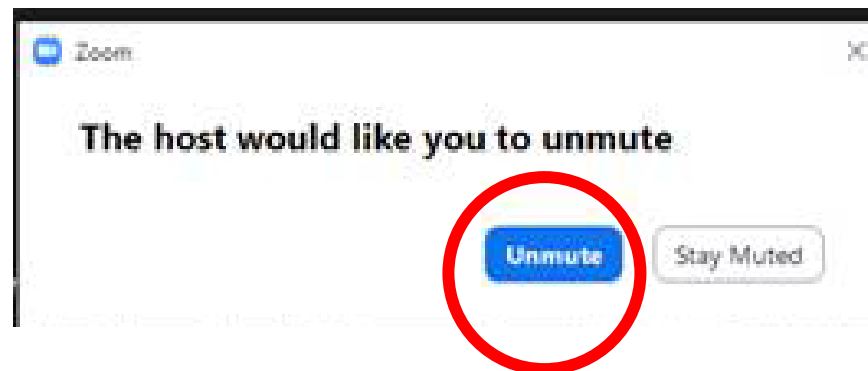


# Public Feedback

- Chairman or President will open up the meeting for public input
- Raise your hand using the Reaction button



- You will be unmuted by host and you will also need to unmute yourself.





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

**Town of Clear Lake - Plan Commission Meeting  
Wednesday August 2, 2022 @ 7:00 PM**

Conference number 1-646-931-3860

Meeting ID: 647 970 5713

Passcode: 121380

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

**Agenda**

1. Call to Order
2. Introductions and Roll Call Quorum
3. Approve minutes – May 4, 2022, and June 7, 2022
4. Budget items – None
5. Applications, Petitions, and/or Hearings
  - 2022-01- Rezoning of portion James and Anne Skinner 416 Point Park Drive property from CO to LR.
6. Old Business
  - Discuss and vote on tabled UDO changes (2018-37, 2018-38)
7. New Business
  - Plan Commission Training
8. Discussion - None
9. Adjournment

The next regularly scheduled meeting of the Clear Lake Plan Commission will be Tuesday, November 1, 2022, at 7:00 PM. The deadline for items requiring legal notices is October 4, 2022.

**Town of Clear Lake Plan Commission  
Meeting Minutes – May 4, 2022**

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

There were 15 residents in attendance (see attached sign in sheet) and 1 via phone conference (see attached sheet).

Members introduce themselves:

Larry Lillmars, Zoning Administrator  
Jim McClain, 1226 Quiet Harbor  
Jessica Swander, 7382 East State Road 120  
Bill Hanna, 208 West Clear Lake Drive  
Dan Rippe, 126 Lakeside Court  
George Schenkel, 144 West Clear Lake Drive  
Jim Hauguel, 154 West Clear Lake Drive  
Mike Hawk, Attorney to the Plan Commission  
Jennifer Smith-Sattison, Town Clerk

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

**Motion by:** B. Hanna

To approve minutes with corrections from February 1, 2022.

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

All in favor, say I. Vote was unanimous. Motion carried; minutes from February 1, 2022, approved with corrections.

G. Schenkel commented on the website and the feedback forms, and if written letters are still acceptable.

L. Lillmars stated that public feedback is only accepted on the provided feedback forms. There will be printed out feedback forms available at the Town Hall and they will need to be turned in a few days ahead of time, forms not turned in afterward or on the day of the meeting will need to be presented by the originator to the commission members.

L. Lillmars read and discussed the changes and unintended consequences to UDO 2018-1.

PC members discussed ILP's with multiple lots, that they are required to do a consolidation, and size limitations of the lot.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. Hauguel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-1 to council for passage.

**Motion by:** J. Swander

To send UDO change 2018-1 to council with a favorable recommendation.

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

All in favor, say I. Vote was unanimous. Motion carried to send UDO change 2018-1 to council for passage.

L. Lillmars read and discussed the changes to UDO 2018-4 and read all feedback forms submitted by residents. (13 opposed forms and no support forms)

PC members discussed the garage second floor development of lights and electrical receptacles and changing the wording of the second floor, along with a better description in the UDO.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. McClain

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

J. Horrell discussed his reasonings for selecting risk to personal safety on the feedback form.

D. Rippe explained the unintended consequences assessment and categories.

B. Hill discussed why the objectives are doing away with the limitation on the number of lights and outlets. Why are we going through these changes unless the objectives have changed?

D. Rippe stated that the changes were brought to the council in November and have remained unchanged and the change approval process was improved by adding the unintended consequences.

Residents discussed changing the wording of the second floor, being clearer about what is allowed on the second floor and why residents may need more electrical outlets and light fixtures.

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-4 to council for passage.

**Motion by:** G. Schenkel to send UDO change 2018-4 to council with an unfavorable recommendation.

To deny UDO change 2018-4 to council for passage.

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

All in favor, say I. 4 ya's and 2 nays' oppose denying UDO change 2018-4. Motion carried; to send UDO change 2018-4 to council with an unfavorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-8.

B. Hanna asked about the resident's grinders that don't have the easement and if they are being notified about having to adjust.

D. Rippe answered yes.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. McClain

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-8 to council with a favorable recommendation.

**Motion by:** J. Hauguel

To send UDO change 2018-8 to council for passage.

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

All in favor, say I. Vote was unanimous. Motion carried to send UDO change 2018-8 to council with a favorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-9.

J. Swander commented about liking that there is no landscaping around the grinder pumps because she saw firsthand how difficult it is for Guy, when he has a sewer emergency and must chop down the resident's bushes, flowers, or trees.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. Hauguel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

K. Schenkel asked what they mean by an accessory structure.

PC members explained that it is a building or a shed, not attached to the primary structure.

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-9 to council with a favorable recommendation.

**Motion by:** G. Schenkel

To send UDO change 2018-9 to council with a favorable recommendation.

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

All in favor, say I. Vote was unanimous. Motion carried to send UDO change 2018-9 to council with a favorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-13

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comment.

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

Attorney M. Hawk suggested adding BZA after Plan Commission on numbers 1, 2 and 12 to the wording of 2018-13.

D. Rippe entertains a motion to send UDO change 2018-13 with corrections to council with a favorable recommendation.

**Motion by:** B. Hanna

To send UDO change 2018-13 with corrections to council with a favorable recommendation.

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

All in favor, say I. Vote was unanimous. Motion carried; to send UDO change 2018-13 with corrections to council with a favorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-18.

PC discussed verbiage and the addition of symbols with verbiage.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

D. Rippe entertained a motion to close public comment.

**Motion by:** B. Hanna

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-18 as written with corrections to council with a favorable recommendation.

**Motion by:** B. Hanna

To send UDO change 2018-18 to council with a favorable recommendation.

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

All in favor, say I. Vote was unanimous. Motion carried to send UDO change 2018-18 as written with corrections to council with a favorable recommendation.

L. Lillmars read and discussed the changes and unintended consequences to UDO 2018-19.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-19 to council with a favorable recommendation.

**Motion by:** J. Hauguel

To send UDO change 2018-19 to council with a favorable recommendation.

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

All in favor, say I. Vote was unanimous. Motion carried to send UDO change 2018-19 to council with a favorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-21.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

Attorney M. Hawk suggested adding the definition of the main outside corner.

D. Rippe entertained a motion to send UDO change 2018-21 as written with condition of the definition will be created for the main outside corner to council with a favorable recommendation.

**Motion by:** B. Hanna

To send UDO change 2018-21 to council with a favorable recommendation.

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

All in favor, say I. Vote was unanimous. Motion carried to send UDO change 2018-21 as written with condition of the definition created for the main outside corner to council with a favorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-22.

J. Hauguel discussed generators and how the size limitation may become obsolete as they tend to change so quickly.

L. Lillmars stated they have not had any close calls with the sizing.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

**2<sup>nd</sup> by:** B. Hanna

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

J. Wilhelm, 206 East Clear Lake Dr., suggested adding a variance for 6 inches plus on the dimensions.

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe suggested that minor deviations be approved by the Zoning Administrator.

PC Members and Attorney M. Hawk discussed adding the Zoning Administrator be allowed to approve minor deviations.



D. Rippe entertained a motion to send UDO change 2018-22 as written with requested verbiage to allow the Zoning Administrator latitude for minor deviations to council with a favorable recommendation.

**Motion by:** J. Hauguel

To send UDO change 2018-22 to council with a favorable recommendation.

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

All in favor, say I. Vote was unanimous. Motion carried to send UDO change 2018-22 as written with requested verbiage to allow the Zoning Administrator latitude for minor deviations to council with a favorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-33.

PC Members agreed with the consistency with Steuben County.

L. Lillmars asked about additional fees after the 12 months.

PC members discussed the fees after the 12 months. As of right now there are no cost extensions. They would like to revisit the additional fees at a later meeting.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. Hauguel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident agreed with not having any fee extensions because of all the supply chain issues.

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

**2<sup>nd</sup> by:** B. Hanna

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertains a motion to send UDO change 2018-33 to council with a favorable recommendation.

**Motion by:** G. Schenkel

To send UDO change 2018-33 to council with a favorable recommendation.

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

All in favor, say I. Vote was unanimous. Motion carried to send UDO change 2018-33 to council with a favorable recommendation.

New Business – Resolution 04-2022

D. Rippe discussed that because the Indiana State Board of Health removed the health crisis due to covid, we now require a resolution for members and residents to participate in Plan Commission meetings electronically.

PC Members discussed electronic attendance.

B. Hanna read Resolution 04-2022 aloud in its entirety.

D. Rippe entertained a motion to read Resolution 04-2022 by title only.

**Motion by:** J. McClain

To read Resolution 04-2022 by title only.

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

All in favor, say I. Vote was unanimous. Motion carried to read Resolution 04-2022 aloud in its entirety.

B. Hanna read Resolution 04-2022 aloud by title only.

D. Rippe entertained a motion to pass Resolution 04-2022 as written.

**Motion by:** G. Schenkel

To pass Resolution 04-2022 as written.

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

All in favor, say I. Vote was unanimous. Motion carried to pass Resolution 04-2022 as written.

PC Basics – Training

G. Schenkel talked about training for PC members and the deficiencies in the Clear Lake PC rules of procedure compared to the Indiana Chapter.

PC members and Attorney M. Hawk discussed deficiencies and sending to the executive meeting.

PC Rules & Procedures

L. Lillmars read through corrections.

PC commented about posting meetings to the Clear Lake General Store and adding an address to all places where meetings are posted.

D. Rippe entertained a motion to accept changes and add addresses.

**Motion by:** G. Schenkel

Motion to accept changes to the Plan Commission Rules of Procedure as written and adding addresses to all places where meetings are posted.

**2<sup>nd</sup> by:** B. Hanna

All in favor, say I. Vote was unanimous. Motion carried to accept changes to the Plan Commission Rules of Procedure as written and adding addresses to all places where meetings are posted.

D. Rippe discussed that the Roger Rules of Order will be our guide by which meeting minutes will be generated going forward.

PC members discussed the capabilities of zoom include a video recording which will be available to the public with a public information request.

D. Rippe entertained a motion to adjourn meeting.

**Motion by:** J. Swander

To adjourn meeting.

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

All in favor, say I. Vote was unanimous. Motion carried to adjourn meeting.

Meeting adjourned at 9:24pm.

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Dan Rippe, Plan Commission President

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Attest: Jennifer Smith-Sattison, Clerk

**Town of Clear Lake Special Plan Commission  
Meeting Minutes – June 7, 2022**

Plan Commission President Dan Rippe called the meeting to order at 7:04pm.

There were 53 residents in attendance (see attached sign in sheet) and 10 via phone conference (see attached sheet).

Members introduce themselves:

Jennifer Sattison, Town Clerk  
Larry Lillmars, Zoning Administrator  
Jessica Swander, 7382 East State Road 120  
Dan Rippe, 126 Lakeside Court  
Bill Hanna, 208 West Clear Lake Drive  
George Schenkel, 144 West Clear Lake Drive  
Jim McClain, 1226 Quiet Harbor  
Jim Hauguel, 154 West Clear Lake Drive  
Mike Hawk, Attorney to the Plan Commission

Resident Brent Schlosser – Noted that according to Article 2.5, Rules and Procedures, minutes cannot be approved during special meetings.

Old Business

L. Lillmars read and discussed the changes to UDO 2018-25.

Plan Commission members discussed the increased height (25 feet) and if that is considered a one and a half story or a two-story garage.

D. Rippe 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 I. Vote was unanimous. Motion carried; open for public comment.

Resident Don Luepke – Talked about 2 major concerns, one the quality of water and two, the view of the lake. The increase will take away the view horizontally and vertically of the lake especially for the SR residents.

Resident Denny Keiser – In favor of all 11 UDO changes. (Had photos of various pitches). If you are willing to do the 1400 feet, then you need to increase the roof pitch, otherwise if gets flat and you will have a crawl space. (Did not count by public launch. 145 were within compliance. 58 were homes. 17 buildings larger than proposals. 70 open LA lots)

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

Plan Commission members discussed the garage that some of the Plan Commission members went and walked through. It was not livable, it was convenient, great for a weekend or a play area.

D. Rippe entertained a motion to send UDO change 2018-25 to council for passage.

**Motion by:** B. Hanna

To send UDO change 2018-25 to council with an unfavorable recommendation.

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

All in favor, say I. 5 ya's and 1 nay oppose denying UDO change 2018-25. Motion carried; to send UDO change 2018-25 to council with an unfavorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-28.

Plan Commission members discussed

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

**2<sup>nd</sup> by:** B. Hanna

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. Swander

To close public comment.

**2<sup>nd</sup> by:** B. Hanna

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-28 to council for passage.

**Motion by:** B. Hanna

To send UDO change 2018-28 to council with an unfavorable recommendation.

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

All in favor, say I. 4 ya's and 2 nay's oppose denying UDO change 2018-28. Motion carried; to send UDO change 2018-28 to council with an unfavorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-36.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. Hauguel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-36 to council for passage.

**Motion by:** B. Hanna

To send UDO change 2018-36 to council with an unfavorable recommendation.

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

All in favor, say I. 4 ya's and 2 nay's oppose denying UDO change 2018-36. Motion carried; to send UDO change 2018-36 to council with an unfavorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-23.

Plan Commission members discussed increasing one building to 1344 square feet, rather than two buildings, but no need for a 1400 square foot building.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. Swander

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident Brent Schlosser – Can they still build two buildings?

D. Rippe – Yes.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. McClain

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-23 to council for passage.

**Motion by:** J. McClain

To send UDO change 2018-23 to council with a favorable recommendation to have one structure at 1344 square feet or two structures, one at 1200 and 144 square feet.

J. McClain rescinds the motion.

D. Rippe entertained a motion to send UDO change 2018-23 to council for passage.

**Motion by:** J. McClain

To send UDO change 2018-23 to council with a favorable recommendation to modify 2A from 1400 to 1344 and 2B from 1400 to 1344, 1250 to 1200 and 150 to 144.

**2<sup>nd</sup> by:** B. Hanna

All in favor, say I. 5 ya's and 1 nay in favor of UDO change 2018-23. Motion carried; to send UDO change 2018-23 to council with a favorable recommendation with modifications.

L. Lillmars read and discussed the changes to UDO 2018-24.

Plan Commission member J. Hauguel finds it hard to make decisions without having a way to enforce violators.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. McClain

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident Todd Swander – Is this to eliminate a variance?

D. Rippe – Yes.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. Hauguel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

J. Swander discussed if a bathroom was added to the garage that the Plan Commission members visited, would cause rental issues?

D. Rippe added that the bathroom doesn't have to service the second floor, it can service the first floor that can be heated and air conditioned. Once it's hooked up to sewer and water it can become a living space.

D. Rippe entertained a motion to send UDO change 2018-24 to council for passage.

**Motion by:** B. Hanna

To send UDO change 2018-24 to council with an unfavorable recommendation.

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

All in favor, say I. 5 ya's and 1 abstain oppose denying UDO change 2018-24. Motion carried; to send UDO change 2018-24 to council with an unfavorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-2.

Plan Commission members discuss that no new lots are being created, they are consolidating lots and moving property lines.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident Don Helton discussed a lot across the road with two tax ID numbers, this committee of two could combine them into one?

D. Rippe answered no because they are in two different districts. The current UDO allows two of the same lots to be combined.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. Swander

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-2 to council for passage.

**Motion by:** J. McClain

To send UDO change 2018-2 to council with a favorable recommendation.

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

All in favor, say I. 2 ya's and 4 nay's in favor of UDO change 2018-2. Motion denied.

D. Rippe entertained a motion to send UDO change 2018-2 to council for passage.

**Motion by:** G. Schenkel

To send UDO change 2018-2 to council with an unfavorable recommendation.

**2<sup>nd</sup> by:** B. Hanna

All in favor, say I. 4 ya's and 2 nay's oppose denying UDO change 2018-2. Motion carried; to send UDO change 2018-2 to council with an unfavorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-5.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. Swander

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comments.

D. Rippe entertained a motion to close public comment.

**Motion by:** B. Hanna

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-5 to council for passage.

**Motion by:** B. Hanna

To send UDO change 2018-5 to council with a favorable recommendation.

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

All in favor, say I. 6 ya's in favor of UDO change 2018-5. Motion carried; to send UDO change 2018-5 to council with a favorable recommendation.



L. Lillmars read and discussed the changes to UDO 2018-6.

Plan Commission members discussed the wear and tear on the roads from the delivery trucks and all the inbound and outbound deliveries and shipments, which has led to more traffic around the lake.

D. Rippe if something became a nuisance there are no consequences if there is a problem with the home business according to the current UDO. Enforcement is difficult around the town.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. McClain

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident Brent Schlosser asked Attorney M. Hawk for clarification on the police department enforcing or would that fall under the zoning administrator?

Attorney M. Hawk answered for the UDO the zoning administrator is the one to enforce if there is a problem.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. McClain

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-6 to council for passage.

**Motion by:** G. Schenkel

To send UDO change 2018-6 to council with a favorable recommendation.

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

All in favor, say I. 6 ya's in favor of UDO change 2018-6. Motion carried; to send UDO change 2018-6 to council with a favorable recommendation.

L. Lillmars read and discussed the changes to UDO 2018-7.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. Swander

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

D. Rippe entertained a motion to close public comment.

**Motion by:** G. Schenkel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-7 to council for passage.

**Motion by:** J. Swander

To send UDO change 2018-7 to council with a favorable recommendation.

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

All in favor, say I. 6 ya's in favor of UDO change 2018-7. Motion carried; to send UDO change 2018-7 to council with a favorable recommendation.

L. Lillmars read and discussed the changes and unintended consequences to UDO 2018-14.

D. Rippe entertained a motion to open for public comment.

**Motion by:** J. McClain

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident Brent Schlosser

D. Rippe entertained a motion to close public comment.

**Motion by:** J. Hauguel

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-14 to council for passage.

**Motion by:** G. Schenkel

To send UDO change 2018-14 to council with a favorable recommendation.

**2<sup>nd</sup> by:**

All in favor, say I. 6 ya's in favor of UDO change 2018-14. Motion carried; to send UDO change 2018-14 to council with a favorable recommendation.

L. Lillmars read and discussed the changes and unintended consequences to UDO 2018-15.

Plan Commission discussed the various issues with the contractors, blocking the road when loading and unloading.

D. Rippe entertained a motion to open for public comment.

**Motion by:** G. Schenkel

To open for public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Resident Brent Schlosser three major concerns from builders that he talked to, unloading in under an hour, installation, concrete and delivery of items such as drywall.

D. Rippe the permit is already required in the ILP packet that they fill out, this is so they have to post it on site.

D. Rippe entertained a motion to close public comment.

**Motion by:** J. McClain

To close public comment.

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

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion to send UDO change 2018-15 to council for passage.

**Motion by:** G. Schenkel

To send UDO change 2018-15 to council with a favorable recommendation.

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

All in favor, say I. 6 ya's in favor of UDO change 2018-15. Motion carried; to send UDO change 2018-15 to council with a favorable recommendation.

D. Rippe entertained a motion to adjourn meeting.

**Motion by:** B. Hanna

To adjourn meeting.

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

All in favor, say I. Vote was unanimous. Motion carried to adjourn meeting.

Meeting adjourned at 9:45pm.

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Dan Rippe, Plan Commission President

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Attest: Jennifer Smith-Sattison, Clerk

**Town of Clear Lake  
Plan Commission  
Staff Report**

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Case Number: 2022-01

Procedural Type: Rezoning of Land

Applicant/Owner: James and Anne Skinner

Location: 416 Point Park Drive, Fremont IN 46737

Current Zoning: Conservation District (CO) – Across Point Park Drive

Proposed Zoning: Lake Residential (LR)

Current Use: Undeveloped

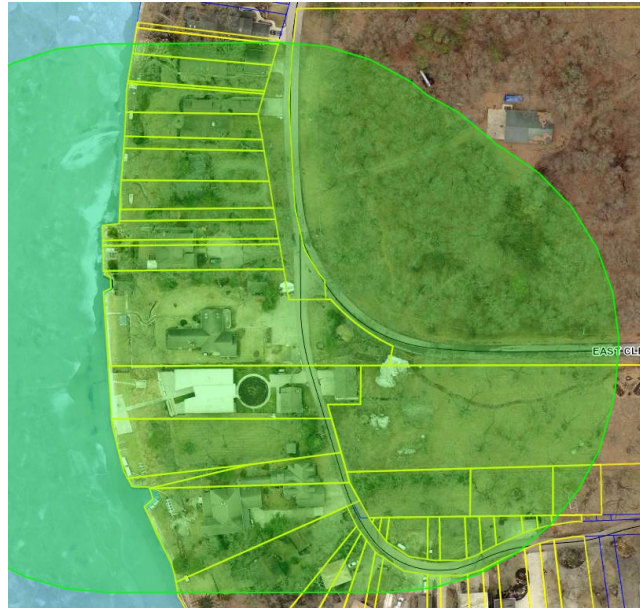
Proposed Use: Garage and Parking

Hearing Date: August 2, 2022, at 7:00 PM  
Clear Lake Town Hall

Required Notice:

- Legal Notice was published in the *Herald Republican* on July 15, 2021.
- Legal Notice was also posted at the Clear Lake Town Hall, Clear Lake Marina, Clear Lake General Store and TOCL website.
- Four (4) adjacent owners were sent legal notices with a certificate of mailing
- Ten (10) interested property owners were sent “courtesy notices” by regular mail.

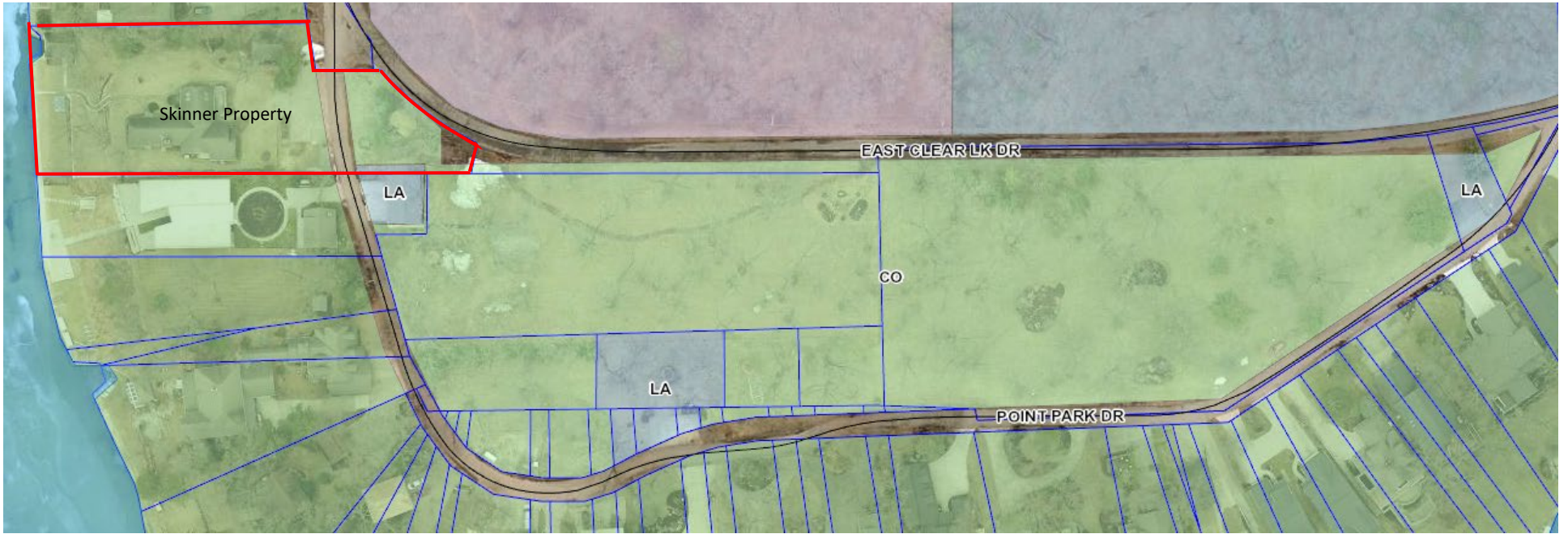
**Notification Sent to Adjacent and Property Owners within 300 feet:**



Property Owners within 300 feet to 416 Point Park Drive						
Lake Address	Owner Mail Address	City	State	Zip Code	Name	Certified letter
402 East Clear Lake Dr.	4200 W. Fox Chase Court	Muncie	IN	47304	Jim and Margaret Lowry	Yes
406 East Clear Lake Dr.	5272 Canary Ct	Carmel	IN	46033	Mathew and Hannah Ott	
408 East Clear Lake Dr.	7128 Crosscut Ct	Fort Wayne	IN	46804	Arnold Tonne	
410 East Clear Lake Dr.	8283 Amberleigh Way	Dublin	OH	43017	Miles Durfey	
414 East Clear Lake Dr.	414 East Clear Lake Dr	Fremont	IN	46737	Sue Ann and John Compo	Yes
420 Point Park Dr	338 N. Kenilworth Ave	Oak Park	IL	60302	Bill and Judy Greffin	Yes
421 Point Park Dr	111 Gecowets Dr	Fremont	IN	46737	Clear Lake Township Land Conservancy Inc	Yes
424 Point Park Dr	7639 Oakhurst Ln	Columbus	OH	43235	Mike and Pat Franz	
426 Point Park Dr	12405 St Joe Road	Grabill	IN	46741	Tim and Lori Wagner	
428 Point Park Dr	1600 Runnymede Rd	Dayton	OH	45419	John Winch	
430 Point Park Dr	647 West Melrose St Apt. 4	Chicago	IL	60657	Eric and Jennifer Rockhold	
432 Point Park Dr	432 Point Park Dr	Fremont	IN	46737	Todd and Barbara Rumsey	
434 Point Park Dr	434 Point Park Dr	Fremont	IN	46737	Jon and Janet Zachrich	
436 Point Park Dr	7145 East Tanglewood Road -92	Roanoke	IN	46783	John and Cindy McMillen	
Owner						
416 Point Park Dr	6727 Mallard Cove Place	Fort Wayne	IN	46804	Skinner James W & M Anne	

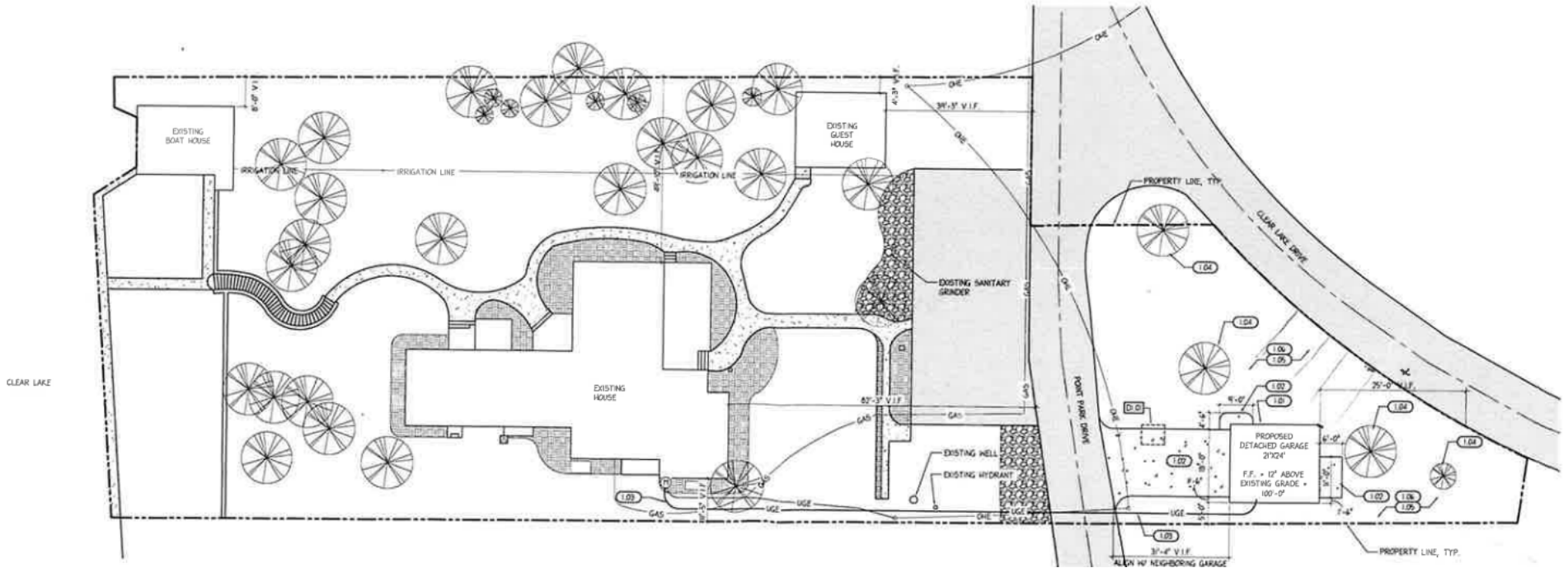
**Zoning:**







## Site Plan



The proposed project is to build a 21' x 24' garage across the road in the rezoned area.

### Variations needed if rezoning is approved:

- The proposed garage is estimated to be 4 feet into the ECLD property line setback.

### Variations needed if rezoning is not approved:

- The proposed garage is estimated to be 14 feet into the ECLD property line setback.
- The proposed garage is 3.7 feet into the Point Park Drive property line setback.
- The proposed garage is 30 feet into the south property line setback.



## **2013 Comprehensive Plan Excerpts:**

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.

Policy 6.1: Encourage and assist with the preservation of natural areas around Clear Lake.

Objective 6.1.1: Preserve and enhance the lakeside, resort ambiance of Clear Lake and neighboring areas.

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

# Zoning Administration UDO Change Introductions

Plan Commission Meeting

August 2, 2022

# Change Number 2018-37: Improvement Location Permit for Home Business

- Change description
  - Requires home business to get an Improvement Location Permit (ILP)
- Public Feedback
  - 0 Responses:

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
0	0	0	0	0	0	0	0	0	0

- Comments:
  - Was discussed during last PC meeting and was decided that a ILP was not required for home business by the PC board.
- Unintended Consequence
  - None identified
- Mitigation
  - None

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-37

Date: 10/18/21

UDO Revision Affected: 2018/01/31

Change Status: 2- (Public Participation)

- I. UDO Article Description: Improvement Location Permit  
UDO Article #: 9.05  
UDO Page #: 9-5  
Change Category: Replace with New Standard  
Comp Plan Objectives: 3.1.1 and 3.1.2

II. Description of Change:

This change will require home business to get an Improvement Location Permit (ILP)

III. Basis for Change:

Town Council requested the Plan Commission revisit the HB standards to better fit the needs of our community after receipt of complaints from neighbors by currently operating home businesses. Update must be consistent with comprehensive plan 3.1.1 and 3.1.2

IV. Change Language (From, To):

From:

**9.05 Improvement Location Permit**

A. **Applicability:** An Improvement Location Permit shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land or change an existing land use. The following are **examples** of projects necessitating an Improvement Location Permit process:

- Constructing, altering, or modifying a house or cottage
- Constructing, altering, or modifying an accessory structure (e.g. garage, carport, shed, pool house)
- Altering or modifying a structure's height, roof pitch, or massing (e.g. adding a dormer)
- Constructing or modifying impervious surface (e.g. driveway, sidewalk, patio)
- Installing a swimming pool
- Installing, altering, or modifying a fence
- Constructing, altering, or modifying a deck or retaining wall
- Installing a permanent sign
- Constructing a pond
- Outdoor mechanical equipment

B. **Exemption from Improvement Location Permit:** This exemption is only from having to obtain an Improvement Location Permit. It is not an exemption from having to meet all applicable regulations in this Unified Development Ordinance. Any project exempt from having to acquire an Improvement Location Permit that is in violation of this Unified Development Ordinance is subject to *Article 10: Enforcement and Penalties*. The following projects are exempt from having to obtain an Improvement Location Permit.

1. *Agriculture:* An agricultural related accessory structure is exempt from obtaining an Improvement Location Permit.
2. *Softscaping and Hardscaping:* Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, or small retaining walls) is exempt from obtaining an Improvement Location Permit as long as there is no adverse affect to drainage.
3. *Sign Content Change:* Sign content may be changed without having to receive an Improvement Location Permit.
4. *Flag Pole:* Flag poles may be installed without obtaining an Improvement Location Permit.
5. *Play Set:* Playsets that do not project more than ten (10) feet off the ground, do not utilize more than seventy-five square feet in area, and do not include any roof or wall features may be installed without obtaining an Improvement Location Permit.
6. *Type 1 Home Business:* Type 1 home businesses may commence without obtaining an Improvement Location Permit.
7. *Property Maintenance:* Maintenance and repairs to the existing structure or site features may commence without obtaining an Improvement Location Permit. Outdoor mechanical equipment shall not be exempted by this provision.
8. *Adding or Changing Light Fixtures:* Light fixtures may be added or changed without obtaining an Improvement Location Permit.
9. *Decorative Fences:* Decorative fences as described in Section 5.23(B)(2): Decorative Fence Permit Exemption and as defined may be installed without obtaining an Improvement Location Permit.

To:

**9.5 Improvement Location Permit**

A. Applicability: An Improvement Location Permit shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land or change an existing land use. The following are **examples** of projects necessitating an Improvement Location Permit process:

- Constructing, altering, or modifying a house or cottage
- Constructing, altering, moving or modifying an accessory structure (e.g. garage, carport, shed, pool house)
- Altering or modifying a structure's height, roof pitch, or massing (e.g., adding a dormer)
- Constructing or modifying impervious surface (e.g., driveway, sidewalk, patio)
- Installing a swimming pool
- Installing, altering, or modifying a fence
- Constructing, altering, or modifying a deck or retaining wall
- Installing a permanent sign
- Constructing a pond
- Outdoor mechanical equipment

B. Exemption from Improvement Location Permit: This exemption is only from having to obtain an Improvement Location Permit. It is not an exemption from having to meet all applicable regulations in this Unified Development Ordinance. Any project exempt from having to acquire an Improvement Location Permit that is in violation of this Unified Development Ordinance is subject to *Article 10: Enforcement and Penalties*. The following projects are exempt from having to obtain an Improvement Location Permit.

1. *Agriculture*: An agricultural related accessory structure is exempt from obtaining an Improvement Location Permit.
2. *Softscaping and Hardscaping*: Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, or small retaining walls) is exempt from obtaining an Improvement Location Permit as long as there is no adverse affect to drainage.
3. *Sign Content Change*: Sign content may be changed without having to receive an Improvement Location Permit.
4. *Flag Pole*: Flag poles may be installed without obtaining an Improvement Location Permit.
5. *Play Set*: Playsets that do not project more than ten (10) feet off the ground, do not utilize more than seventy-five square feet in area, and do not include any roof or wall features may be installed without obtaining an Improvement Location Permit.
6. *(Deleted)*
7. *Property Maintenance*: Maintenance and repairs to the existing structure or site features may commence without obtaining an Improvement Location Permit. Outdoor mechanical equipment shall not be exempted by this provision.
8. *Adding or Changing Light Fixtures*: Light fixtures may be added or changed without obtaining an Improvement Location Permit.
9. *Decorative Fences*: Decorative fences as described in Section 5.23(B)(2): Decorative Fence Permit Exemption and as defined may be installed without obtaining an Improvement Location Permit.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable

Prepared By: Tyson Johnston / Larry Lillmars

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

# Change Number 2018-38: Sign Standards for Home Business

- Change description

- Home business signs shall comply with home business standards.

The home business standard states:

*Appearance. There shall be no exterior evidence that the property is being used for any purpose other than a dwelling or an accessory structure.*

- Public Feedback

- 0 Responses:

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
0	0	0	0	0	0	0	0	0	0

- Comments:

- None

- Unintended Consequence

- None identified

- Mitigation

- None

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-38

Date: 10/18/21

UDO Revision Affected: 2018/01/31

Change Status: 2- (Public Participation)

I. UDO Article Description: Sign Standards  
UDO Article #: 5.67  
UDO Page #: 5-59  
Change Category: Replace with New Standard  
Comp Plan Objectives: 3.1.1 and 3.1.2

II. Description of Change:

Home business shall comply with Sign Standards

III. Basis for Change:

Town Council requested the Plan Commission revisit the HB standards to better fit the needs of our community after receipt of complaints from neighbors by currently operating home businesses. Update must be consistent with comprehensive plan 3.1.1 and 3.1.2

IV. Change Language (From, To):

From:  
C. Cross Reference:  
1. *Home Businesses*: Signs associated with a home business shall be exempt from the Sign Standards section, but shall comply with the standards in *Section 5.31: Type 1 Home Business Standards* and *Section 5.32: Type 2 Home Business Standards*.

To:  
C. Cross Reference:  
1. *Home Businesses*: Signs associated with a home business shall be exempt from the Sign Standards section but shall comply with the standards in *Section 5.31: Home Business Standards*.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable

Prepared By: Larry Lillmars

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

Board of Zoning Appeals Basics  
Summary  
May 17,2022

**Purpose:**

The Board of Zoning Appeals (BZA) is the local government body that is empowered by State Law to consider granting relief from the requirements of the zoning ordinance. The BZA is considered an administrative board that is quasi-judicial in nature. BZA decisions are required by state law to be guided by specific criteria, and made based upon the facts, not opinions.

**Powers and Duties:**

- Granting of Developmental Standards and Use Variances
- Granting of special exceptions/conditions
- Appeals from administrative decisions.

**Membership:**

- Five Member BZA
  - Three (3) citizen members shall be appointed by the Town Council President.
    - One (1) must be on the Plan Commission.
    - Two (2) must not be on the Plan Commission.
  - One (1) citizen member shall be appointed by the Clear Lake Town Council and that citizen shall not be a member of the Plan Commission
  - One (1) member appointed by the Plan Commission from its membership.
  - May have one standing alternate (agree upon by all appointing bodies)
- The BZA Officers
  - Elects a Chairman and Vice-Chairman from the members of the Board of Zoning Appeals at the end of its first regular meeting of each year.
  - Appoints a Secretary. (Not required to be a member of the BZA)
- Attorney
  - Attends public meetings
  - Provides advice as legal questions that arise

**Meetings:**

- Regular Scheduled Meetings – the Second Tuesday of February, April, June, August, October, and December
- Special Meeting
  - Legal notices required by the Open Door Law of the State of Indiana
  - Requesting applicant will be charge a fee of \$1000
- Order of Business
  - Chairman calls meeting to order
  - Secretary takes roll call and determines if a quorum is present
    - Three (3) members, shall constitute a quorum
  - Appeals, applications, and/or public hearings
  - Old Business
  - New Business (including approval of minutes from previous meeting)
  - Adjournment
- Public Hearings
  - Administrative Appeals
    - Review appeals from any order, requirement, decision, or determination made by a staff member, administrative board, or other body (except a plan commission) in relation to the enforcement of the zoning ordinance or Improvement Location Permit (ILP).



- Needs to be filed within ninety (90) days after the decision was made by administrative officials or other body
- Special Exceptions
  - A special exception use for which certain conditions must be met before it can be established at a specific location.
  - Indiana Code does not specify a set of criteria for use in considering special exceptions, leaving it to the of local government discretion
- Variances from Developmental Standards
  - Includes modifications of required setbacks, building heights, parking requirements, landscaping, or other physical standards
  - Legal criteria for approval of a variance
    - The approval will not be injurious to the public health, safety, morals, and general welfare of the community
    - The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
    - The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
- Use Variances
  - Allows a land use that is not permitted in the district where the property is located.
  - Legal criteria for approval of a variance
    - The approval will not be injurious to the public health, safety, morals, and general welfare of the community
    - The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
    - The need for the variance arises from some condition peculiar to the property involved
    - The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
    - The approval does not interfere substantially with the comprehensive plan

### **Staff**

- Plan Commission Staff shall be the Zoning Administrator for the Town of Clear Lake

### **Conflict of Interest**

- A member of the Board of Zoning Appeals is disqualified and may not participate in a hearing of the Board concerning a zoning matter in which the member is biased, prejudiced, otherwise unable to be impartial, or has a direct / indirect financial interest in the outcome of the hearing.

### **Ex- Parte Communication**

- No person may communicate with any member of the Board of Zoning Appeals before a hearing with intent to influence the member's action on a matter pending before the Board.

### **Resources:**

- Indiana Code (IC 36-7-4-900 series)
- Unified Development Ordinance (UDO)
- Clear Lake Board of Zoning Appeals – Rules of Procedure (Updated - 06/18/2016)
- Town of Clear Lake, Code of Conduct for elected Officials and their Appointees
- American Planning Association, Indiana Chapter, Citizen Planning Guide, Chapter 2



## **Objective 1: Training for Council, Plan Commission and Board of Zoning Appeal members**

### **Avoiding Pitfalls**

*Planning and development process inherently contains potential problems. This section tries to offer advice to help plan commission members and board of zoning appeals members avoid creating more pitfalls.*

### **What are Planning Pitfalls**

Planning Pitfalls happen when communities establish rules and regulations, but don't follow them

### **Techniques for Avoiding Pitfalls**

- Communication...with departments, boards, commissions, council and residents within local and nearby communities
- Refuse Incomplete Applications
- Prepare for the Hearing: start with an open mind, visit the site
- Public Hearing is a legal requirement and an obligation to the citizens (IC. 36-7-4-507)
- Follow due process and include Plan Commission attorney
- Give Adequate and Timely Notice [IC 36-7-4]
- Give Everyone an Opportunity to be Heard
- Disclose Everything and Avoid 'Ex Parte Contact'
- Avoid Conflicts of Interest or their Perception
- Prepare Findings [IC 36-7-4-915, 707 and 1406]
- Keep Complete Records; to include timely meeting minutes
- Seek out and Act in the Public Interest; you must strive to do what benefits your community and your citizens in the long run
- Be Consistent
- Make Good Clear Motions
- Avoid Emotions; remain calm and deliberate in actions and make decisions based on the facts

### **Tools for Avoiding Pitfalls**

- Create and maintain the Comprehensive plan
- Maintain Basic Planning Documents to include comprehensive plan, zoning ordinances, UDO and rules of procedure and keep them all updated

- Use Conditions and Written Commitments but not as a way to make an invalid application acceptable but as a way to make a good request even better
- Beware of Variances; intent is to provide needed relief for zoning not a back door to rezoning
- Follow-Up and Enforcement: should include on-site inspection to ensure all requirements have been met

**Actions to consider moving forward for TOCL:**

- Annual Big Picture retreat, goal of reviewing the local planning activities from the year, comprehensive plan check up, and set initiatives for coming year. [Needs to be advertised to comply with open door laws and not meant to be a public input session]
- ‘Ex Parte” language added to website where PC and BZA members are listed; to clarify why no contact information is listed
- Update Comprehensive Plan

**Resources:**

Indiana Code, 36 Local Government

American Planning Association, Indiana Chapter, Citizen Planning Guide, Chapter 3

Town of Clear Lake Handbook, Section #803, Code of Conduct for Elected Officials and Their Appointees, August 2021



## **Objective 1: Training for Council, Plan Commission and Board of Zoning Appeal members**

### **Communications/Open Door Law**

#### **Importance of Communication**

A key element in building a strong relationship between a board and the community is the ability to make informed decisions that are consistently in the best interest of the entire community. The below helps to provide that framework.

#### **Types of Meetings [IC 5-14-1.5-1]**

Public Meetings: must be noticed in advance, most communities publish a yearly calendar

Public Hearings: purpose of taking public comment on matter requiring official action; legal notice required [IC 5-3-1]

Public Forums: held to gather information and encourage the exchange of ideas; informal and no official action can be taken

Work Sessions: may be needed to complete a specific project or training/education; media must be notified and public allowed to attend and observe

Executive Sessions: permitted for limited purposes and can be closed to the public depending on topic [IC 5-14-1.5]

#### **Conducting Public Meetings**

##### Tips for Effective Public Meetings

- Goal is for open and fair meetings; allow for thorough discussion of the issue
- Board members should be prepared, public treated fairly, agendas available

##### Orderly Conduct

#### **Legal Requirements for Meetings**

##### Open Door Law [IC 5-14-1.5-1]

- Open to the public, agenda posted at the entrance and minutes taken
- 48 hour posting and media notification; excludes Saturday-Sunday-legal Holiday

- Notice needs to include: Date, time and place of the meeting
- Agendas are not required, minutes are required
- Notice of regular meetings only needs to be done once a year

Making a Public Record: minutes need not be a verbatim transcript

Notice of Public Hearings [IC. 36-7-4]

- Published notice required
- Due notice to interested parties

### **Types of Communications**

Includes internal and external communication, community education and social media

### **Resources:**

Indiana Code, Sections 5 and 36

American Planning Association, Indiana Chapter, Citizen Planning Guide, Chapter 4; [Indianaplanning.org](http://Indianaplanning.org)

Town of Clear Lake Handbook, Section #803, Code of Conduct for Elected Officials and Their Appointees, August 2021