

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-1 Page 1 of 2

Date: 04/27/21

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : **Administrative Subdivision**

UDO Article #: 9.17

UDO Page #: 9-41

Change Category: Amendment

Comp Plan Objectives: 1.1.7, 7.2.1, 7.4.1

II. Description of Change:

Correct the inconsistency between maximum number of lots that can be combined as stated within 9.17- (A) and (B)(2)

III. Basis for Change:

Increases clarity of ordinance and supports comprehensive plan objectives 1.1.7, 7.2.1 and 7.4.1

IV. Change Language (From, To):

From:

**9.17 Subdivision of Land; Administrative**

A. Purpose and Intent: An Administrative Subdivision shall provide the Town of Clear Lake with the opportunity to expedite adjustments to property lines when no new lots are created or when mergers of two (2) to five (5) lots are made into fewer buildable lots (e.g., merging two (2) lots into one (1) developable lot for the purpose of constructing across the middle of the lot where the property line used to be).

B. Project Applicability: An Administrative Subdivision can be used to modify the division of property within the jurisdictional area of the Plan Commission, but only if the proposed modification meets the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards listed below. All other divisions of land or alterations to property lines must be processed as a Minor Subdivision or Major Subdivision.

1. Applicable Districts: An Administrative Subdivision of land shall be permitted in the following zoning districts:

**RE SR LR LA**

2. Applicable Actions:

a. Merging Common Ownership Lots: The owner of two (2) to ten (10) lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new or an escalation in nonconformance; and when there is no change to public services, roads, or utilities.

To:

**9.17 Subdivision of Land; Administrative**

A. Purpose and Intent: An Administrative Subdivision shall provide the Town of Clear Lake with the opportunity to expedite adjustments to property lines when no new lots are created or when mergers of two (2) to **fifteen (15)** lots are made into fewer buildable lots (e.g., merging two (2) lots into one (1) developable lot for the purpose of constructing across the middle of the lot where the property line used to be).

B. Project Applicability: An Administrative Subdivision can be used to modify the division of property within the jurisdictional area of the Plan Commission, but only if the proposed modification meets the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards listed below. All other divisions of land or alterations to property lines must be processed as a Minor Subdivision or Major Subdivision.

1. *Applicable Districts*: An Administrative Subdivision of land shall be permitted in the following zoning districts:

**RE** **SR** **LR** **LA**

2. *Applicable Actions*:

a. Merging Common Ownership Lots: The owner of two (2) to **fifteen (15)** lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new or an escalation in nonconformance; and when there is no change to public services, roads, or utilities.

V. Summary of Public Comment:

[Empty box for public comment summary]

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-21 Page 1 of 1

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : Definitions

UDO Article #: 11

UDO Page #: 11-15

Change Category: Amendment

Comp Plan Objectives: N/A

II. Description of Change:

Ground Level, Average: definition contains an inconsistency in the capitalization of Main Outside Corners

III. Basis for Change:

Increases clarity of ordinance

IV. Change Language (From, To):

From:  
**Ground Level, Average:** The average of the ground elevation surrounding a structure. The average ground level is calculated by first establishing the lowest Main Outside Corner of the structure, making that main outside corner elevation 0 feet. Then measure the elevation of all Main Outside Corners above “elevation 0.” Then add the elevations for all Main Outside Corners and then divide by the total number of Main Outside Corners. The resulting number is the Average Ground Level. Note that any artificial mounding or recessions shall not be used as the high or low elevation, especially attempts to manipulate the average ground level to the advantage of a property owner. Specifically, the elevations shall be taken pre-construction.

To:  
**Ground Level, Average:** The average of the ground elevation surrounding a structure. The average ground level is calculated by first establishing the lowest Main Outside Corner of the structure, making that **Main Outside Corner** elevation 0 feet. Then measure the elevation of all Main Outside Corners above “elevation 0.” Then add the elevations for all Main Outside Corners and then divide by the total number of Main Outside Corners. The resulting number is the Average Ground Level. Note that any artificial mounding or recessions shall not be used as the high or low elevation, especially attempts to manipulate the average ground level to the advantage of a property owner. Specifically, the elevations shall be taken pre-construction.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-22 Page 1 of 1

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : Definitions

UDO Article #: 11

UDO Page #: 11-26

Change Category: Amendment

Comp Plan Objectives: N/A

II. Description of Change:

Definition for Residential-Scale Generator contains a typographical error in numerical size

III. Basis for Change:

Increases clarity of ordinance

IV. Change Language (From, To):

From:  
**Residential-Scale Generator:** A generator powered by natural gas or liquid propane, scaled to provide electricity to a single-family residence, in part or full, and that does not exceed fifty-one inches long, twenty-nine inches wide, and thirty-one inches tall (51" w X 29" w X 31" h); not inclusive of its base or foundation that does not exceed six (6) inches of height above ground level.

To:  
**Residential-Scale Generator:** A generator powered by natural gas or liquid propane, scaled to provide electricity to a single-family residence, in part or full, and that does not exceed fifty-one inches long, twenty-nine inches wide, and thirty-one inches tall (51" L x 29" W x 31" H); not inclusive of its base or foundation that does not exceed six (6) inches of height above ground level.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-8 Page 1 of 1

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : **Improvement Location Permit**

UDO Article #: 9.05

UDO Page #: 9-06 & 9-07

Change Category: Amendment

Comp Plan Objectives: 1.1.7

II. Description of Change:

Correct the inconsistency in the requirement to identify easements within 9.05 - (E)(2)(a), (b), (c) & (d)

III. Basis for Change:

Increases clarity of ordinance and supports comprehensive plan objectives 1.1.7

IV. Change Language (From, To):

From:  
9.05 – (E)(2)(a)(vii) An affidavit stating the proposed project is not located within a floodplain or easement.  
9.05 – (E)(2)(b)(iv) An affidavit stating the proposed project is not located within an easement.  
9.05 – (E)(2)(c)(iv) Easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.  
9.05 – (E)(2)(d)(iv) An affidavit stating the proposed project is not located within an easement.  
To:  
9.05 – (E)(2)(a)(vii) An affidavit stating the proposed project is not located within a floodplain or easement (e.g., Sewer Grinder, etc.).  
9.05 – (E)(2)(b)(iv) An affidavit stating the proposed project is not located within a floodplain or easement (e.g., Sewer Grinder, etc.).  
9.05 – (E)(2)(c)(iv) Easements (e.g., Sewer Grinder, etc.) on the parcel or easement adjoining to the parcel, including the name of the easement holder and a description of the terms of the easement.  
9.05 – (E)(2)(d)(x) Easements (e.g., Sewer Grinder, etc.) on the parcel, including the name of the easement holder.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-9 Page 1of 1

Date: 03/27/21

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

- I. UDO Article Description : **Landscaping Standards**
- UDO Article #: 5.35
- UDO Page #: 5-31
- Change Category: Amendment
- Comp Plan Objectives: 1.1.7, 2.1.4

II. Description of Change:

Project Applicability: missing category (Addition to Accessory Structure) and cross references to clear side yard and town ordinance Title V: Public Works, Chapter 51: Sewers, 51.59 (H) Grinder Pump Station Accessibility which precludes plantings in sewer easement

III. Basis for Change:

Increases clarity of ordinance and supports comprehensive plan objectives 1.1.7 and 2.1.4

IV. Change Language (From, To):

From:

- A. Cross Reference:
1. *Vision Clearance Standards:* All landscape materials shall be located to avoid interference with visibility per the Section 5.83: Vision Clearance Standards.
- B. Project Applicability: Landscape materials consistent with the requirements of this Unified Development Ordinance shall be required when one (1) of the following conditions is met:
1. *New Primary Structure:* An Improvement Location Permit for a new primary structure is obtained.
  2. *Addition to Primary Structure:* An Improvement Location Permit for an addition to the primary structure that adds twenty percent (20%) or more total square footage is obtained.
  3. *New Accessory Structure:* An Improvement Location Permit is obtained for a new storage-based accessory structure greater than 144 square feet in area.

To:

- A. Cross Reference:
1. *Vision Clearance Standards:* All landscape materials shall be located to avoid interference with visibility per the Section 5.83: Vision Clearance Standards.
  2. *Clear Side Yard:* See Section 5.65(B): Clear Side Yard for further limitations on placement of landscaping.
  3. *Town Ordinance:* See Title V: Public Works, Chapter 51: Sewers, 51.59 (H) Grinder Pump Station Accessibility for further limitations on placement of landscaping.
- B. Project Applicability: Landscape materials consistent with the requirements of this Unified Development Ordinance shall be required when one (1) of the following conditions is met:
1. *New Primary Structure:* An Improvement Location Permit for a new primary structure is obtained.
  2. *Addition to Primary Structure:* An Improvement Location Permit for an addition to the primary structure that adds twenty percent (20%) or more total square footage is obtained.
  3. *New Accessory Structure:* An Improvement Location Permit is obtained for a new storage-based accessory structure greater than 144 square feet in area.
  4. *Addition to Accessory Structure:* An Improvement Location Permit for an addition to the accessory structure that adds twenty percent (20%) or more total square footage is obtained.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe Date Codified: \_\_\_\_\_

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-13 Page 1 of 1

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : **Zoning Administrator Summary of Duties**

UDO Article #: 1.27

UDO Page #: 1-11

Change Category: Amendment

Comp Plan Objectives: N/A

II. Description of Change:

Zoning Administrator Duties is missing support to Board of Zoning Appeals

III. Basis for Change:

Increases clarity of ordinance

IV. Change Language (From, To):

From:

- A. Zoning Administrator Duties:
  - 1. *Plan Commission Files:* Maintain complete records of all meetings, hearings, correspondences, budgets, rules of procedure, memberships, term expirations, and general affairs of the Plan Commission.
  - 2. *Plan Commission Meetings:* Serve as staff for the Plan Commission and any of its committees by setting agendas, conducting research, distributing meeting information, and serving as Plan Commission Secretary.
  - 3. *Publish:* Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
  - 8. *Review:* Review permit applications and issue or deny permits submitted to the Planning Department.
  - 11. *Other:* Other duties that may be delegated by the Plan Commission.

To:

- B. Zoning Administrator Duties:
  - 1. *Plan Commission and Board of Zoning Appeals Files:* Maintain complete records of all meetings, hearings, correspondences, budgets, rules of procedure, memberships, term expirations, and general affairs of the Plan Commission.
  - 2. *Plan Commission and Board of Zoning Appeals Meetings:* Serve as staff for the Plan Commission and any of its committees by setting agendas, conducting research, distributing meeting information, and serving as Plan Commission Secretary.
  - 3. *Publish:* Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission and Board of Zoning Appeals.
  - 8. *Review:* Review permit applications and issue or deny permits submitted to the Planning Department and Board of Zoning Appeals.
  - 11. Board of Zoning Appeals: Support in the execution of determining Appeals, Exceptions, Variances, Interpretations of Zoning and other duties as permitted by Indiana Code.
  - 12. *Other:* Other duties that may be delegated by the Plan Commission.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-18 Page 1 of 1

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : LR District Development Standards

UDO Article #: 2.14

UDO Page #: 2-15

Change Category: Amendment

Comp Plan Objectives: N/A

II. Description of Change:

Maximum Lot Coverage: eliminate the shared threshold value (9000 sq ft) between categories 53% and 50%

III. Basis for Change:

Increases clarity of ordinance

IV. Change Language (From, To):

From:

**Maximum Lot Coverage**

- Lots up to 5,500 square feet, 56%; Lots 5,500 to 9,000 square feet, 53%; and Lots 9,000 square feet or greater, 50%.

To:

**Maximum Lot Coverage**

- Lots up to 5,500 square feet, 56%; Lots  $\geq 5,500$  and  $< 9,000$  square feet, 53%; and Lots 9,000 square feet or greater, 50%.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe Date Codified: \_\_\_\_\_



Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-19 Page 1 of 1

Date: 03/25/21

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

I. UDO Article Description : **Development Plan**  
UDO Article #: 9.08  
UDO Page #: 9-14  
Change Category: Amendment  
Comp Plan Objectives: N/A

II. Description of Change:  
There is a wording mistake in Development plan 9.08 in (A)(1) a

III. Basis for Change:  
Increases clarity of ordinance

IV. Change Language (From, To):

From:

**9.08 Development Plan**  
A. Applicability:  
1. *Zoning Districts:* This process applies to the following zoning districts:  
**MR IS NC MA**  
Development Plan Approval shall be required prior to an Improvement Location Permit being issued for:  
a. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure, and  
b. Permanent Alteration to the Land.

To:

**9.08 Development Plan**  
A. Applicability:  
1. *Zoning Districts:* This process applies to the following zoning districts:  
**MR IS NC MA**  
Development Plan Approval shall be required prior to an Improvement Location Permit being issued for:  
a. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure  
b. Permanent Alteration to the Land.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: \_\_\_\_\_ Date Codified: \_\_\_\_\_

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-2 Page 1 of 1

Date: 4/14/21

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : **Administrative Subdivision**

UDO Article #: 9.17

UDO Page #: 9-41

Change Category: Amendment

Comp Plan Objectives: 1.1.7 & 7.2.1

II. Description of Change:

Applicable Districts is missing Conservation (CO), Parks & Recreation (PR), Agriculture (AG), Intense Agriculture (IA), Multiple-family Residential (MR), Institutional (IS), Neighborhood Commercial (NC), Marina (MA)

III. Basis for Change:

Increases clarity of ordinance and supports comprehensive plan objectives 1.1.7 and 7.2.1

IV. Change Language (From, To):

From:  
3. *Applicable Districts:* An Administrative Subdivision of land shall be permitted in the following zoning districts:  
**RE SR LR LA**

To:  
1. *Applicable Districts:* An Administrative Subdivision of land shall be permitted in the following zoning districts:  
**CO PR AG IA RE SR LR LA MR IS NC MA**

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe Date Codified: \_\_\_\_\_

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-5 Page 1 of 1

Date: 3/28/21

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

I. UDO Article Description : **Environmental Standards**

UDO Article #: 5.22

UDO Page #: 5-21

Change Category: Amendment

Comp Plan Objectives: N/A

II. Description of Change:

C. Soil and Water Quality, 1. Erosion Control, (a) references Indiana Administrative Code 327-1 (Rule 5) is in error and should be 327-15 (rule 5) which applies to all "construction activity" that result in the disturbance of one (1) acre or more of land area. Areas smaller than one acre are also regulated by this Rule if the project is part of a "larger common plan of development or sale". Add standard criteria to explicitly deal with management of gutter and downspout discharge

III. Basis for Change:

Increases clarity of ordinance

IV. Change Language (From, To):

From:

- A. Soil and Water Quality:
  - 4. Erosion Control:
    - a. Developments shall be in compliance with the filing requirements for erosion control on construction sites as in *Indiana Administrative Code 327-1 (Rule 5)*, when applicable.

To:

- A. Soil and Water Quality:
  - 4. Erosion Control:
    - a. Developments shall be in compliance with the filing requirements for erosion control on construction sites as in Indiana Administrative Code 327-15 (Rule 5)(see also 327 IAC 15-5), when applicable.
    - b. Discharge from gutters and downspouts shall be directed in a direction and manner to prevent water and/or sedimentation (including mud, dirt and/or debris) from flowing onto adjacent lots, adjacent surfaces, and streets (example storm water management practices include French drains, underground drainage tile routed to catch basins and then water courses, rain gardens, etc.).

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

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

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-7 Page 1 of 2

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : Improvement Location Permit

UDO Article #: 9.05

UDO Page #: 9-05

Change Category: Amendment

Comp Plan Objectives: 1.1.7 and 4.1.5

II. Description of Change:

Landscaping does not require an ILP resulting in a risk that violations of clear side yard standards will go undetected. Violations of clear side yard (SB-03: Lake Residential Setback Standards 5.65 (B)) setback standards will result in access issues for emergency personnel and safety concerns for life and property

III. Basis for Change:

Increases clarity of ordinance and supports comprehensive plan objectives 1.1.7 and 4.1.5

IV. Change Language (From, To):

From:

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.

C. Cross Reference:

1. *Building Permit*: An Improvement Location Permit does not authorize compliance with building codes. Concurrent to having a project reviewed for compliance with this Unified Development Ordinance most projects with any type of building will also have to be reviewed for compliance with the Building Code.
2. *Site Improvement Permit*: An Improvement Location Permit does not authorize compliance with the Town's

Stormwater Management Ordinances. Concurrent to having a project reviewed for compliance with this Unified Development Ordinance most projects will also have to be reviewed for compliance with the Stormwater Management Ordinance.

3. *Other Permits*: An Improvement Location Permit does not authorize compliance with any County, State or Federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.

To:

- 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. *Landscaping*: 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 effect to drainage or the clear side yard setback (**SB-03: Lake Residential Setback Standards 5.65 (B)**).
- C. Cross Reference:
  1. *Building Permit*: An Improvement Location Permit does not authorize compliance with building codes. Concurrent to having a project reviewed for compliance with this Unified Development Ordinance most projects with any type of building will also have to be reviewed for compliance with the Building Code.
  2. *Site Improvement Permit*: An Improvement Location Permit does not authorize compliance with the Town's Stormwater Management Ordinances. Concurrent to having a project reviewed for compliance with this Unified Development Ordinance most projects will also have to be reviewed for compliance with the Stormwater Management Ordinance.
  3. *Other Permits*: An Improvement Location Permit does not authorize compliance with any County, State or Federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.
  4. *Clear Side Yard*: See Section 5.65(B): Clear Side Yard for further limitations on placement of landscaping
  5. *Town Ordinance: Title V: Public Works, Chapter 51: Sewers, 51.59 (H) Grinder Pump Station Accessibility* for further limitations on placement of landscaping

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By:  D. Rippe  Date Codified: \_\_\_\_\_

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-14 Page 1 of 1

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

I. UDO Article Description : **Improvement Location Permit**

UDO Article #: 9.05(E)(2)

UDO Page #: 9-06,07

Change Category: Amendment

Comp Plan Objectives: 2.1.4

II. Description of Change:

Add to ILP filing requirements the location of canopy trees required by Landscaping (LA-04) pg. 5-34

III. Basis for Change:

Supports compliance assessment to Landscaping and Viewshed requirements and supports comprehensive plan objective 2.1.4

IV. Change Language (From, To):

From:

- a. Projects involving non-inhabitable structures not mounted on a permanent foundation. viii.
- c. Projects involving non-inhabitable structures mounted on a permanent foundation. vii.
- d. Projects involving inhabitable buildings. x.

To:

- a. Projects involving non-inhabitable structures not mounted on a permanent foundation. **viii. Denotation of the location of canopy trees required by 5.38 Landscaping pg. 5-34**
- c. Projects involving non-inhabitable structures mounted on a permanent foundation. **vii. Denotation of the location of canopy trees required by 5.38 Landscaping pg. 5-34**
- d. Projects involving inhabitable buildings. **x. Denotation of the location of canopy trees required by 5.38 Landscaping pg. 5-34**

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: D. Rippe Date Codified: \_\_\_\_\_

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-15 Page 1 of 1

Date: 04/14/20

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

I. UDO Article Description : Improvement Location Permit

UDO Article #: 9.05(C) & (D)(3)

UDO Page #: 9-06

Change Category: Amendment

Comp Plan Objectives: 1.2.3 and 4.1.5

II. Description of Change:

Add Town of Clear Lake, Indiana Code of Ordinances Title VII: Traffic Code Chapter 72: Parking Regulations paragraph 72.02 Regulations on Roads and Streets to the 9.05 (C) Cross References and add a requirement in 9.05 (D)(3) to post at construction site beside the approved ILP a figure or equivalent designating the location of approved construction parking spaces.

III. Basis for Change:

Increases clarity of ordinance

IV. Change Language (From, To):

9.05 (C)  
From:  
3. *Other Permits:* An Improvement Location Permit does not authorize compliance with any County, State or Federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.  
To:  
4. *Other Permits:* An Improvement Location Permit does not authorize compliance with any County, State or Federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.  
5. *Parking:* Parking within the Town of Clear Lake shall comply with Town of Clear Lake, Indiana Code of Ordinances Title VII: Traffic Code Chapter 72: Parking Regulations paragraph 72.02 Regulations on Roads and Streets.  
9.05 (D)(3)  
From:  
3. *Construction Parking:* Four (4) off- street parking spaces for construction vehicle parking shall be identified prior to an Improvement Location Permit being issued. Construction parking shall not be located on the street, but may be located on adjacent properties with permission from the property owner. Contractors shall be required to keep the street free of construction vehicles, mud, dirt, and other debris for the duration of the project. The Zoning Administrator shall have discretion to waive this prerequisite for small projects.  
To:  
3. *Construction Parking:* Four (4) off- street parking spaces for construction vehicle parking shall be identified prior to an Improvement Location Permit being issued and a figure or equivalent designating the location of approved construction parking spaces shall be posted in the same area as the approved ILP. Construction parking shall not be located on the street, but may be located on adjacent properties with permission from the property owner. Contractors shall be required to keep the street free of construction vehicles, mud, dirt, and other debris for the duration of the project. The Zoning Administrator shall have discretion to waive this prerequisite for small projects.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: D. Rippe

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-23 Page 1 of 1

Date: 04/27/21

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

I. UDO Article Description : Lake Accessory Accessory Structure Standards

UDO Article #: 5.09(C)

UDO Page #: 5-08

Change Category: Amendment

Comp Plan Objectives: 1.1.7, 2.1.2, 6.1.1 and 7.4.1

II. Description of Change:

Add an option to allocate the maximum square footage of 1400 sq ft entirely to one accessory structure

III. Basis for Change:

Reduces clutter and increases flexibility of storage area for residents and supports comprehensive plan objectives 1.1.7, 2.1.2, 6.1.1 and 7.4.1

IV. Change Language (From, To):

From:

- 2. *Maximum Size:*
  - a. For lots that do not have an occupiable accessory structure, the cumulative floor area of all storage-based accessory structures shall not exceed 1,344 square feet with the floor area of the first storage-based accessory structure not exceeding 1,200 square feet and the floor area of the second storage-based accessory structure not exceeding 144 square feet.
  - b. For lots that have an occupiable accessory structure, the floor area of the occupiable accessory structure shall not exceed 1,200 square feet and the floor area of a storage-based accessory structure shall not exceed 144 square feet.

To:

- 2. *Maximum Size:*
  - a. For lots with one accessory structure, the floor area shall not exceed 1,400 square feet.
  - b. For lots with up to two accessory structures, the cumulative floor area of all accessory structures shall not exceed 1,400 square feet with the floor area of the first accessory structure not exceeding 1,250 square feet and the floor area of the second accessory structure not exceeding 150 square feet.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: D. Rippe Date Codified: \_\_\_\_\_



Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-24 Page 1 of 1

Date: 04/14/21

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

I. UDO Article Description : Lake Accessory Accessory Structure Standards

UDO Article #: 5.09(A)

UDO Page #: 5-08

Change Category: Amendment

Comp Plan Objectives: 1.1.7, 2.1.2 and 7.4.1

II. Description of Change:

Removes need for variance to add sewer and water utilities for approved example uses.

III. Basis for Change:

Adds clarity to ordinance and supports comprehensive plan objectives 1.1.7, 2.1.2 and 7.4.1

IV. Change Language (From, To):

From:

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

To:

2. *Occupiable Accessory Structure*: Occupiable accessory structures may include **as example in part or whole** a garage converted to an art studio, woodworking shop, guest quarters, or recreation room. Residential units, studio **apartments, and** the like shall not be permitted as an occupiable accessory structure. Occupiable accessory structures may have a full bathroom and/or utility sink **allowing on-site interior water and sewer utilities**, but under no circumstances shall a kitchen be permitted. **Reference Town Ordinance 51 for further sewer connection requirements.**

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: D. Rippe Date Codified: \_\_\_\_\_

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-25 Page 1 of 1

Date: 04/14/21

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

I. UDO Article Description : **Lake Accessory District Development Standards**

UDO Article #: 2.16

UDO Page #: 2-17

Change Category: Amendment

Comp Plan Objectives: 1.1.7, 2.1.2, 6.1.1 and 7.4.1

II. Description of Change:

Increase Accessory Structure maximum height and number of stories

III. Basis for Change:

In keeping with the Comprehensive Plan, we (as Council, Plan Commission and BZA) are to look at the natural progression of development in our community. Storage has always been a high priority of our residents on the lake. Storage includes boats, pontoons, kayaks, paddle boards, towable items, patio furniture and all the other items used on a lake. As our resident's needs change, so should our UDO to meet their needs. Over the years the items listed previously are becoming larger and larger, which in turn requires more storage space.

The current UDO desired to keep accessory structures small with little regard to the needs and purpose intended by the residents of accessory structures.

- 1.) With the current way the UDO is written, it is impossible to have a usable second floor for a lake accessory building.
  - a. Even if you wanted to use the second floor as storage, the height requirement prohibits a fully functioning second floor without going to a flat roof type.
  - b. Going to a flat roof style could (most likely) would violate the requirement of keeping both the primary residence and garage of similar style (See 5.09, B.1 and 5.09, D).

Supports comprehensive plan objectives 1.1.7, 2.1.2, 6.1.1 and 7.4.1

IV. Change Language (From, To):

From:  
**Maximum Structure Height**

- 18 feet for primary and accessory structures
- 1 story for primary and accessory

To:  
**Maximum Structure Height**

- 25 feet for primary and accessory structures
- 1 1/2 story for primary and accessory

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: D. Rippe

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-4 Page 1 of 1

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

- I. UDO Article Description : Definitions
- UDO Article #: 11.0
- UDO Page #: 11-04
- Change Category: Amendment
- Comp Plan Objectives: 1.1.7

II. Description of Change:

Remove lighting and electrical outlet restrictions from definition of Attic

III. Basis for Change:

In keeping with the Comprehensive Plan, we (as Council, Plan Commission and BZA) are to look at the natural progression of development in our community. Storage has always been a high priority of our residents on the lake. Storage includes boats, pontoons, kayaks, paddle boards, towable items, patio furniture and all the other items used on a lake. As our resident's needs change, so should our UDO to meet their needs. Over the years the items listed previously are becoming larger and larger, which in turn requires more storage space.

The current UDO desired to keep accessory structures small with little regard to the needs and purpose intended by the residents of accessory structures.

- 1.) With the current way the UDO is written, it is impossible to have a usable second floor for a lake accessory building.
  - a. Even if you wanted to use the second floor as storage, the height requirement prohibits a fully functioning second floor without going to a flat roof type.
  - b. Going to a flat roof style could (most likely) would violate the issue of keeping both the primary residence and garage of similar style (See 5.09, B.1 and 5.09, D).

Supports comprehensive plan objectives 1.1.7

IV. Change Language (From, To):

From:

**Attic:** A non-habitable, non-insulated and non-finished space above the ceiling joists in a building that is either un-utilized, inaccessible, and/or used for unconditioned storage (i.e. no heating or air conditioning in or supplied to the attic). When used for storage, an attic may have temporary or permanent decking, one (1) light per 144 square feet, and one (1) 110 volt electric receptacle for convenience. Any escalation or exceeding of the maximum allowable lighting or receptacle shall disqualify a space as an attic.

To:

**Attic:** A non-habitable, non-insulated and non-finished space above the ceiling joists in a building that is either un-utilized, inaccessible, and/or used for unconditioned storage (i.e. no heating or air conditioning in or supplied to the attic). ~~When used for storage, an attic may have temporary or permanent decking, one (1) light per 144 square feet, and one (1) 110 volt electric receptacle for convenience. Any escalation or exceeding of the maximum allowable lighting or receptacle shall disqualify a space as an attic.~~

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: D. Rippe

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

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-28 Pg. 1 of 1

Date: 04/14/21

UDO Revision Affected: 2018/01/31

Change Status: 4 (Public Feedback)

I. UDO Article **Lake Residential District Development Standards**  
Description : \_\_\_\_\_  
UDO Article #: 2.14  
UDO Page #: 2-15  
Change Category: Amendment  
Comp Plan Objectives: 1.1.7, 2.1.2, 6.1.1 and 7.4.1

II. Description of Change:  

Increase Accessory Structure maximum height and number of stories

III. Basis for Change:  

In keeping with the Comprehensive Plan, we (as Council, Plan Commission and BZA) are to look at the natural progression of development in our community. Storage has always been a high priority of our residents on the lake. Storage includes boats, pontoons, kayaks, paddle boards, towable items, patio furniture and all the other items used on a lake. As our resident's needs change, so should our UDO to meet their needs. Over the years the items listed previously are becoming larger and larger, which in turn requires more storage space.

The current UDO desired to keep accessory structures small with little regard to the needs and purpose intended by the residents of accessory structures.

1.) With the current way the UDO is written, it is impossible to have a usable second floor for a lake accessory building.

a. Even if you wanted to use the second floor as storage, the height requirement prohibits a fully functioning second floor without utilizing a flat roof type.

b. Going to a flat roof style could (most likely) would violate the issue of keeping both the primary residence and garage of similar style (See 5.09, B.1 and 5.09, D).

Supports comprehensive plan objectives 1.1.7, 2.1.2, 6.1.1 and 7.4.1

IV. Change Language (From, To):  

From:

**Maximum Structure Height**

- 35 feet for primary structure
- 18 feet for accessory structure
- 2 ½ stories for primary structure
- 1 story for accessory structure

To:

**Maximum Structure Height**

- 35 feet for primary
- 25 feet for accessory structure
- 2 ½ stories for primary structure
- 1 1/2 stories for accessory structure

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: D. Rippe Date Codified: \_\_\_\_\_

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-6 Page 1 of 2

Date: 11/3/20

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : Home Business Standards

UDO Article #: 5.31 & 5.32

UDO Page #: 5-28 & 29

Change Category: Replace with New Standard

Comp Plan Objectives: 3.1.1 and 3.1.2

II. Description of Change:

The current HB1 and HB2 standards do not effectively address the needs of the community. This change will eliminate the current HB1 and HB2 standards replacing it with one HB standard which better reflects the communities needs

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: Delete 5.31 HB-01 and 5.32 HB-02 in their entirety and replace it with the To: version below leaving the UDO page count unaffected.

To:

**5.31 HB: Home Business Standards**

This Home Business Standards section applies to the following zoning districts:

**AG RE SR LR LA MR**

The principal intent of the Home Business Standards to ensure the protection of the health, safety, and welfare of the residents; moreover, ensuring any home businesses in our residential community can grow and flourish without imposition, encroachment, or disturbances to any neighboring properties in the vicinity of approved business. All of which, by regulating home-based businesses to minimize the impact on the residential character of the Town.

The following standards apply:

A. Permits: An Improvement Location Permit for a home business shall be required.

B. Personnel:

1. *Residency*: The primary operator shall reside in the dwelling unit where the home business is located.

2. *Employees*: The resident or employee must be onsite during all hours of operation.

C. Operations:

1. *Nuisance*: The home business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.

2. *Traffic*: The home business shall not generate vehicular traffic in greater volumes than would normally be expected in the area in which it is located.

3. *Parking*:

a. The lot shall be required to have one (1) additional parking space beyond that required in the applicable Parking Standards, or two (2) if a non-resident employee is used on-site.

b. Parking on any right of way, adjoining property, or on the street at any time is strictly prohibited.

4. *Retail*: The home business shall not allow walk-in retail sales outside stated business hours.

- 5. *Hours:*
  - a. The hours of operation for customers shall not be earlier than 9:00 am or later than 7:00 pm daily.
  - b. The hours for employees shall not be more than 1 hour earlier and/or later than the hours of operation.
- D. *Design:*
  - 1. *Primary Structure:*
    - a. The home business shall be conducted entirely within the primary structure.
    - b. The home business shall be less than fifty percent (<50%) of the square footage of the primary structure.
    - c. There shall be no visible evidence of the home business, including but not limited to alterations to the exterior of the structure which change the character of the residence. However, the character of the property may show during hours of operation minimal evidence of its business use, including exterior storage of materials, vehicles, or equipment used in the home business.
  - 2. *Parking and Loading:*
    - a. Off-street parking and loading facilities beyond what are considered common for the zoning district shall not be permitted.
    - b. Deliveries shall be made by a vehicle not larger than a box-style truck.
  - 3. *Mechanical Equipment:* The home business shall not require the installation of mechanical equipment other than that, which is common in the zoning district.
  - 4. *Utility Service:* The home business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in the zoning district.
  - 5. *Signs:* Temporary signs may be displayed during stated hours of operation only.

From/To: Delete all references to 5.31 on the following pages: 5-04 and 5-59

From/To: Delete all references to 5.32 on the following pages: Table of Contents iii, 5-04 and 5-59

From/To: Delete all references to HB-01 and replace with 5.31 HB on the following pages: Table of Contents iii, 2-07, 2-11, 2-13, 2-15, 2-17, 2-19 and 5-28

From/To: Delete all references to HB-02 and replace with 5.31 HB on the following pages: Table of Contents iii, 2-07, 2-11, 2-13, 2-15, and 5-29

From/To: Delete all references to 5.31 HB-02 and replace with 5.31 HB on the following pages: Table of Contents iii, 2-07, 2-11, 2-13, 2-15, and 5-29

From/To: Delete all references to Type 1 on the following pages: Table of Contents iii, 5-04, 5-28, 5-45, 5-59, 9-05, 11-26, 11-32, A-02 and A-03

From/To: Delete all references to Type 2 on the following pages: Table of Contents iii, 2-06, 2-10, 2-12, 2-14, 2-22, 5-04, 5-29, 5-45, 5-59, 9-05, 11-26, 11-32, A-02 and A-03

V. Summary of Public Comment:

[Empty rectangular box for public comment summary]

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By:  D. Rippe  Date Codified: \_\_\_\_\_

Unified Development Ordinance (UDO) Proposed Text Amendment

UDO Change Log Number: 2018-33 Page 1 of 1

Date: 03/25/21

UDO Revision Affected: 2018/01/31

Change Status: 4- (Public Feedback)

I. UDO Article Description : Improvement Location Permit

UDO Article #: 9.05 (G)(3)

UDO Page #: 9-09

Change Category: Amendment

Comp Plan Objectives: None

II. Description of Change:

Correct the inconsistency in permit expiration duration between Town of Clear Lake Improvement Location Permits and Steuben County building department

III. Basis for Change:

Consistency with Steuben County building department

IV. Change Language (From, To):

From:

G. Duration:

1. *Procedural Expiration*: An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within ninety (90) days from notification.
2. *Commencement*: After an Improvement Location Permit is issued, the project shall commence within three (3) months.
3. *Expiration*: After an Improvement Location Permit is issued, the project shall be completed within twenty (20) months. Improvement Location Permits that exceed the twenty (20) month timeframe shall apply for a Improvement Location Permit Extension with the Zoning Administrator.

To:

G. Duration:

1. *Procedural Expiration*: An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within ninety (90) days from notification.
2. *Commencement*: After an Improvement Location Permit is issued, the project shall commence within three (3) months.
3. *Expiration*: After an Improvement Location Permit is issued, the project shall be completed within **twelve (12)** months. Improvement Location Permits that exceed the **twelve (12)** month timeframe shall apply for a Improvement Location Permit Extension with the Zoning Administrator.

V. Summary of Public Comment:

VI. Plan Commission Recommendation: Favorable, Unfavorable, No Recommendation

Prepared By: Daniel Rippe

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

## 2018 Change Summary

- **Approved (Ready for Public Feedback)**

- 2018-1, -2, -4, -5, -6, -7, -8, -9, -13, -14, -15, -18, -19, -21, -22, -23, -24, -25, -28, -33

- **Awaiting PC Approval**

- None