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(260) 495-9158 / (260) 495-5902 fax
www.townofclearlake.org

Town of Clear Lake – Plan Commission Meeting
Tuesday August 4, 2026, at 7:00pm

Conference number 1-646-931-3860

Meeting ID: 647 970 5713

Web Passcode: Clear

Phone Passcode: 121380

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

Agenda

- A.** Call to Order
- B.** Introductions and Roll Call
- C.** Approval of Meeting Agenda
- D.** Approval of Minutes
 - 1. May 4, 2026
- E.** Budget Items
 - 1. None
- F.** Applications, Petitions, or Hearings
 - 1. None
- G.** Old Business
- H.** New Business
 - 1. Administrative Subdivision Report
 - 2. Address Assignment Report
 - 3. UDO Change 2026-02, ILP Duration
 - 4. UDO Change 2026-03 As-Built Survey
 - 5. UDO Change 2026-04 ILP Certificate of Completion
 - 6. Amendment to PC Rules of Procedure
- I.** Adjournment

The next regular scheduled meeting of the Clear Lake Plan Commission will be on Monday, November 2, 2026, at 7pm. The deadline for items requiring legal notice is 28 days prior to the meeting.

Please note: Agenda items listed are those reasonably anticipated and may be discussed at the meeting. Not all items listed may necessarily be discussed and there may be other items not listed that may be brought up for discussion.

Town of Clear Lake Plan Commission Meeting Minutes – May 4, 2026

Plan Commission President Bert Elliott called the meeting to order at 7:00pm.

There were 5 residents in attendance and 1 via Zoom.

Members introduced themselves:

Guy Rodgers, Street & Sewer Superintendent
John Schenkel, 472 East Clear Lake Drive
Cecil Fleeman, 240 Penner Drive
Dan Rippe, 126 Lakeside Court
Bert Elliott, 1058 South Clear Lake Drive
Jim Hauguel, 154 West Clear Lake Drive
B. Hanna, 208 West Clear Lake Drive
Jennifer Smith-Sattison, Billing Clerk
Mike Hawk, Attorney to the Plan Commission
Amber Bassett, Hometown Initiatives (Zoom)

B. Elliott entertained a motion to approve May 4, 2026, agenda.

Motion by: D. Rippe

To approve May 4, 2026, agenda.

2nd by: J. Hauguel

All in favor, say aye. Motion carried; May 4, 2026, agenda approved.

B. Elliott entertained a motion to approve March 17, 2026, Plan Commission Special Session meeting minutes.

Motion by: D. Rippe

To approve March 17, 2026, Plan Commission Special Session meeting minutes.

2nd by: J. Schenkel

All in favor, say aye. Motion carried; March 17, 2026, Plan Commission Special Session meeting minutes approved.

A. Bassett went through Administrative Subdivision Report.

Plan Commission members asked questions and discussed.

A. Bassett, B. Elliott, D. Rippe and J. Hauguel went through the Zoning Administration Services PowerPoint report.

Plan Commission discussed and asked questions.

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

2nd by: J. Hauguel

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

Public commented.

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

2nd by: J. Hauguel

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

D. Rippe entertained a motion for the Plan Commission to consider approving the subcommittee recommendations containing the next step slides except for the typo on bullet number three being 2027 instead of 2026.

2nd by: B. Hanna

All in favor, say aye. Motion carried; Approved the subcommittee recommendations containing the next step slides except for the typo on bullet number three being 2027 instead of 2026.

A. Bassett went through address assignment report.

Plan Commission discussed.

B. Elliott entertained a motion to approve proposed addresses as presented.

Motion by: J. Schenkel

To approve proposed addresses as presented.

2nd by: G. Rodgers

All in favor, say aye. Motion carried; addresses approved as presented.

B. Elliott entertained a motion to adjourn the meeting.

Motion by: J. Hauguel

To adjourn meeting.

2nd by: B. Hanna

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

President B. Elliott adjourned meeting at 8:08pm.



Bert Elliott, Plan Commission President



Attest: Jennifer Smith-Sattison, Billing Clerk



Plan Commission – August 4, 2026

Report of Administrative Subdivisions required per UDO 9.17.F.4.

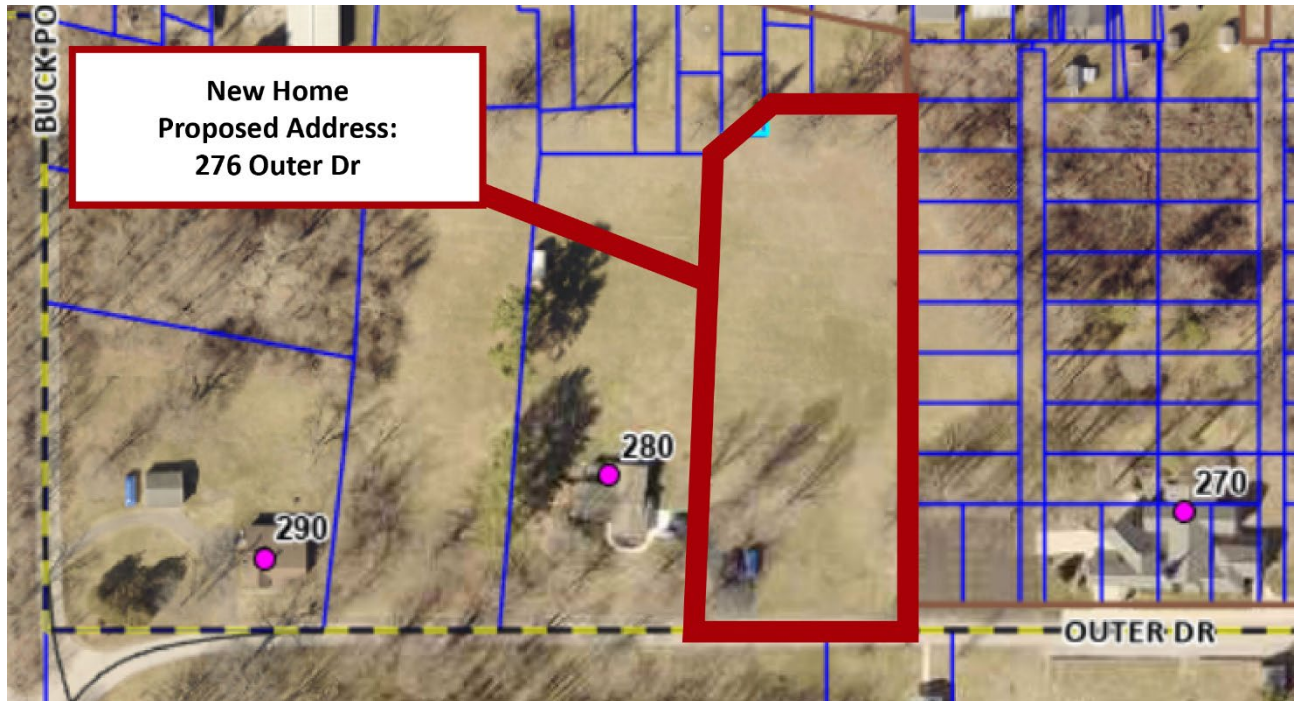
Address	Owner	Status
504 ½ ECLD	Buehrer	Lot Line Adjustment PC Signed off on June 10, 2026 CT submitted to Steuben County Recorder
678 SCLD	Yackee	Merge two lots PC signed off on June 25, 2026 CT submitted to Steuben County Recorder

Plan Commission – August 4, 2026
Address Report

New Home

Proposed Addresses:

- 276 Outer Drive



Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: Jim Hauguel
UDO Change Log Number: 2026-02
Date: February 3, 2026
Revised: August 4, 2026
UDO Revision Affected: _____
Change Status: 5. Public Participation Awareness

I. UDO Article Description: ILP Application Duration
UDO Article #: 9.05 G.3
UDO Page #: 9-09a
Change Category: Amendment
Comp Plan Objectives: Policy 1.1, Objective 1.1.2. Develop a system of impact fees to compensate the Town for the impact of development on other municipal facilities and services. Assess the impact of fees as necessary.

II. Description of Change:

Include language in ILP process to address expired permits and ongoing Zoning Administration work associated with projects until completion.

III. Basis for Change:

Comply with the updated TOCL Ordinance 2025-06 to resolve an issue of expired ILPs lasting more than 12 months.

IV. Change Language (From, To):

From:

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.

To:

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 an Improvement Location Permit Extension with the Zoning Administrator. Extensions may be made in six-month increments with a limit of three (3) extensions at a rate equal to 25% of the original application fee for each extension.

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By: _____

Date Codified: _____

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: Jim Hauguel

UDO Change Log Number: 2026-03

Date: August 4, 2026

Revised: _____

UDO Revision Affected: _____

Change Status: Draft – Change Request

I. UDO Article Description: Improvement Location Permit & Actionable Violations

UDO Article #: 9.05.H & 10.01.F

UDO Page #: 9.09a & 10.02

Change Category: Amendment

Comp Plan Objectives: Policy 7.2, Objective 7.2.1

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

II. Description of Change:

Insert new topic As-built Survey into current section UDO 9.05.H and move current topic to UDO 9.05.I; Specify the lack of notifications, inspections, and as-built survey submission as non-compliance with approvals

III. Basis for Change:

Identify the need for an “As-Built Survey” for specific projects, including, but not limited to, projects requiring foundation and/or structure work. Include the failure to submit an as-built survey as non-compliance issue.

IV. Change Language (From, To):

9.05.H. From:

9.05.H To:

H. As-Built Survey: An as-built survey shall be required for projects receiving an Improvement Location Permit that involve non-inhabitable structures on a permanent foundation; projects involving habitable buildings; or other projects as determined by the Zoning Administrator.

Unified Development Ordinance (UDO) Proposed Text Amendment

1. *Foundation Notification:* An applicant shall notify the Zoning Administrator when the foundation pour occurs.
2. *Timing:* An as-built survey, signed and stamped by a licensed surveyor or engineer shall be provided to the Zoning Administrator within thirty (30) days of the foundation pour. The as-built survey shall illustrate the foundation complies with all applicable setback standards.

I. Modification After Issuance of an Improvement Location Permit: At the discretion of the Zoning Administrator, an Improvement Location Permit may be modified if:

- Warranted: Warranted due to discoveries during construction or other significant finding, and
- Requested Prior to Initiation: Requested 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 use or change to an existing land use.
- or if:
- Warranted: Warranted due to discoveries during construction or other significant finding, and
- Component is Not Completed: Requested prior to the applicable component of the project has been completed, and
- Not Correcting a Violation: The modification is not an attempt to correct a violation.
- If a modification is permitted, the Zoning Administrator shall request any necessary information, shall review the modification for its compliance to this Unified Development Ordinance, and then render a decision. If the proposed modification meets the provisions of this Unified Development Ordinance the Improvement Location Permit may be amended and filed. If denied, to be considered, or denied for non-compliance, the modification shall be disallowed.

10.01.F From:

F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, enforceable covenants, or commitments associated with any approval; or

10.01.F To:

F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, **notifications, inspections, as-built survey submission**, enforceable covenants, or commitments associated with any approval; or

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By: _____

Date Codified _____

Summary / Review

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: Jim Hauguel

UDO Change Log Number: 2026-04

Date: August 4, 2026

Revised: _____

UDO Revision Affected: _____

Change Status: Draft – Change Request

I. UDO Article Description: Improvement Location Permit

UDO Article #: 9.05.J

UDO Page #: 9.09a

Change Category: Amendment

Comp Plan Objectives: Policy 7.2, Objective 7.2.1

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

II. Description of Change:

Integrate a Certificate of Completion as a new component of the Improvement Location Permit (ILP) process

III. Basis for Change:

Identify the completion of all work and that all UDO requirements for any given ILP project are met. A final inspection from the Zoning Administrator will be conducted to ensure full completion of the project and to update the status of an open ILP to closed.

IV. Change Language (From, To):

From:

Unified Development Ordinance (UDO) Proposed Text Amendment

To:

J. Certificate of Completion: The applicant shall notify the Zoning Administrator when the project is complete for the final zoning compliance check, issuance of a Certificate of Completion, and closeout of the Improvement Location Permit.

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By:

Date Codified

Summary / Review

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:
1. Constructing, altering, or modifying a house or cottage
 2. Constructing, altering, or modifying an accessory structure (e.g. garage, carport, shed, pool house)
 3. Altering or modifying a structure's height, roof pitch, or massing (e.g. adding a dormer)
 4. Constructing or modifying impervious surfac (e.g. driveway, sidewalk, patio)
 5. Installing a swimming pool
 6. Installing, altering, or modifying a fence
 7. Constructing, altering, or modifying a deck or retaining wall
 8. Installing a permanent sign
 9. Constructing a pond
 10. Outdoor mechanical equipment
 11. Home Business
- 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 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 effect to drainage or the clear side yard setback (SB-03: Lake Residential Setback Standards 5.65 (B)).
 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. *Home Business*: 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.

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.
6. *Parking:* Parking within the Town of Clear Lake shall comply with Town of Clear, Indiana Code of Ordinances Title VII: Traffic Code Chapter 72: Parking Regulations paragraph 72.02 Regulations on Roads and Streets

D. Prerequisites:

1. *Administrative Subdivisions:* Any lot being used in combination with an adjacent lot shall first complete the Administrative Subdivision process, *Section 9.17: Subdivision of Land; Administrative*, if in an applicable zoning district, and if the project includes a new primary structure, an addition to the primary structure, a new occupiable accessory structure, an addition to an occupiable accessory structure, a new storage-based accessory structure, or an addition to a storage-based accessory structure.
2. *Sewer Connections:* In projects where a new sanitary sewer connection is necessary, written approval of the new connection from the Town Council shall be required prior to an Improvement Location Permit being issued.
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.

E. Filing Requirements:

1. *Application:* Application for an Improvement Location Permit shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
 - a. Property owner's name, mailing address, phone number and/or email address.
 - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
 - c. Written detailed description of the proposed project.
 - d. Date submitted and signed.
 - e. Signature of the applicant, testifying that they are authorized to represent the property.
 - f. Any other information requested on the application form.
2. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
 - a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
 - i. A drawing of the parcel with dimensions.
 - ii. The building envelope (i.e. the resulting developable area after applying setbacks).
 - iii. The location of existing structures (e.g. home, garage, sidewalk, or driveway).
 - iv. The location of the proposed structure.
 - v. A calculation of the existing lot coverage, expressed in a percentage.
 - vi. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.

- vii. An affidavit stating the proposed project is not located within a floodplain or easement. (e.g., Sewer Grinder, etc.).
- viii. Denotation of the location of canopy trees required by 5.38 Landscaping pg. 5-34.
- b. Flatwork projects.
 - i. A scale drawing of the parcel with dimensions.
 - ii. The location of primary structures.
 - iii. Location of the proposed flatwork.
 - iv. An affidavit stating the proposed project is not located within an easement. (e.g., Sewer Grinder, etc.).
 - v. If the Zoning Administrator suspects the intended site for flatwork to be a wetland, the Zoning Administrator may request a determination by a soil scientist as to whether a wetland exists.
- c. Projects involving non-inhabitable structures mounted on a permanent foundation.
 - i. All requirements of *Section 9.05(E)(3)(a): Applicability*.
 - ii. A scale drawing of the parcel with dimensions prepared and stamped by a registered land surveyor.
 - iii. Existing adjacent rights-of-way, street easements or alley easements, and the name of the street or alley if applicable.
 - 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.
 - v. Denotation of any existing structure on adjacent parcels if within twenty (20) feet of the subject parcel's property line.
 - vi. If the Zoning Administrator suspects the intended site of a non-inhabitable building to be a wetland, the Zoning Administrator may request a determination by a soil scientist as to whether a wetland exists.
 - vii. Denotation of the location of canopy trees required by 5.38 Landscaping pg. 5-34
- d. Projects involving inhabitable buildings.
 - i. All requirements of *Section 9.05(E)(3)(a): Applicability*.
 - ii. A scale drawing of the parcel with dimensions prepared and stamped by a registered land surveyor.
 - iii. Denotation of the location of mature trees, greater than nine (9) inches in caliper.
 - iv. Elevation above sea level at the location of the project prior to alteration of land.
 - v. If the Zoning Administrator suspects the intended site of an inhabitable building to be a wetland, the Zoning Administrator may request a determination by a soil scientist as to whether a wetland exists.
 - vi. Denotation of adjacent zoning districts if different than the subject parcel.
 - vii. Location of existing or proposed drainage tile.
 - viii. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
 - ix. Location of a septic system, well, geothermal loop, or other on-site utility system.
 - x. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.
 - xi. Easements (e.g., Sewer Grinder, etc.) on the parcel, including the name of the easement holder.
 - xii. Denotation of the location of canopy trees required by 5.38 Landscaping pg. 5-34
- e. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a complex or unique project complies with the provisions of this Unified Development Ordinance.
- f. Site Survey: The Zoning Administrator may allow for submittal of a scale drawing rather than a scale drawing prepared and stamped by a registered land surveyor in cases where a surveyor's drawing is not relevant to the project compliance. If such discretion is exercised, the Zoning Administrator shall document the rationale for the exercise of that discretion.

3. *For Permanent Alteration to the Land:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
 - a. Applicability: Projects that involve disturbing (e.g. altering drainage or relocating dirt on-site) more than five percent (5%) of a parcel's area on a parcel less than five (5) acres in area, or disturbing any portion of a site greater than five (5) acres, or a project which results in more than 300 cubic yards of soil being disturbed (cumulative of soil added from one area and soil removed from another, not the net of soil added and removed) shall provide the following.
 - i. A scale drawing of the parcel with dimensions prepared and stamped by a registered land surveyor or engineer.
 - ii. The location of existing structures (e.g. building, sidewalk, or driveway).
 - iii. Denotation of existing mature trees, greater than nine (9) inches in caliper.
 - iv. Denotation of floodplains, wetlands, rock formations, karst, natural lakes, streams, regulated drains, retention ponds, detention ponds, known drainage tile, inlets, outlets, monuments or markers, and drainage swales on the parcel and within seventy-five (75) feet of the parcel's property lines.
 - v. If the Zoning Administrator suspects the intended site to be a wetland, the Zoning Administrator may request a determination by a soil scientist as to whether a wetland exists.
 - vi. Two-foot contour lines of the existing parcel.
 - vii. Two-foot contours showing the parcel's contours as it would be upon completing the proposed project.
 - viii. Erosion control methodology, devices, locations, and maintenance strategy.
 - ix. Drainage evaluation of the existing parcel and as it would be upon completion of the proposed project with a characterization of the change to drainage onto adjacent properties, into drainage tile, or into surface water ways.
 - x. Design cross-section of recreation ponds.
4. *For Installation of Outdoor Mechanical Equipment:* The following supporting information shall be provided on a site plan, application form, or as an attachment.
 - a. A drawing of the parcel with dimensions.
 - b. Location of primary structures.
 - c. Location of proposed outdoor mechanical equipment.
5. *For Establishment of a New Land Use or Change to an Existing Land Use:* The following supporting information shall be provided on a site plan, application form, or as an attachment.
 - a. Description of the proposed new land use or change to an existing land use.
 - b. Detailed description of how the new or changed in land use will affect parking, average daily trips, currier service, building alterations inside and outside, use of outdoor areas, use of accessory structures, and number of employees.
6. *Deadline:* Applications for an Improvement Location Permit may be filed any time.
7. *Fees:* Applicable fees shall be paid at the time the application for an Improvement Location Permit is filed. Fees shall include reimbursement for any cost borne by the Plan Commission or Zoning Administrator to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

F. Permit Procedure:

1. *Substantially Complete Application:* An application for an Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator must first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
2. *Review the Project's Compliance:* After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with this Unified Development Ordinance. The Zoning Administrator may consult with any other person, department, or group to determine if the project complies with all of the provisions of this Unified Development Ordinance. During the review process, the Zoning Administrator may:
 - a. *Request Additional Information:* During the process of rendering a decision, the Zoning Administrator may request additional information to be added to the site plan, application form, or attachments.
 - b. *Exercise Discretion:* Some provisions within this Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
 - c. *Interpret this Unified Development Ordinance:* Because this Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of this Unified Development Ordinance when not specifically addressed.
3. *Render a Decision:* The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
4. *Issuing an Improvement Location Permit:* If the proposed project complies with this Unified Development Ordinance, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue an Improvement Location Permit. The Zoning Administrator shall send the adjacent property owners a courtesy notice indicating an Improvement Location Permit had been issued, a brief description of the project approved, and notice that an appeal period applies.
5. *Decision to Deny:* If the proposed project does not comply with this Unified Development Ordinance, the Zoning Administrator shall not issue an Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing an Improvement Location Permit and send that information to the applicant by email or U.S. Mail, or by telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If a proposed project does not comply with this Unified Development Ordinance, the applicant may promptly revise the application, or may promptly pursue relief from this Unified Development Ordinance.
6. *Allowance for Revision Prior to a Decision:* At the discretion of the Zoning Administrator, the applicant may be permitted to modify the site plan, application form, or attachments prior to a decision by the Zoning Administrator.
7. *Allowance for Revision After a Decision:* After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with this Unified Development Ordinance without terminating the process.
8. *Pursuit of Relief:* After a decision to deny, the applicant may promptly pursue an administrative appeal, variance from development standards, or variance of use. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

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 an Improvement Location Permit Extension with the Zoning Administrator. Extensions may be made in six-month increments with a limit of three (3) extensions at a rate equal to 25% of the original application fee for each extension.

H. As-Built Survey: An as-built survey shall be required for projects receiving an Improvement Location Permit that involve non-inhabitable structures on a permanent foundation; projects involving habitable buildings; or other projects as determined by the Zoning Administrator.

1. *Foundation Notification:* An applicant shall notify the Zoning Administrator when the foundation pour occurs.
2. *Timing:* An as-built survey, signed and stamped by a licensed surveyor or engineer shall be provided to the Zoning Administrator within thirty (30) days of the foundation pour. The as-built survey shall illustrate the foundation complies with all applicable setback standards.

I. Modification After Issuance of an Improvement Location Permit: At the discretion of the Zoning Administrator, an Improvement Location Permit may be modified if:

1. Warranted: Warranted due to discoveries during construction or other significant finding, and
 2. Requested Prior to Initiation: Requested 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 use or change to an existing land use.
- or if:
3. Warranted: Warranted due to discoveries during construction or other significant finding, and
 4. Component is Not Completed: Requested prior to the applicable component of the project has been completed, and
 5. Not Correcting a Violation: The modification is not an attempt to correct a violation.

If a modification is permitted, the Zoning Administrator shall request any necessary information, shall review the modification for its compliance to this Unified Development Ordinance, and then render a decision. If the proposed modification meets the provisions of this Unified Development Ordinance the Improvement Location Permit may be amended and filed. If denied to be considered or denied for non-compliance, the modification shall be disallowed.

J. Certificate of Completion: The applicant shall notify the Zoning Administrator when the project is complete for the final zoning compliance check, issuance of Certificate of Completion, and closeout of the Improvement Location Permit.

Improvement Location Permit

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Article

10

Enforcement and Penalties

Town of Clear Lake Unified Development Ordinance

10.01 Actionable Violations

It shall be an actionable violation of this Unified Development Ordinance to:

- A. Non-permitted Structures: Construct, place, or modify a structure in a manner that is not expressly permitted by this Unified Development Ordinance;
- B. Permitted Structures: Construct, place, or modify a structure in a manner permitted by this Unified Development Ordinance without first being issued all permits and/or other approvals required by this Unified Development Ordinance;
- C. Exempt Permitted Structures: For structures that are exempt from needing a permit; construct, place, or modify a structure in a manner that is not expressly permitted by this Unified Development Ordinance;
- D. Non-permitted Uses: Utilize a property for a use that is not expressly permitted by this Unified Development Ordinance in the applicable zoning district; or by a use variance or other approval permitted under this Unified Development Ordinance;
- E. Permitted Uses: Utilize a property for a use expressly permitted by this Unified Development Ordinance without first being issued a permit and/or other approvals required by this Unified Development Ordinance;
- F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, **notifications, inspections, as-built survey submission**, enforceable covenants, or commitments associated with any approval; or
- G. Other Violations: Otherwise fail to comply with any component of this Unified Development Ordinance.

10.02 Enforcement Official

Enforcement of this Unified Development Ordinance shall be conducted by an enforcement official. When a type of enforcement action or role is assigned to a specific board, body or individual by Indiana Code or applicable rules of procedure, then that board, body, or individual shall participate as specified.

10.03 Discovery of Violations

An enforcement official may survey the jurisdiction or may investigate alleged violations in order to discover whether a violation occurred or exists.

10.04 Inspection of Property

- A. Standard Inspections: Inspections of property or structures may be conducted by the enforcement official from the property where the violation or alleged violation is located with permission from the violator at the time of the inspection; from a public right-of-way, or from an adjacent property with permission from its property owner. If requested, the enforcement official shall present identification and describe the purpose of the inspection.
- B. Denial of Access to Property: In the event the enforcement official is denied entry to a property or structure where there is a violation or alleged violation, the enforcement official may apply to a court of jurisdiction to secure a search warrant authorizing inspection of the property or structure.
- C. Surrender of Right to Deny Access: A property owner surrenders his right to deny an enforcement official access to his property or structure upon filing for any approval. The surrender to deny access shall commence upon filing and shall cease upon the Zoning Administrator issuing a zoning compliance certificate or other required final inspection.

10.05 Responsibility for Violations

The owner or possessor (e.g. tenant or occupant) of the structure, land, and/or premises shall be liable for violations of this Unified Development Ordinance. If the possessor of the property or structure is determined to be liable for the violation but fails to comply or otherwise cannot be sufficiently pursued, the owner shall be held liable for the violation.

10.06 New Permits at Location Where a Violation Exists

When a violation or alleged violation of this Unified Development Ordinance has been identified on a property and notice of the violation or alleged violation has been conveyed in writing to the violator, any new filing for any approval shall be held by the Zoning Administrator until the violation or alleged violation is resolved, provided that the desired approval would complicate, escalate, or add to the violation or alleged violation. All other filings for an approval shall be processed as described in this Unified Development Ordinance.

Clear Lake Plan Commission

Rules of Procedure

Article 1 Name, Purpose, Powers, and Jurisdiction

- 1.1 Name: The name of the Commission shall be the Clear Lake Plan Commission. Its office shall be located in the Town Hall at 111 Gecowets Drive, Clear Lake, Fremont Indiana 46737.
- 1.2 Purpose: The purpose of the Commission is to prepare, adopt, and maintain a Comprehensive Plan that promotes orderly development, improves the health, safety, convenience, and welfare of its residents, and plans for the future development of the community. [IC 36-7-4-201]
- 1.3 Powers and Duties: The powers and duties of the Clear Lake Plan Commission are specific and set out in Indiana Code 36-7-4-401 through Indiana Code 36-7-4-411 as amended from time to time.
 - A. The Clear Lake Plan Commission is an advisory plan commission [IC 36-7-4-202(a)]. The Commission acts in an advisory capacity to the Clear Lake Town Council regarding:
 - i. The adoption of a Comprehensive Plan and amendments thereto;
 - ii. The adoption of development ordinances, zoning ordinances, subdivision control ordinances, zoning maps, and amendments thereto; and
 - iii. Any other matter, within the jurisdiction of the Commission, authorized by advisory planning law.
 - B. The Commission renders final decisions concerning
 - i. Plats or replats of subdivisions; and
 - ii. Development Plans.
- 1.4 Jurisdiction: The jurisdiction of the Commission shall be the Town of Clear Lake corporate limits.
- 1.5 Seal: The Plan Commission adopts a seal with the caption "Clear Lake Plan Commission."

Article 2 Meetings

- 2.1 Regular Meetings: The Clear Lake Plan Commission shall meet four (4) times per year on the first Tuesday of February, May, August, and November [IC 36-7-4-306]. The Plan Commission shall elect officers at its first regularly scheduled meeting of each year in February. Regular meetings may be canceled if there is no business.
- 2.2 Special Meetings: All other meetings of the Clear Lake Plan Commission, which are not regular meetings, shall be designated as special meetings. All notices required by the Open Door Law of the State of Indiana shall be complied with in calling a special meeting.
- A. The President, Plan Commission Staff, or two (2) members of the Plan Commission upon written request to the Secretary may call special meetings. The Secretary shall then send to all members, at least three (3) days before the special meeting, notice fixing the time and place of the meeting and specifying the subject matter of the meeting. This notice shall not be required if the date, time, and place of the special meeting have been fixed at a regular meeting.
- B. An applicant may request a special meeting. An applicant-requested special meeting may only be held on the first Monday of a month without a regular meeting (i.e. January, March, April, June, July, September, October, or December). The applicant shall pay the fee established in the Town of Clear Lake fee schedule for calling a special meeting.
- 2.3 Place of Meeting: Clear Lake Plan Commission meetings shall take place in the Clear Lake Town Hall at 7:00 PM. The President may change the date, time, or place of a regular meeting provided that notice of said change is given to all members, interested parties, and the public.
- 2.4 Notice of Meetings: Notice of meetings shall be given to all members of the Plan Commission in person, by telephone, by e-mail, by fax, or by regular United States mail. News media entitled to notice shall be notified by United States mail, fax, telephone, or e-mail. All notices that are required to be posted shall be posted in the Town Hall (111 Gecowets), Clear Lake Spirits (630 ECLD), Clear Lake Marina (6320 N. 700 E.) and posted on the Town of Clear Lake Website. The Secretary shall be responsible for providing meeting notices to the Clear Lake Clerk-Treasurer in a timely manner for publication in the newspaper and/or posting as required.
- 2.5 Minutes of Meetings: The Plan Commission shall keep minutes of each meeting. These minutes shall be presented to the Plan Commission at the next regular succeeding meeting for approval. When approved, the minutes shall be signed by the Secretary and kept in the Plan Commission minute book in the Town Hall.

2.6 Order of Business: The following order of business shall be followed at all meetings of the Plan Commission.

- A. President shall call meeting to order
- B. Secretary shall take roll and determine if a quorum is present
- C. Approval of minutes from previous meetings
- D. Budget items
- E. Applications, petitions, and/or public hearings
- F. Old business
- G. New business
- H. Adjournment

2.7 Quorum and Official Action: A majority of the Clear Lake Plan Commission that is qualified to vote, four (4) members, shall constitute a quorum [IC 36-7-4-301]. Action of the Clear Lake Plan Commission is not official unless authorized at a regular or special meeting by a majority of the entire membership of the Clear Lake Plan Commission [IC 36-7-4-302].

2.8 Late Night Meeting Policy: It shall be the policy of the Clear Lake Plan Commission to conclude all meetings at or before 10:00 PM. In the event that agenda items or other Commission matters have not been acted on by 10:00 PM on any meeting day, the meeting shall be recessed and reconvened the following evening, in the same location at 7:00 PM, unless otherwise announced. All items or matters not acted on during the recessed meeting may be acted on during the reconvened meeting without further advertisement. The above notwithstanding, the Plan Commission may extend any meeting beyond the hour of 10:00 PM with a vote of at least three-fourths ($\frac{3}{4}$) of all members present provided a quorum of the Commission exists.

Article 3 Membership and Officers

3.1 Membership: The Plan Commission membership shall be consistent with the provisions of Indiana Code 36-7-4-207(B) and 36-7-4-213 as amended from time to time.

- A. The Town Council shall appoint three (3) persons who must be elected or appointed municipal officials or employees in the municipal government.
- B. The Town Council President shall appoint four (4) citizen members, of which no more than two (2) may be of the same political party.
- C. The Steuben County Plan Commission shall designate a representative from the Steuben County Plan Commission to serve as an advisory member of the Clear Lake Plan Commission. The member has all of the privileges of membership, except the right to vote.
- D. The appointing authority may also appoint an alternate member to participate with the commission in a hearing or decision if the regular member appointed by the appointing authority has a disqualification [IC 36-7-4-220].

3.2 Terms and Removal: Terms of Plan Commission members shall be consistent with the provisions of Indiana Code 36-7-4-217 and 36-7-4-218.

- A. The term of office of a member who is appointed from the membership of a legislative body is coextensive with the member's term of office on that body, board, or council unless that body, board, or council appoints at its first regular meeting in any year, another to serve as its representative.
- B. When an initial term of office of a citizen member expires, each new appointment of a citizen member is for a term of four (4) years.
- C. A member of the Plan Commission serves at the pleasure of the appointing authority so long as:
 - i. The officeholder who appointed the individual continues to hold the office; or
 - ii. The board, committee, or body that appointed the individual retains all the same members who served on the board, committee, or body when the individual was appointed.If neither situation exists, then the "for cause" and procedures outlined in Section 3.2 D. of the Rules of Procedures still applies.

~~C.D.~~ The appointing authority may remove a member from the Plan commission for cause. The appointing authority must mail notice of the removal, along with written reason for removal, to the member. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the Circuit or Superior Court of Steuben County. The court may, pending the outcome of the appeal, order the removal or stay the removal of the member.

3.3 Officers:

- A. Election of Officers: The Clear Lake Plan Commission shall elect a President and Vice-President from the members of the Plan Commission at the end of its first regular meeting of each year. The Plan Commission may appoint and fix the duties of a Secretary, who is not required to be a member of the Commission [IC 36-7-4-303 and IC 36-7-4-303].
 - i. The person serving as the President at the last meeting of the preceding year shall entertain nominations for each office specified in these Rules of Procedure.
 - ii. Whenever a candidate receives a majority of the vote of the entire membership of the Commission, that person shall be declared elected.
 - iii. Each officer elected under these rules shall enter into office immediately upon being declared elected and shall serve until the successor is declared elected at the first meeting

of the following year, or until the officer is no longer a member of the Commission.

- B. Vacancy: Whenever any office becomes vacant, the Commission shall elect a successor at its next regular meeting to complete the remainder of the unexpired term.

C. Duties of Each Officer:

- i. The President shall preside over each regular or special meeting of the Clear Lake Plan Commission, shall perform duties normally performed by a presiding officer including the appointment of committees, ruling on all points of procedure, signing all official documents on behalf of the Plan Commission, and serving on the Executive Committee.
- ii. The Vice-President shall preside over and assume the duties and responsibilities of the President at any meetings at which the President is absent. The Vice-President shall serve on the Executive Committee. The Plan Commission shall elect a temporary president from among its members if both the President and Vice-President are absent.
- iii. The Secretary shall keep records of all meetings, applications, and other items of the Clear Lake Plan Commission. The Secretary, in conjunction with the Clear Lake Clerk-Treasurer, shall keep track of all money receipted and disbursed by the Clear Lake Plan Commission [IC 36-7-4-303 and IC 36-7-4-304].

3.4 Conflict of Interest:

- A. No member of the Clear Lake Plan Commission shall participate in the hearing or decision of the Commission, other than the preparation and enactment of a comprehensive plan, concerning a legislative act or zoning decision in which he or she has a direct or indirect financial interest or is aware of circumstances that would prevent the member from considering an application in a fair and unbiased manner. In the event of such disqualification, such fact shall be entered into the records of the Plan Commission along with name of the alternate member, if any, who participates in the hearing in place of the regular member.
- B. If the President disqualifies himself or herself for any reason and the Vice-President is absent or unavailable, the President shall have the power to appoint another member of the Commission as temporary president for the purpose of conducting the meeting. The temporary president retains his or her right to vote, and the regular President shall be counted in determining whether or not a quorum is present [IC 36-7-4-223].

3.5 Voting:

- A. Each member of the Clear Lake Plan Commission shall have one (1) vote.
- B. Decisions of the Plan Commission shall be by voice vote unless a paper ballot is requested by a member of the Plan Commission. In the case of a paper ballot vote, the President shall disclose the vote of each member when announcing the decision.
- C. All members present shall vote on every matter unless prevented by conflict.

3.6 Vacancies: If a vacancy occurs among the Plan Commission members who are appointed, then the appointing authority shall appoint a member for the unexpired term of the vacating member. [IC 36-7-4-220]

Article 4 Hearings

- 4.1 Required Hearings: Public hearings shall be held as required by Indiana Code and the Town of Clear Lake Unified Development Ordinance for the adoption or amendment of a Comprehensive Plan, the adoption or amendment of the Unified Development Ordinance, the adoption or amendment of the Zoning Map, the approval of a preliminary subdivision plat, and other applications as necessary.
- 4.2 Agenda Placement: An applicant who seeks a recommendation from or the approval of the Plan Commission shall file the appropriate application with the Plan Commission. Upon receipt of such an application, payment of filing fees, and confirmation that all the necessary information is included, the Secretary shall place the application on the agenda of the next eligible Plan Commission meeting. Administrative rules and deadlines are established by the Town of Clear Lake Unified Development Ordinance for procedures such as filing an application and are available upon request.
- 4.3 Meeting Attendance: In order for an application to be heard at a public hearing, the application or agent for the applicant shall be in attendance to present the application, evidence and support thereof, and answer questions about the application. If no one is present to represent the applicant, then the Commission shall dispose of the application in accordance with *Article 5: Final Disposition of Cases*.
- 4.4 Conduct of Hearings:
- A. Public hearings shall be conducted according to the following procedure. Please note the time limitations for each hearing segment. To maintain orderly procedure, each side should proceed without interruption by the other side. After being recognized by the President, each speaker giving testimony to the Commission shall complete a “record of Public Hearing Appearance and Presentation of Evidence” form before stating his/her name and address for the record and state whether they support or oppose the application.
 - i. For any application for which a public hearing is required, the President shall introduce the application.
 - ii. The President shall request the applicant present the application. The applicant shall first present the facts and arguments in support of the case (15 minutes). Comments and questions from the Plan Commission concerning the initial presentation shall be held until the end of the initial presentation.
 - iii. The President shall ask for Plan Commission Staff comments on the application.
 - iv. The President shall ask for comments and questions from the Plan Commission.
 - v. The hearing shall then be opened for comments from others.
 - (a) The President will ask for any comments that were submitted to the Plan Commission via the public feedback forms to be summarize by the Plan Commission Staff.
 - (b) Supporting comments from organized groups, committees, and individuals, other than the applicant shall then follow. Speakers should try to present new points and not repeat previous speakers (5 minutes).
 - (c) Opposing comments shall then be heard. Speakers should try to present new points and not repeat previous speakers (15 minutes).
 - (d) The Plan Commission reserves the right to question any speaker at the end of his/her presentation.

- vi. The applicant shall then receive time for rebuttal (5 minutes). In its discretion or upon request, the Plan Commission may permit the opposition to address new information presented in the rebuttal (5 minutes).
 - vii. Once the Plan Commission has no final questions, the public hearing shall be closed.
 - viii. After the hearing is closed, the Plan Commission shall discuss and deliberate the application and shall have the right to ask questions to clarify information.
- B. In the presentation of a case:
- i. The burden shall be on the applicant to supply all information, including charts, diagrams, and other exhibits necessary for a clear understanding of the request.
 - ii. Statements to the Plan Commission made by the applicant at the meeting regarding anticipated methods of operation, siting, or other details relevant to the decision shall be binding agreements between the applicant and the Plan Commission and shall be reflected in the minutes of the meeting.
 - iii. Drawings, displays, or documents presented at the meeting by the applicant illustrating details shall also be binding as to their content and representation if the application receives approval. Said documentation shall become part of the public record, and shall be maintained with the case file.
- C. Every person appearing before the Plan Commission shall abide by the orders and directions of the President. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Plan Commission and shall be dealt with as the President directs.
- D. The Plan Commission may continue or postpone any hearing when it needs more time to deliberate. The Plan Commission, at its discretion and on an affirmative vote of a majority of the Plan Commission, may continue or postpone a hearing upon request of any party.
- E. Postponement/continuation of hearings to a date more than six (6) months beyond the initial public hearing shall not be granted. The Plan Commission shall dismiss such pending requests. The right of applicants to re-file such applications shall be preserved, providing no final disposition of the prior request was granted. Such applications shall again be subject to the payment of filing fees.

Article 5 Final Disposition of Cases

5.1 Final Disposition:

- A. The disposition of cases requiring final approval from the Town of Clear Lake Town Council shall be in the form of a recommendation to the Town Council.
- B. The final disposition of cases requiring only Commission approval shall set forth the findings and determinations of the Commission, together with any modification, specification, or limitation it makes in the Plan Commission minutes.

5.2 No Show: The Commission may dismiss an application if no one shows up to present the request. If an application is dismissed for this reason, the applicant may re-file. Such application shall again be subject to the payment of filing fees.

5.3 Withdraw of Application: An Applicant may not withdraw a case after a motion has been made concerning the application.

5.4 Re-file: An applicant that has received an adverse decision may re-file the application twelve (12) months after the date of the decision and only if there has been a change of circumstances. The change of circumstances must be specified in the re-filed application.

Article 6 Notice

6.1 Notice for Repealing, Replacing, or Amending the Text of the Unified Development Ordinance or Comprehensive Plan: In the event that a proposal would repeal and replace or amend the text of the Unified Development Ordinance, the Plan Commission shall publish notice of the proposal in the Herald Republican ten (10) days or more before the public hearing on the proposal.

6.2 Notice for Repealing and Replacing the Entire Zoning Map: In the event that a proposal would repeal and replace the entire Zoning Map, the Plan Commission shall publish notice of the proposal in the Herald Republican ten (10) days or more before the public hearing on the proposal.

6.3 Request by 100% of the Property Owners: In the event that a request for action by the Plan Commission is made by 100% of the property owners in the proposed action, the following requirements for notice shall be met:

- A. The applicant shall inform *adjacent property owners* of the proposal by sending a copy of the legal notice with the US Post Office's Certificate of Mailing Service with such notice being postmarked at least fourteen (14) days before the public hearing date. *Adjacent properties owners* shall be defined as all contiguous properties with the assumption that public rights-of-way do not exist. Addresses for adjacent property owners shall be obtained through the Steuben County property owner records.

- B. The applicant shall inform *interested property owners*, which are not adjacent property owners, of the proposal by sending a copy of the legal notice by regular mail with such notice being postmarked at least ten (10) days before the public hearing date. *Interested property owners* shall be defined as those within a 300 foot buffer of the subject property. Interested property owners shall be determined by creating a 300 foot buffer around the subject property using the Steuben County GIS system. Addresses for interested property owners shall be obtained by using the Clear Lake Directory.
- C. Such notice shall state:
 - i. The name of the applicant.
 - ii. The location by address or other identifiable geographic description of the subject property.
 - iii. A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zoning maps (if applicable).
 - iv. The time and place that the application has been set for hearing.
 - v. That the application and file may be examined in the Town Hall.
 - vi. That the addressee may voice an opinion at the hearing and/or file written comments with the Plan Commission.
 - vii. That the hearing may be continued from time to time as necessary.
- D. Appearance at any hearing on an application, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.
- E. Proof of notice shall be filed in the case file. Proof shall consist of the original US Postal Service Certificate of Mailing receipts stamped by the US Post Office with the postmark, and/or any envelopes that were returned to sender as “undeliverable.” The postmarked receipts shall be sufficient proof of notice under these rules regardless of actual receipt by the intended recipient.
- F. Plan Commission Staff, in conjunction with the Clear Lake Clerk-Treasurer, shall cause a legal notice to be published in the Herald Republican ten (10) days or more before the public hearing.
- G. The applicant requesting a Public Hearing shall post one “public hearing” yard sign at least fourteen (14) days before the Public Hearing. The sign shall be placed in a visible location (street side) on the property for which a public hearing is to be held. These signs are available from the Town, but require a \$25 deposit which will be refunded when the sign is returned to the Town. The applicant is encouraged to return the sign at the meeting where his/her application will be heard.

6.4 Requests by Less than 100% of the Property Owners: In the event of a request for action by the Plan Commission is made by less than 100% of the property owners in the proposed action, the following requirements for notice shall be met:

- A. The applicant shall inform *affected property owners* and *adjacent property owners* of the proposal by sending a copy of the legal notice with the US Post Office’s Certificate of Mailing Service with such notice being postmarked at least fourteen (14) days before the public hearing date. Those who have signed the application or are acting as the applicant need not be notified. *Affected property owners* shall be defined as those that own land involved in the application. *Adjacent property owners* shall be defined as all contiguous properties with the assumption that public rights-of-way do not exist. Addresses for affected

- property owners and adjacent property owners shall be obtained through the Steuben County property owner records.
- B. The applicant shall inform *interested property owners*, which are not affected property owners or adjacent property owners, of the proposal by sending a copy of the legal notice by regular mail with such notice being postmarked at least ten (10) days before the public hearing date. *Interested property owners* shall be defined as those within a 300 foot buffer of the subject property. Interested property owners shall be determined by creating a 300 foot buffer around the subject property using the Steuben County GIS system. Addresses for interested property owners shall be obtained by using the Clear Lake Directory.
 - C. Such notice shall state:
 - i. The name of the applicant.
 - ii. The location by address or other identifiable geographic description of the subject property.
 - iii. A summary of the subject matter contained in the proposal and/or a description of the proposed change in the zoning maps (if applicable).
 - iv. The time and place that the application has been set for hearing.
 - v. That the application and file may be examined in the Town Hall.
 - vi. That the addressee may voice an opinion at the hearing and/or file written comments with the Plan Commission.
 - vii. That the hearing may be continued from time to time as necessary.
 - D. Appearance at any hearing on an application, in person or by representative, shall waive any defect in notice unless the alleged defect is raised at the beginning of the hearing.
 - E. Proof of notice shall be filed in the case file. Proof shall consist of the original US Postal Service Certificate of Mailing receipts stamped by the US Post Office with the postmark and/or any envelopes that were returned to sender as “undeliverable.” The postmarked receipts shall be sufficient proof of notice under these rules regardless of actual receipt by the intended recipient.
 - F. Plan Commission Staff, in conjunction with the Clear Lake Clerk-Treasurer, shall cause a legal notice to be published in the Herald Republican ten (10) days or more before the public hearing.
 - G. The applicant requesting a Public Hearing shall post one “public hearing” yard sign at least fourteen (14) days before the Public Hearing. The sign shall be placed in a visible location (street side) on the property for which a public hearing is to be held. These signs are available from the Town, but require a \$30 deposit which will be refunded when the sign is returned to the Town. The applicant is encouraged to return the sign at the meeting where his/her application will be heard.
- 6.5 Notice for Other Meetings: For all other meetings of the Plan Commission, a notice shall be posted at the entrance of the building where the meeting will occur giving the meeting time and location. This notice shall be posted at least forty-eight (48) hours before the meeting occurs. No other notice shall be required.
- 6.6 Cost of Notice: The applicant requesting a public hearing shall bear the cost of the newspaper notice and notice to all neighboring property owners by paying the fee established in the Town’s fee schedule.

Article 7 Staff and Committees

- 7.1 Committees: Committees may be created for purposes and terms, which the Commission approves, and in accordance with the following:
- A. Each committee shall be composed of not more than three (3) members of the Clear Lake Plan Commission.
 - B. The President shall appoint a chair for each committee who shall be responsible for all official business of the committee.
 - C. Non-member residents and special resource people may be appointed to serve on committees.

7.2 Executive Committee: The Executive Committee shall be a standing committee of the Plan Commission. The members of the Executive Committee shall be the President, Vice-President, and one (1) additional member of the Plan Commission who shall be appointed at the first regular meeting of each year. The Executive Committee shall be responsible for determining any special projects and/or areas of focus for the Plan Commission.

7.3 Address Committee: Under the authority of Indiana Code § 36-7-4-405, property addressing in the Town of Clear Lake shall be administered by the Zoning Administrator and reviewed through the Address Committee.

A. Role: The role of the Address Committee shall be to review and assign new property addresses or make corrections to addresses within the Town of Clear Lake's planning jurisdiction.

B. Members of the Address Committee shall consist of:

- Zoning Administrator
- Plan Commission President
- Town of Clear Lake Superintendent
- Town of Clear Lake Marshal
- Fremont Fire Department Representative
- Fremont USPS Representative

C. Process:

- The Zoning Administrator, after receiving a request for a new address or discovering a property without a proper address, will draft a proposal for an address.
- The Zoning Administrator will distribute the proposed address to the Address Committee for review and approval.
- If hearing no objections within the designated time frame of 10 days, the Zoning Administrator will assign the address and create an Official Address Letter.
- The Official Address Letter will be distributed to the property owner, applicant, emergency services, Town of Clear Lake Officials, Steuben County Officials, and Fremont USPS.

D. Reporting: The Zoning Administrator shall present a report to the Plan Commission at each meeting documenting the Address Committee's activity.

E. Questionable Addressing: In the case of disputes or disagreement among the Address Committee, the Plan Commission shall make a final determination at its next regularly scheduled meeting.

7.2

7.3.4 Staff: The Plan Commission Staff shall be the Zoning Administrator for the Town of Clear Lake.

Article 8 Budget

- 8.1 Budget: The Clear Lake Plan Commission shall work with the Clear Lake Clerk-Treasurer to prepare an annual budget and submit the same to the Town Council at budget time.

Article 9 Amendment and Conflicting Statutes

9.1 Amendment: These Rules of Procedure shall be amended by two-thirds (2/3) of the membership at any regular meeting or special meeting called for the purpose of amending the Rules of Procedure of the Clear Lake Plan Commission.

9.2 Powers and Duties: The powers and duties of the Clear Lake Plan Commission are contained in State Statutes enacted and promulgated by the State of Indiana. If any statute of the State of Indiana conflicts with these Rules of Procedure, then the provisions of said statute shall control unless said Rules of Procedure create a stricter notice provision than those contained in said statutes. If the State Statutes, which are incorporated in these Rules of Procedure, are amended by the legislature, then these Rules of Procedure shall be automatically amended to conform to the provisions of said statutes. The President of the Plan Commission shall have the Rules of Procedure reviewed regularly by legal counsel in order to keep them current.

9.3 Incorporation by Reference: All statutes of the State of Indiana and amendments concerning plan commissions, which are not specifically incorporate in these Rules of Procedure are hereby incorporated by reference as part of the Rules of Procedure of the Clear Lake Plan Commission.

Adopted by the Clear Lake Plan Commission on this 2nd day of May 2011.

**Clear Lake Plan Commission - Rules of Procedure
Table of Amendments**

PC Approval Date	Article Affected	Brief Description of Changes
May 2, 2011		Initial Adoption
May 9, 2012	1, 3, 4, 6	Per changes to Indiana Code, address changes, public notice sign
April 25, 2016	3, 6	Any PC Member may request vote by paper ballot; Certificate of Mailing Service replaces Certified Mail, Return Receipt Requested as method for giving notice to adjacent property owners
May 4, 2022	2, 4, 6	1. Change regular meeting day 2. Add town website to notice requirement 3. Add public feedback form summary review to hearing agenda 4. Removed deposit for public hearing yard sign
<u>August 8, 2026</u>	<u>3, 7</u>	<u>1. Add language consistent with Indiana Code Plan Commission Appointments (HEA 1161)</u> <u>2. Add language establishing an Address Committee</u>