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www.townofclearlake.org

Town of Clear Lake – Special Plan Commission Meeting
Tuesday October 6, 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=bGoxRjllTXNXeWRhQlcrVzljaHUwdz09

Agenda

A. Call to Order
B. Introductions and Roll Call
C. Approval of Meeting Agenda
D. Approval of Minutes
    1. August 4, 2026
E. Budget Items
    1. None
F. Applications, Petitions, or Hearings
    1. None
G. Old Business
    1. PUBLIC HEARING: UDO Changes 2026-02, 2026-03, and 2026-04
    2. UDO Change 2026-02, ILP Duration
    3. UDO Change 2026-03, As-Built Survey
    4. UDO Change 2026-04, ILP Certificate of Completion
H. New Business
    1. PUBLIC HEARING: HEA 1001, Housing Development Ordinance Audit
    2. UDO Change 2026-05, IN Legislative - UDO Amendments
    3. Zoning Administration Services Committee Update: Distributed Model Deployment
    4. Proposed Fee Schedule
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 me be brought up for discussion.

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

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

There were 5 residents in attendance and 0 via Zoom.

Members introduced themselves:

Guy Rodgers, Street & Sewer Superintendent
John Schenkel, 472 East Clear Lake Drive
Amy Schweitzer, Zoning Administrator
Dan Rippe, 126 Lakeside Court
Bert Elliott, 1058 South Clear Lake Drive
Bill Hanna, 208 West Clear Lake Drive
Jim Hauguel, 154 West Clear Lake Drive
Jennifer Smith-Sattison, Billing Clerk
Mike Hawk, Attorney to the Plan Commission

B. Elliott entertained a motion to approve August 4, 2026, agenda.
Motion by: D. Rippe
To approve August 4, 2026, agenda
2nd by: J. Schenkel
All in favor, say aye. Motion carried; August 4, 2026, agenda approved.

B. Elliott entertained a motion to approve May 4, 2026, Plan Commission meeting minutes.
Motion by:
To approve May 4, 2026, Plan Commission meeting minutes.
2nd by: G. Rodgers
All in favor, say aye. Motion carried; May 4, 2026, Plan Commission meeting minutes approved.

A. Schweitzer went through Administrative Subdivision Report.

B. Elliott entertained a motion to approve proposed address of 276 Outer Drive.
Motion by: J. Hauguel
To approve proposed address of 276 Outer Drive.
2nd by: D. Rippe
All in favor, say aye. Motion carried; Proposed address of 276 Outer Drive is approved.

J. Hauguel and A. Schweitzer went through UDO changes 2026-02, 2026-03 and 2024-04.

Attorney M. Hawk and Plan Commission discussed and asked questions on UDO changes.

B. Elliott entertained a motion to move UDO change 2026-02 to next step in the process.
Motion by: J. Hauguel
To move UDO change 2026-02 to next step in the process.
2nd by: B. Hanna

B. Elliott amended motion on table meaning the next step in the process is to go to public comment and legal review.
Motion by: J. Hauguel
To approve moving UDO change 2026-02 to public comment and legal review.
2nd by: B. Hanna
All in favor, say aye. Motion carried; Moving UDO change 2026-02 to public comment and legal review approved.

UDO Change 2026-03

B. Elliott entertained a motion to approve UDO change 2026-03 with modification under 9.05 H to include structures on the foundation, I to remain the same and 10.01 F to suggested language that was recommended with nothing further under section I to move to the next phase of public comment.
Motion by: J. Hauguel

D. Rippe amended motion on table to add legal review.

To approve UDO change 2026-03 with modification under 9.05 H to include structures on the foundation, I to remain the same and 10.01 F to suggested language that was recommended with nothing further under section I to move to the next phase of public comment and legal review.
2nd by: B. Hanna
All in favor, say aye. Motion carried; Approved UDO change 2026-03 with modification under 9.05 H to include structures on the foundation, I to remain the same and 10.01 F to suggested language that was recommended with nothing further under section I to move to the next phase of public comment and legal review.

UDO Change 2026-04

B. Elliott entertained a motion to approve UDO changes 2026-04 as presented to public comment and legal review.
Motion by: J. Hauguel
To approve UDO changes 2026-04 as presented to public comment and legal review.
2nd by: B. Hanna
All in favor, say aye. Motion carried; UDO changes 2026-04 approved as presented to public comment and legal review.

A. Schweitzer went through changes to the Rules of Procedures.

B. Elliott entertained a motion to approve changes to 3.2 Section C.

Motion by: J. Schenkel
To approve changes to 3.2 Section C.
2nd by: D. Rippe
All in favor, say aye. Motion carried; Changes to 3.2 Section C approved.

A. Schweitzer went through the address committee language in Article 7.

Plan Commission discussed and asked questions.

B. Elliott entertained a motion to approve the address committee language as written in Article 7.
Motion by: J. Hauguel
To approve the address committee language as written in Article 7.
2nd by: D. Rippe
All in favor, say aye. Motion carried; Approved the address committee language as written in Article 7.

B. Elliott entertained a motion to adjourn the meeting.
Motion by: J. Schenkel
To adjourn meeting.
2nd by: B. Hanna
All in favor, say aye. Motion carried; meeting adjourned.

President B. Elliott adjourned meeting at 7:56pm.

Bert Elliott, Plan Commission President

Attest: Jennifer Smith-Sattison, Billing Clerk

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.

UDO 2026-02

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.

UDO 2026-03

H. As-Built Survey: An as-built survey shall be required for projects receiving an Improvement Location Permit for structures to be constructed on a new or modified foundation 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 ne 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.

UDO 2026-04

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.

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Article

10

Enforcement and Penalties

Town of Clear Lake
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

UDO 2026-03

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.

Do you support or oppose this amendment?	Do you have areas of concern?
Support	none...need it..
Support	None
Support	None
Other	What conditions would require 3 six-month extensions? Two extensions seem reasonable, however, I’m not aware of situations that would make it necessary. Also, why an additional fee?
Oppose	
Support	None
Oppose	Noise and road blockage
Oppose	I am opposed to Any proposal that would potentially increase the population density on this lake or immediate area. This lake is extremely busy in the summer as it is.
Oppose	Yes, we do not have any undeveloped land. We have only three commercial properties, including a Marina, a small pub, and a Yacht Club. There are no empty buildings in our small town.
Support	
Support	
Support	No concerns
Support	no
Support	
Oppose	Area of concern is the fact that if approved, this would allow projects to be dragged out and if this is my neighbor, I would not appreciate a construction site for that length of time.

60% Support
33% Oppose
7% Other

Should the Town's UDO provide for higher density development of duplexes, triplexes, and fourplexes in areas designated for single family homes?	Why or why not?	Should the Town's UDO provide for the integration of other housing types including accessory dwelling units (granny flats, tiny houses, garage apartments, etc.) and manufactured and modular housing?	Why or why not?1	Should the Town's UDO accommodate the adaptive reuse of commercial buildings for residential use such as allowing multifamily development in retail, office, and light manufacturing zones.	Why or why not?2	Should the Town's UDO increasing the allowable floor area ratio (lot coverage and/or density) in multifamily housing areas?
No	Not applicable to the Strategic Plan	No		No		No
No		No		No		No
No	Clear Lake is a small natural resource that could easily be destroyed with high density housing. The Clear Lake Township Conservancy works very hard to protect the headwaters of one of NE Indiana watersheds. The Town needs to support this unique and special natural resource.	No	This would harm the small natural resource called Clear Lake with increased people density.	No	For the most there are no commercial structures, a marina, yacht club, and a pub.	No
No	Clear Lake is a small community that surround a fragile natural resource. Increase density could be fatal tothat resource.	No	Clear Lake is almost totally built out (developed). There is no significant real estate to available to develop as suggested .	No	There is extremely limited commercial zoned space at Clear Lake, ie, marina, yacht club, and pub.	No
No	We do not want to increase the density of the population of the lake in the way. It would increase traffic on the roads and the lake.	No	The lake is not the type of lake to offer this type of housing.	No	I don't believe there is any of this type of commercial buildings in our town.	Don't know
No	The only thing preventing us from turning into Lake James and now Crooked Lake is the UDO protection against tier 2 residential development and the prevention of multifamily high-density housing. Our lake is not large enough to handled the high traffic caused by this type of expanded access.	No	Once again, I would point to what is happening at Lake Gage right now when they opened up water and sewer access on L.A. lots. Not a single simple garage has been built in the last 3 years while many existing garages were either torn down or converted into condo/guest house/ garages. We stopped this on Clear Lake 5 years ago. There have been dozens of new garages built since then and every one of them likely would have included living quarters without the restrictions of the UDO	No	Absolutely not. This would destroy the uniqueness of Clear Lake. The biggest reason Clear Lake's property values continue to climb and there is a waiting list of people looking to buy here, is because the UDO protects against this very type of development.	No
No	This is the exact opposite of the CL comprehensive plan. The plan, is to remain low density, to have no further funneling around our lake community.	No	We have a plan specifically to NOT allow any of these types of housing, it is not a requirement or desired to provide affordable housing around a lake that our town can s built around.	No	This is a small cottage/ residential village built around a lake- there are a handful of commercial buildings- we need the businesses we have.	No
No		No		No		No
No	Low density driven by single family zoning is what makes Clear Lake desirable and unique. There is no benefit to residents by increasing the density.	No	I believe it would drive property values down and increase density. In many areas it would create an unattractive element to the lake. Adding modular housing or mobile homes would be a huge mistake at Clear Lake because it would not enhance the natural beauty that makes Clear Lake unique!	No	I believe density is high enough at clear lake and multi family developments do not fit the aesthetic of Clear Lake. It would degrade the area.	No
No	Could result in overcrowding, large docks with multiple boats.	No	Lower cost structures could reduce the neighboring property values and disrupt the aesthetic of high-value custom homes. Again, density and overcrowding of our community would follow.	No	Density and overcrowding	No
No		No		No		No
No	The water and road density is already too high during the peak summer season.	No	All other forms of housing allow for higher density of water and road usage, both of which are already too high during the peak summer season.	No	All other forms of housing allow for higher density of water and road usage, both of which are already too high during the peak summer season.	Yes
No	Our town has a very unique and balance approach to maintaining the integrity for the land owners and lake value. Other lakes in our area lack restrictions that creates over crowding and lack of organization and integrity of what is permitted to be built. This has a direct impact on the lake environment and home values.	No	Our UDO already spells out what is permitted and what isn't.	No	This would not have the best interest for the land owners and environment.	No
No	Absolutely not. Simple economics of supply vs demand and the yacht club are factors which keep clear lake property at premiums. Have you all looked at the rubbish floating around in the lake. Focus on water quality.	No	Why are we going through this every 2 to three years? Time for town council turnaround again?? Shame on the council for hosting this discussion in non peak season when many have already left the lake!	No		No
No	NO WAY...Population density is already HIGH on this lake.	No	NO NO NO. Potential for lowering current property values. Also, again, no need to increase population density.	No	This is a lake community, not a public housing	No
No	Definitely not! Our small area does not have any undeveloped land. We do not have any empty buildings in our small town. The community is strongly opposed to the proposed changes.	No	Of course not! See previous answer. Accessory dwellings are not needed and definitely not wanted in our area. Our UDO's are fine as they are.	No	Definitely not appropriate for our small community.	No
No	Too many people and decline of water quality and safety.	No		No		No
No		No		No		No
No	Absolutely NO. We are a small incorporated lake town of 800 acres with approx 650 homes around it. There in no significant area to add additional subdivisions. Further, our Town UDO does not allow funneling from backlots, through to the lake.	No	Absolutely NO. Again our town is small, with few available lots, which should be for residences only.	No	No where to put them.	No
No	This would create further lake and street congestion in the summer months, put further strain on our roads and utilities in the area. We as a lake have spoken against funneling and other activities which would have provided a similar result.	No	Same as question 8. As well, tiny houses, mfg houses, garage apartments could have a negative impact on property value or perception of property values.	No	Same as above	No
No	The lake is already too busy and overcrowded especially in the summer. More housing and bigger housing would cause more funneling and rentals to name a few that could increase public safety concerns.	No	We do not need more housing within TOCL city limits. Our UDO has helped provide parameters for such and we should continue with what we have been implementing.	No	We have very little commercial space as it is, we don't need to decrease it. We need to continue with the current udo.	No
No	This is a unique community with a long history of carefully managed development to avoid over crowding that negatively impacts the quality of the water and surrounding environment. This is the reason we have made Clear Lake our home.	No	Accessory dwelling units increase population density which has a clear correlation to negative impact to the quality of the water and the surrounding environment. Other lakes within Steuben County have not controlled accessory dwelling and the negative results are terribly visible.	No	These provisions would increase the population density which has a negative impact to the community and the environment.	No
No		No		No		No
No	We do not want more traffic on the lake and roads	No	We want the integrity of Clear Lake left as is.	No	We do not want the lake commercialized	No
No	It would ruin the character of the lake, Clear Lake does not need or the residents desire more housing density.	No	It would lower property values and ruin the unique character of life on Clear Lake.	No	Again, goes against the character of the controlled development of Clear Lake.	No
No	I don't want the lake to become more crowded.	No	Keep things the way they are, less crowded.	No		No
No	No reason to populate single home property more than a single home!	No	Allowing such would significantly change the overall appearance of the land of Clear Lake to an appearance that is over populated.	No	Keep status quo	No

Why or why not?3	Should the Town's UDO waive or eliminate regulations such as requirements for garage size and placement; regulations for steeper roof pitch; minimum lot size and square footage standards; greater setb	Why or why not?4	Should the Town review impact fee zones with zone advisory committee for improvements? (Note - the Town does not have impact fees.)	Why or why not?5	Should the Town focus on streamlining or shortening the permitting processes and timelines, including through one stop and parallel process permitting by fifteen (15) days or more.	Why or why not?6
	No		Not Applicable		Yes	
	No		Not Applicable		No	
The current UDO adequately handles the multifamily building needs of the Town.	No	The current UDO adequately handles the building requirements of the community	Maybe	Needs a better definition	No	The Town already reviews processes as needed
The current UDO adequately covers the needs of the community.	No	The current UDO adequately covers the needs of the community.	No	The Town routinely reviews the zoning fees of the community	No	The Town constantly review permitting processes.
	Maybe	Some of these seem unnecessary. The garage restrictions are too strict.	No	No additional fees please.	Don't know	
Who is pushing for this? If you take a vote of all Clear Lake residents this would result in a massive rejection by over 90% of the residents as proven in previous variance requests seeking this type of development.	No	Again, an overwhelming majority of current and past residents have soundly rejected this. The environmental and safety aspects of this type of development would not only ruin the current esthetics of Clear Lake and our lake is already experiencing increased pressure from larger boats and more traffic.	No	The better question is why would we want this? I would like to hear someone speak in favor to this.	No	Our process has been working the way the majority of residents intended. Our UDO and Town Officials are the only protection we have from experiencing what Lake Gage is experiencing now. The residents of Lake James, Lake Gage and Crooked Lake are at the mercy of a County Zoning Board made up of non-lake residents with little understanding of how their decisions impact lake living.
No - opposed to any further multi family housing.	Maybe	There could be refinements in the UDO- but not for the purpose of adding more housing .	No	No needed.	No	Permitting is not time intensive right now.
	Maybe	UDO needs refinement on these rules	Not Applicable		No	
Density is sufficiently high currently at Clear Lake. Most lots and parcels are very full and not sufficient to add floor area.	No	The UDO and its standards are what makes Clear Lake desirable and beautiful. Any successful community has standards on all of these topics and that is what makes them desirable for homeowners . Residents want to be assured there are reasonable development standards to protect their investment.	Maybe	Would need to understand this better; charging reasonable impact fees seems logical ; however it appears the TOCL has done fine without them.	No	Need to understand why TOCL would do this ? Need some context here; my view is the current system works and is not cumbersome.
Density and overcrowding	No	Do not allow MORE building on lots. We need green space surrounding homes.	No	If the UDO provides guidelines, requirements and restrictions, no need for impact fee.	Don't know	
	No		No		No	
All other forms of housing allow for higher density of water and road usage, both of which are already too high during the peak summer season.	No	Current garage limitations are big enough to accommodate the average families needs for storage.	Maybe	Don't understand the concept.	No	There are several occurrences in the last year where the town should have monitored the building process closer and has resulted in costing the builder/customer added expense to redue the concrete work, speeding the process up would simply add to the problem.
What we have works fine.	No	[illegible]	Maybe	Advisory committee maybe something to consider.	Maybe	
	No	the amish construction workers clean up their horse poop so this old lady doesn't have to clean it off the road. It is like dodge ball walking across the street to get to our garages	Maybe	Need example for my understanding please.	Maybe	For emergency and storm damage expediting makes sense.
already some housing is leaving very little actual green space and elbow room around these newer builds. makes for a crowded space.	No	we need to keep the rules and regulations , otherwise, no control over new builds or modifications.	Maybe	always ok to review current procedures. I do not see the need for impact fee zones	No	I do not know why we would need to streamline the permitting process just to shorten it. it is always good to be efficient, but rushing the process does not ensure a good review.
No. Our community has opposed this idea for many years.	No	We have fought against elimination of such requirements to maintain the integrity of our small community.	No		No	Permitting processes have safeguards and allow time for proper investigation before decisions are made.
	No		Not Applicable		No	
	No		No		No	
NO. our town covers that in our existing UDO	No	Our Plan Commission, made up of citizens of Clear Lake, monitor, and make changes when warranted. This is an effective Committee, to protect our existing Compresenive Plan.	No	The Plan Commission, Zoning Administrator and BZA effectively follow our small Town UDO.	Yes	Yes, we have done this by hiring an outside professional Zoning Administrator, which has reduced town costs and shortened the time to review and approve this process.
More lot coverage will decrease the green space around the lake, further detracting from its ambiance.	No	The UDO is properly set in these areas, and the lake has continually responding in favor of the comprehensive plan and UDO with regard to many of the listed potential changes in # 14.	Not Applicable		No	Permits need to be fully comprehended and vetted out before a permit is issued. This is a critical process which if done poorly could have downstream consequences.
what we have is sufficient. We do not need only building and no green space. We are having a hard enough time protecting green space when new construction occurs.	No	Absolutely not. Same as previously stated. All of the above will also put stresses on our infrastructure and decrease our green space and we should want to protect our uniqueness here in Steuben County.	Not Applicable		No	We need to continue to improve our processes but speed should not come at the cost of an error due to lack of information or anything else
The UDO was thoughtfully written to have a balance of green space to maintain lake water quality.	No	The UDO requirements were written to establish standards to ensure all buildings contribute to the beauty of the lake and surrounding environment. Relaxing the standards will degrade what we have.	No	Establishing impact fees creates an open door for individuals to buy their way past UDO standards. A Zone advisory committee could lead to group that is improperly influenced by individuals looking to develop land or buildings outside of current UDO standards.	No	The ILP process is not overbearing in the grand scheme of things. Many permit applications get submitted with limited prior consultation with the ZA and numerous omissions and non-compliant features.
	No		No		No	
We don't want multifamily housing	No	eliminate? No! Possible changes? Yes!	Maybe	I do not know the impact that this would have	Don't know	
Clear Lake housing density is optimal as currently dictated by existing regulations.	No	Again, would change the character of housing on Clear Lake in a negative way.	No	Does not apply to Clear Lake, existing regulations and processes are working.	No	Current processed are efficient and timely.
	No		No		Maybe	I'm not sure an appropriate length of time, but want a thorough study.
Against multi family all together.	No	Keep status quo! Construction code is maxed out as is.	Maybe	Refer to a committee for recommendation.	Don't know	

Should the Town use property tax abatements to enable higher density and mixed income communities?	Why or why not?7	Should the Town pursue donating vacant land for affordable housing development?	Why or why not?8	Would you support or oppose changes to the Town's UDO and land development regulations that focus on increasing housing opportunities?	Provide your feedback on any general or specific areas of concern with regard to the Town's regulation of housing development.
No		No		Oppose	
No		No		Oppose	
No	Contrary to protecting the natural resource.	No	There is no vacant land and if there was the Conservancy should be the benefactor.	Oppose	Clear Lake is almost 100% built out.
No	The community is almost totally developed. There is no need for incentives	No	Vacant land does noy exist, but if it were to come available it should be given to the Clear Lake Township Land Conservancy.	Oppose	The Town of Clear Lake is more natural resource than land. The land feeds the resource by being at the top of watershed. Further development would harm the natural resource.
No	No higher density projects please! This does not fit the ascetics of our lake.	No	No! Again this is not the type of housing we want.	Oppose	Our lake is small and already quite busy during the summer. To increase the density of the property or the lake will only increase the dangers of boating and swimming.
No	We already have a mixed income community and the constant pressure of higher and higher property taxes and special referendum to pay for school budgets etc. is forcing some lower income residents to leave.	No	Again, why would we do that? What possible benefits would this have for the lake. We are currently trying to address the safety and environmental impact of increased boat traffic which would only be made worse by off lake development.	Oppose	The only concern most people have is that our Zoning Administrator and BZA will uphold the intentions of the UDO.
No	This Very small town built around a lake does not have space nor businesses to develop any area as a ERA.	No	Not applicable to this type of a lake community.	Oppose	The comprehensive plan has existed over 10 years- the overwhelming majority are in agreement with the plan to limit density, limit building housing across the street to have funneling- I am very opposed to change the current regulations on housing development.
No		No		Oppose	Architectural standards need to be modified for flexibility. Otherwise housing UDO regs are good as is.
No	We are doing fine without them	No	Don't really understand the need and how this would work.	Oppose	CL should remain unique, adhere to the UFGZ and current approach seems to be working well!
No		No		Oppose	
No		No		Oppose	Do we really want to be like Lake James, Lake Gage or Crooked Lake. This would ruin our small Clear Lake by overpopulating as the previously mention lakes are dealing with right now. All for tax dollars and cooperate greed. Definitely not!
No	We don't need higher density!!	No	The lake and road density is already too high in the peak season!	Oppose	Again I would not support any development that would increase the road and or lake desire during the peak summer season.
No		No		Oppose	
No	Not for higher density.	No	Where does the town have vacant land for development? Who provides "affordable " anything these days?	Oppose	Ask yourself what makes clear lake special. The lake isn't going to get any bigger or cleaner. We don't want a lake gage, crooked lake or lake james. It's the conservancy, the yacht club, the island, a hell of a lot of volunteers, individuals, and residents who really value this special community in which we live.
No	do NOT want higher density or mixed income community. Lake property is limited. Why potentially reduce property values of current residents.	No	NO NO NO. do not need affordable housing in a lake community.	Oppose	I think issues like these need to be addressed while there are more residents available to give there imput. They should be addre3ssed during the summer. I also think more information needs to be included and readily available for residents to have time to review, not like it is . just posting this online is NOT sufficient notification
No	We have a very small community. We are strongly opposed to higher density communities.	No	We have no vacant land.	Oppose	Please leave our regulations in place. We are all opposed to changing our UDO's. We want to leave our community as is. We do not want new developments. We do not have the space,
No		No		Oppose	Continue to keep a tight hand and or tighter on town development
No		No		Oppose	
No	Too Small.	No	No such land is available. Also it would increase the density of our town, which is contrary to our Comprehensive Plan.	Oppose	I have no concerns as our town surrounds a 800 acre pristine lake, with small primeter acreage and unique location, makes this unwanted and unnecessary. Our elected Town Council is aware of the needs and feelings of our community to keep it small, unique and safe. I am very happy with our leadership and efforts to keep any larger density limited.
No	This does not fit with the comprehensive plan and UDO.	No	Does not fit with our land use, nor does the town have land to donate.	Oppose	
No	same as I have mentioned on previous questions	No	We don't have any vacant land-not relevant	Oppose	As previously stated, we do not need more housing, bigger housing, more funneling, more public safety issues, more challenges to infrastructure, less green space or so many other points.
No		No	The town is not in a geographically attractive location for affordable housing development. Schools, retail shopping, and employment opportunities are all at least 7 miles away. Transportation would be the next problem to solve. Better solutions exist.	Oppose	
No		No		Oppose	
No	we don't want these	No	We don't want these	Oppose	we are not wanting to get started in this direction
No	Would reduce property values and change the character of Clear Lake.	No	No available property exists for such use, conservation is a critical component of existing Clear Lake character.	Oppose	No existing concerns, it is working.
No		No		Oppose	
No	Seriously???	No	Careful what you ask for!!	Oppose	I appreciate the opportunity to the survey and the residents of Clear Lake who advocate and want Clear Lake as it is known today to be the same for generations to come!!

October 6, 2026 - Special Meeting
Changed Pages ONLY

Article

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Table of Contents

Town of Clear Lake
Unified Development
Ordinance

October 6, 2026 - Special Meeting
Changed Pages ONLY

Changes being introduced resulting from recent amendments to Indiana legislation.

Changes pending tonight's Public Hearing, PC Certification, + Town Council adoption

Note: Table of Contents, Article 2 blue box references, and general references will be updated once final changes are adopted.

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GroundRules
website www.groundrulesinc.com

Agricultural (AG) District

2.05 AG District Intent, Permitted Uses, and Special Exception Uses

District Intent

The AG (Agricultural) District is intended to be used as follows:

Use Type and Intensity
- General agricultural operations
- Low to medium intensity

Application of AG District
- Existing agricultural land
- Newly incorporated land

Development Standards
- Maximize the protection of common and essential agricultural practices from adjacent land uses

Appropriate Adjacent Zoning Districts
- CO, PR, AG, IA, RE, SR, LA, MR, IS, and NC

Plan Commission
- Use the AG district for existing agricultural land
- Protect the land and operations within the AG District from adjacent residential and commercial land uses through the use of appropriate buffer yards, buffer landscaping, and setbacks

Board of Zoning Appeals
- Protect the stability and integrity of the land and agricultural operations within the AG District

Permitted Uses

Accessory Permitted Uses
- agricultural tourism
- farmers market
- recreation-based accessory structure
- roadside sales
- storage-based accessory structure

Agricultural Permitted Uses
- agricultural crop production
- hobby farming
- land conservation
- orchard
- plant nursery (retail)
- plant nursery (wholesale)
- raising of farm animals
- sale of agricultural products
- stable (private)
- storage of agricultural products
- tree farm

Commercial Permitted Uses
- shooting range, indoor

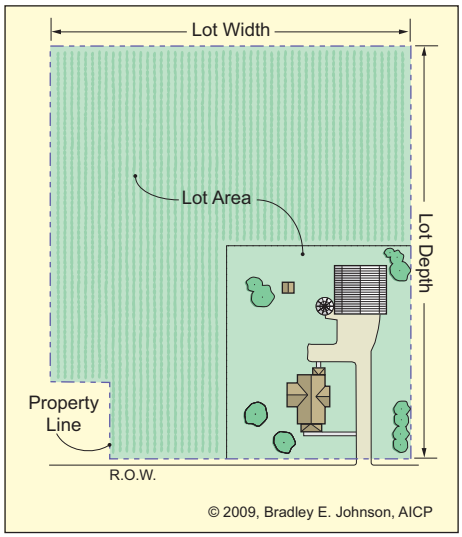
Residential Permitted Uses
- dwelling, single-family detached
- fair housing facility (small)

Special Exception Uses

Accessory Special Exception Uses
- heliport (private)
- natural resources protection area
- wind-to-energy facility

Agricultural (AG) District

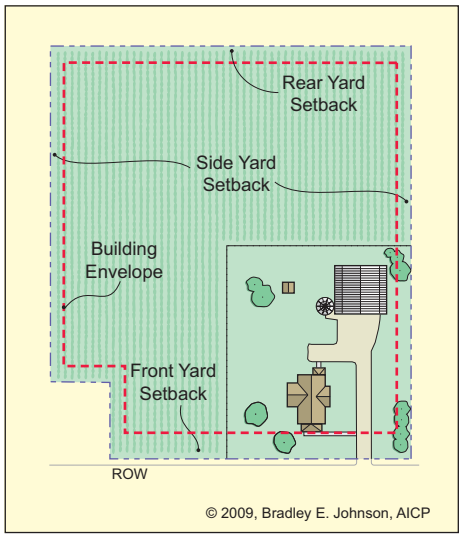
2.06 AG District Development Standards



Minimum Lot Area
- 2 acre

Minimum Lot Width
- 200 feet

Sewer and Water
- Sanitary sewer required where available
- Water utility required where available

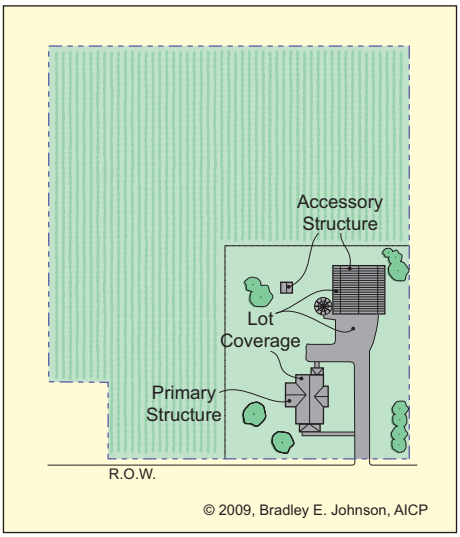


Minimum Front Yard Setback
- 50 feet for primary and accessory structures

Minimum Side Yard Setback
- 40 feet for primary structure
- 20 feet for accessory structure

Minimum Rear Yard Setback
- 40 feet for primary structure
- 20 feet for accessory structure

Minimum Lake Yard Setback
- 50 feet for primary and accessory structures

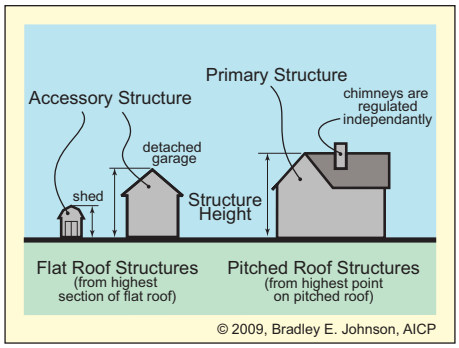


Maximum Lot Coverage
- 20% of lot area

Minimum Main Floor Area
- n/a

Minimum Dwelling Unit Size
- 1,200 square feet

Maximum Primary Structures
- 2 per lot



Maximum Structure Height
- 40 feet for primary structure
- 40 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 5-5
- AS-02 5-6

Deck (DS)
- DS-01 5-13

Density and Intensity (DI)
- DI-01 5-15

Driveway (DW)
- DW-01 5-16
- DW-02 5-17

Environmental (EN)
- EN-01 5-21

Fence (FN)
- FN-01 5-22
- FN-03 5-23

Floodplain (FP)
- FP-01 5-25

Floor Area (FA)
- FA-01 5-26

Height (HT)
- HT-01 5-27

Keeping of Animals (KA)
- KA-01 5-29

Landscaping (LA)
- LA-01 5-30
- LA-07 5-34

Lighting (LT)
- LT-01 5-35

Lot (LO)
- LO-01 5-37

Mechanical Equipment (ME)
- ME-01 5-38

Outdoor Storage (OS)
- OS-01 5-40

Parking (PK)
- PK-01 5-41

Performance (PF)
- PF-01 5-45

Pond (PO)
- PO-01 5-47

Recreational Vehicle (RV)
- RV-01 5-49

Retaining Wall (RW)
- RW-01 5-51

Setback (SB)
- SB-01 5-53
- SB-02 5-54

Sewer and Water (SW)
- SW-01 5-57

Sign (SI)
- SI-01 5-58
- SI-02 5-61

Special Exception (SE)
- SE-01 5-69

Structure (ST)
- ST-01 5-70

Temp. Use and Structure (TU)
- TU-01 5-73
- TU-02 5-73

Vision Clearance (VC)
- VC-01 5-77

Intense Agricultural (IA) District

2.07 IA District Intent, Permitted Uses, and Special Exception Uses

District Intent

The IA (Intense Agricultural) District is intended to be used as follows:

Use Type and Intensity
- Agricultural operations that may have a high impact on adjacent properties
- Medium to high intensity

Application of IA District
- Existing agricultural land

Development Standards
- Enact strict development standards to maximize protection of common agricultural practices

Appropriate Adjacent Zoning Districts
- AG

Plan Commission
- Use the IA District for existing agricultural land
- Protect the land and operations within the IA District from adjacent agricultural, residential, and commercial land uses through the use of appropriate buffer yards, buffer landscaping, and setbacks

Board of Zoning Appeals
- Protect the integrity of the land and agricultural operations within the IA District
- Be sensitive to the potential for environmental pollution and other negative impacts to nearby agricultural, residential, and commercial land

Permitted Uses

Accessory Permitted Uses
- recreation-based accessory structure
- storage-based accessory structure

Agricultural Permitted Uses
- agricultural crop production
- confined feeding operation (small)
- hobby farming
- orchard
- raising of farm animals
- raising of exotic animals
- sale of agricultural products
- storage of agricultural products
- tree farm

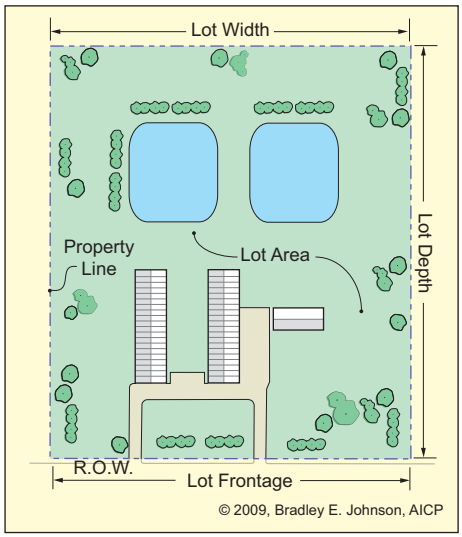
Commercial Permitted Uses
- shooting range, indoor

Special Exception Uses

Agricultural Special Exception Uses
- confined feeding operation (medium)

Intense Agricultural (IA) District

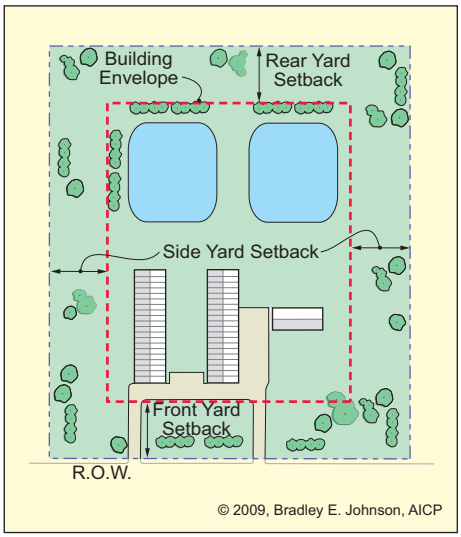
2.08 IA District Development Standards



Minimum Lot Area
- 4 acres

Minimum Lot Width
- 1,600 feet

Sewer and Water
- Sanitary sewer required where available
- Water utility required where available

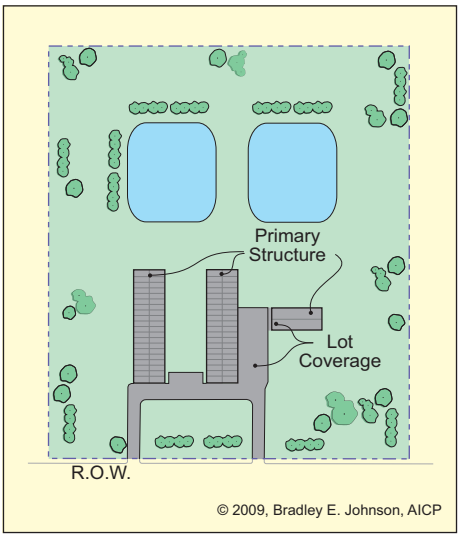


Minimum Front Yard Setback
- 750 feet for primary and accessory structures

Minimum Side Yard Setback
- 750 feet for primary and accessory structures

Minimum Rear Yard Setback
- 750 feet for primary and accessory structures

Minimum Lake Yard Setback
- n/a

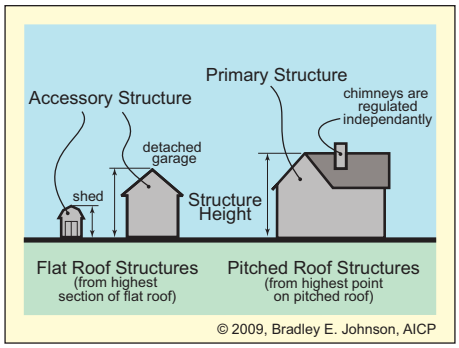


Maximum Lot Coverage
- 15% of lot area

Minimum Main Floor Area
- n/a

Minimum Dwelling Unit Size
- n/a

Maximum Primary Structures
- 2 per lot



Maximum Structure Height
- 40 feet for primary structure
- 40 feet feet for accessory structure

Additional Development Standards that Apply

Accessory Structure (AS)
- AS-01 5-5
- AS-02 5-6

Deck (DS)
- DS-01 5-13

Density and Intensity (DI)
- DI-01 5-15

Driveway (DW)
- DW-01 5-16
- DW-02 5-17

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Article

05

Development Standards

Town of Clear Lake
Unified Development
Ordinance

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Development Standards Overview

5.01 How to Use this Article

Article 05: Development Standards contains development standards that are arranged by category. There are two ways to determine which development standards apply to a specific zoning district. They are:

A. Blue Boxes: Refer to the two-page layouts in *Article 02: Zoning Districts* for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the "Additional Development Standards that Apply" section apply to that zoning district.

[Example: On page 2-13, the four digit code "AS-04" can be found under the "Additional Development Standards that Apply" section for the SR District. Therefore, the development standards in the section labeled "AS-04" (on page 5-7) would apply to the SR District.]

B. District Icons: Refer to the icons used at the top of each development standard section in *Article 05: Development Standards*. Each development standard section begins with a four-digit code and introductory sentence followed by icons with zoning district abbreviations (e.g. SR for the Single-family Residential District). These zoning district icons note that the development standards written in that section apply to that zoning district.

[Example: On page 5-7, the SR icon (SR) can be found under the AS-04 development standard section. Therefore, the language in the AS-04 section would apply to the SR District.]

Section Name	Page Number	Section Name	Page Number
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District Icons

5.02 Icon Key

- CO - Conservation District
- PR - Parks and Recreation District
- AG - Agricultural District
- IA - Intense Agricultural District
- RE - Rural Estate District
- SR - Single-family Residential District
- LR - Lake Residential District
- LA - Lake Accessory District
- MR - Multiple-family Residential District
- IS - Institutional District
- NC - Neighborhood Commercial District
- MA - Marina District

5.03 AD-01: Accessory Dwelling Standards

This Accessory Dwelling Standards section applies to the following zoning district:

RE

The intent of the Accessory Dwelling Standards is to provide an opportunity for accessory dwellings while protecting the health, safety, and welfare of the residents. The following standards apply:

A. Applicability:
   1. *Minimum Front Yard Setback*: The minimum front yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
   2. *Minimum Side Yard Setback*: The minimum side yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
   3. *Minimum Rear Yard Setback*: The minimum rear yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
   4. *Minimum Lake Yard Setback*: The minimum lake yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
   5. *Maximum Structure Height*: The maximum structure height shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.

B. Permits: An Improvement Location Permit shall be required prior to the construction of an accessory dwelling or the conversion of an accessory structure to an accessory dwelling.

C. Types: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, or trailer; in part, in whole, or of the like, shall not be permitted as an accessory dwelling.

D. Relationship:
   1. *Ownership*: An accessory dwelling may be permitted on a lot only if the primary structure is owner-occupied.
   2. *Use*: An accessory dwelling shall be accessory to the primary structure.
   3. *Timing*: An accessory dwelling shall not be built prior to the construction of the primary structure.

E. Quantity and Size:
   1. *Maximum Number*: No more than one (1) accessory dwelling shall be permitted on a lot, and it shall consist of only one (1) unit.
   2. *Maximum Size*: An accessory dwelling shall be a minimum of 800 square feet, but shall not exceed seventy-five percent (75%) of the ~~square footage~~ floor area of the primary structure or 1,000 square feet, whichever is less.

F. Design:
   1. *Attachment*: The accessory dwelling may be attached to or detached from the primary structure.
   2. *Minimum Components*: The accessory dwelling shall contain bathroom, kitchen, and sleeping facilities.
   3. *Driveway*: An accessory dwelling shall utilize the driveway of the primary structure.
   4. *Parking*: Two (2) additional off-street parking spaces shall be provided for an accessory dwelling unit.
   5. *Utilities*: An accessory dwelling shall utilize the utility connections that serve the primary structure.
   6. *Exemptions*: An accessory dwelling shall be exempt from complying with the *Section 5.13: Residential and Neighborhood Commercial Architectural Standards* and *Section 5.34: General Landscaping Standards* and *Section 5.36: Lot Planting Standards*.
   7. *Physical Appearance*: The exterior finish and facade of any accessory dwelling shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.
   8. *Accessory Structures*:
      a. The accessory dwelling shall not be permitted to have its own accessory structures.
      b. Accessory dwellings shall count towards the maximum number and maximum size standards for accessory structures included in *Section 5.04: General Accessory Structure Standards* and *Section 5.06: Rural Estate Residential Accessory Structure Standards.*

5.66 SO-01: Shooting Range Standards

This sewer and water standards section applies to the following zoning districts:

AG IA

The intent of the Shooting Range Standards is to protect the health, safety, and welfare of the residents as shooting ranges are developed. The following standards apply:

A. Project Applicability: The following standards only apply when a project includes an indoor shooting range.

B. Design:

1. *Containment*: The walls, ceilings, floors, and backstops of the indoor shooting range must be constructed with materials capable of containing all projectiles fired within the facility.
2. *Noise Attenuation*: Reasonable effort shall be made in the design, construction, and maintenance of the indoor shooting range to limit noise that could significantly impact adjacent properties.

C. Utility Connections: An indoor shooting range shall be required to be connected to the Town's sanitary sewer system.

Article 09

Processes

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9.05 Improvement Location Permit

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

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

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

1. *Agriculture*: An agricultural related accessory structure is exempt from obtaining an Improvement Location Permit.
2. *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 affect to drainage or the clear side yard setback (*Section 5.64 Lake Residential Setback Standards*).
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 Lake, 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.
   4. *Approval to Cut, Excavate, and/or Bore Under a Public Street or Right of Way*: In projects where work is necessary within the Town's right-of-way, written approval of this work from the Town Superintendent shall be required prior to an Improvement Location Permit being issued.

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. All ~~Any~~ other information requested on the application form, required within the Unified Development Ordinance, or necessary to determine compliance with the Unified Development Ordinance.

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 Standards*.
   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 *5.37 Landscaping Standards*.
   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 *5.37 Landscaping Standards*.

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, complete with require prerequisites; all information required to determine compliance with the Unified Development Ordinance, and the applicable application fee is received and receipted.
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 to determine compliance with the provisions of the Unified Development Ordinance.
    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 for structures to be constructed on a new or modified foundation 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:
   - 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.

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 hte Improvement Location Permit.

Article

10

Enforcement and Penalties

Town of Clear Lake
Unified Development
Ordinance

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Enforcement and Penalties

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.

Article

11

Definitions

Town of Clear Lake
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Definitions - Accessory Dwelling (or Dwelling Unit)

Accessory Dwelling : ~~A dwelling subordinate to a primary dwelling on the same lot. This use is typically referred to as a "Granny Flat" or "In-law Apartment."~~ A self-contained living unit internal to or on the same lot or parcel as a single family dwelling that does not exceed seventy-five percent (75%) of the floor area of the single family dwelling or 1,000 square feet, whichever is less. An accessory dwelling unit includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws. The term does not include a manufactured home.

Accessory Structure: A structure which:

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

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

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

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

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

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

Domestic Pets: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Duplex: See "Dwelling, Multiple-family."

Drive, Private: See "Street, Private."

Driveway: Any facility or structure used to convey vehicles to public streets.

Dwelling: A structure or portion thereof, conforming to all requirements applicable to the district in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but excluding hotels, motels, and boarding houses.

Dwelling, Accessory: See Accessory Dwelling Unit.

Dwelling, Manufactured Home: A single-family dwelling unit with eighty percent (80%) or greater percentage built or assembled in a factory; then installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

1. Was constructed after January 1, 1981, and exceeds 950 square feet of occupied space per *IC 36-7-4(d)*,
2. Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
3. Has transportation related wheels, axles, and towing chassis removed,
4. Has a pitched roof with a minimum of two (2) vertical units to twelve (12) horizontal units (2:12 pitch), and
5. Consists of two (2) or more sections which, when joined, have a minimum dimension of twenty-three (23) feet in width for at least sixty percent (60%) of its length.

Dwelling, Manufactured Home shall also include dwelling, mobile home.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of eight (8) feet in width and which is installed on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, and electrical system contained therein, and which was manufactured either:

1. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
2. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Dwelling, Mobile Home shall also include dwelling, manufactured home.

Dwelling, Multiple-family: A residential building designed to be occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Primary: A building containing one (1) residential unit in which the owner of the property is the occupant.

Dwelling, Single-family: See "Dwelling, Single-family Detached."

Dwelling, Single-family Detached: A detached residential dwelling unit designed to be occupied by one (1) family. A mobile home shall not be considered a Single-family Detached Dwelling. A manufactured home, as defined, shall be considered a Single-family Detached Dwelling.

Dwelling Size: The overall square footage of a dwelling unit. The dwelling size does not include an attached garage, carport, deck, unfinished storage, patio or open porch.

Dwelling, Two-Family: See "Dwelling, Multiple-family."

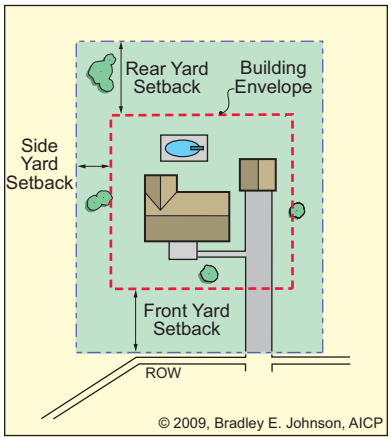
Dwelling Unit: A single unit for owner occupancy or for rent/lease, physically separated from any other dwelling units which may be in the same structure, and providing complete and independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, cooking, and sanitation. Examples of a dwelling unit include a single-family dwelling or an apartment.

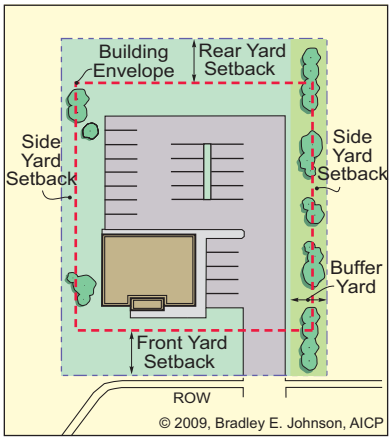
Definitions - Dwelling Unit, Accessory

Dwelling Unit, Accessory: See Accessory Dwelling Unit.

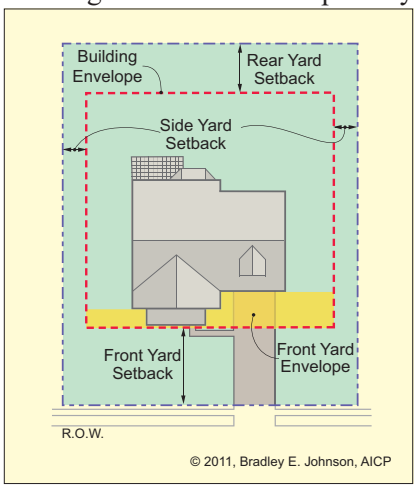
Easement: A grant by a property owner ("grantor") to specific persons, the general public, corporations, utilities, or others ("grantee" or "easement holder") for the purpose of providing services or access to the property.

Envelope, Building: The setback lines that establish an area on a lot on which structures can be installed, relocated, or constructed.

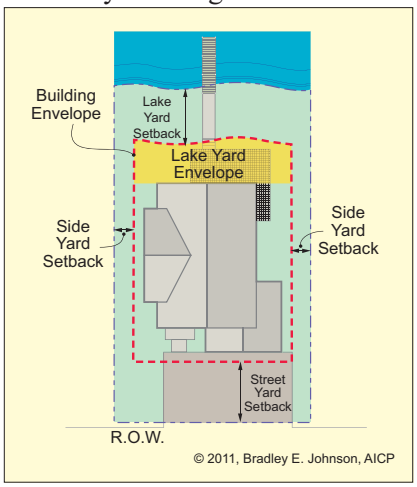




Envelope, Front Yard: The horizontal area from the front facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).



Envelope, Lake Yard: The horizontal area from the lake-facing facade of a primary structure to the applicable lake yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).



Marina: A facility adjacent to a body of water providing fuel, maintenance, off-season storage, and parts and accessories for boats. A marina includes new and used boat sales. A marina may also include retail space (e.g. water skis, bait, or packaged food) and/or food service (e.g. cafe or deli) when cumulatively such ancillary uses utilize less than forty percent (40%) of the primary structure.

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Market Value: The price at which a structure, building, parcel or combination thereof would be sold for at present day, based on two or more independent appraisals.

Master Plan: See "Comprehensive Plan."

Maximum Lot Coverage: The highest amount of impervious surface coverage permitted by this Unified Development Ordinance.

Mechanical Equipment: Any air conditioning condenser unit, residential-scale generator, natural gas or propane fuel tank, or the like located on a site (i.e. not inside a building). A natural gas or propane tank fully located below grade shall not be regulated as mechanical equipment.

Mixed Use Residential: A development project that provides within a shared building or development area: residential uses, including multiple dwelling units; and nonresidential uses. Nonresidential uses comprise less than fifty percent (50%) of the total square footage of the development; and are restricted to the first floor of any building consisting of at least two (2) stories.

Mobile Home: See "Dwelling, Mobile Home."

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Motor Home: See "Recreational Vehicle."

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

Mound: A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one (1) side to the other.

Multiple-family District: Refers to the MR district.

Mural: See "Sign, Mural."

Natural Resources Protection Area: A clearly defined geographical space (may be a portion of a parcel) recognized, dedicated, and managed to achieve the long-term conservation of a functioning natural ecosystem.

Nonconforming Building: See "Nonconforming Structure."

Nonconforming Lot of Record: A lot which was created such that it does not conform to the regulations of the district in which it is located.

Nonconforming Structure: A structure or portion thereof which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Use: A use which does not conform with the use regulations of the district in which it is located.

Non-livable Space: Space within or attached to a residential building not intended or designed for human living. An unfinished basement shall be considered livable space under all circumstances. An unfinished attic and crawl spaces shall not be counted as non-livable space. Garages shall always be considered non-livable space. Attached workshops at or near grade of the site with concrete or similar durable floor, or an unimproved floor shall be considered non-livable space.

Office, General: A place of work which has very little impact on neighboring properties, traffic generation, and public safety; and that does not involve retail sales. For example, a lawyer's office, consultant's office, accountant's office, real estate office, and insurance agent's office.

Residential District: Refers to the RE, SR, and LR districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

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. The Zoning Administrator has the discretion to approve a slightly larger generator.

Residential Unit: Finished space for occupancy within a building, built according to the Residential Building Code, and having at least three (3) rooms (i.e. spaces divided by walls and interior doors) including one (1) bedroom with closet, one (1) full bathroom, and one (1) living space with a kitchen. Typically a studio unit or bunk house would not be considered a residential unit.

Responsible Party: For purposes of issuing notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: the property owner(s); persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of this Unified Development Ordinance.

Retail, Low Intensity: See "Type 2 Retail, Low Intensity."

Retail Sporting Goods Store: A commercial retail store that is primarily engaged in retailing new sporting goods classified under the North American Industry Classification Code 451110 including items such as: bicycles and bicycle parts; camping equipment; exercise and fitness equipment; athletic uniforms; specialty sports footwear; firearms; and other sporting goods, equipment, and accessories.

Retaining Wall: A vertical or near-vertical structure used to prevent earth from eroding or advancing (i.e. able to resist the horizontal pressure of the high-side earth), or used to create tiers or otherwise relatively flat areas on the high-side and low-side of the structure.

Retail, Very Low Intensity: See "Type 1 Retail, Very Low Intensity."

Right-of-way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. A rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Road: See "Street."

Roadside Sales: Sale of produce grown on-site.

ROW: See "Right-of-way."

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

Secondary Plat: See "Plat, Secondary."

Setback: A horizontal distance measured perpendicularly from the property line or edge of pavement, whichever results in a greater distance, resulting in an area that is restrictive of certain development and improvements.

Setback, Average: An average of the front yard setbacks of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Board of Zoning

Shooting Range, Outdoor: An open-air facility designed and improved for firearm practice, training, and competitions. It may include firing lines, firing stations, safety barriers, and buffer zones.

Shooting Range, Indoor: A fully enclosed facility designed and operated for the discharge of firearms, equipped with a bullet resistant backstop, ventilation system, and sound attenuation measures to prevent the escape of projectiles, excessive noise, or airborne contaminants

Short Term Rental: The rental of a single family home; a dwelling unit in a single family home; a dwelling unit in a two-family or multifamily dwelling; or a dwelling unit in a condominium, cooperative, or time share; for terms of less than thirty (30) days at a time through a short term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use or a private owner-occupied business with two (2) to ten (10) guest rooms where overnight accommodations and a morning meal are provided to the public for compensation and that is operated primarily as a business.

Short Term Rental Platform: An entity that provides a platform through which unaffiliated parties offer to rent a short term rental to an occupant and collects consideration for the rental from the occupant.

Side Lot Line: See "Lot Line, Side."

Side Yard: See "Yard, Side."

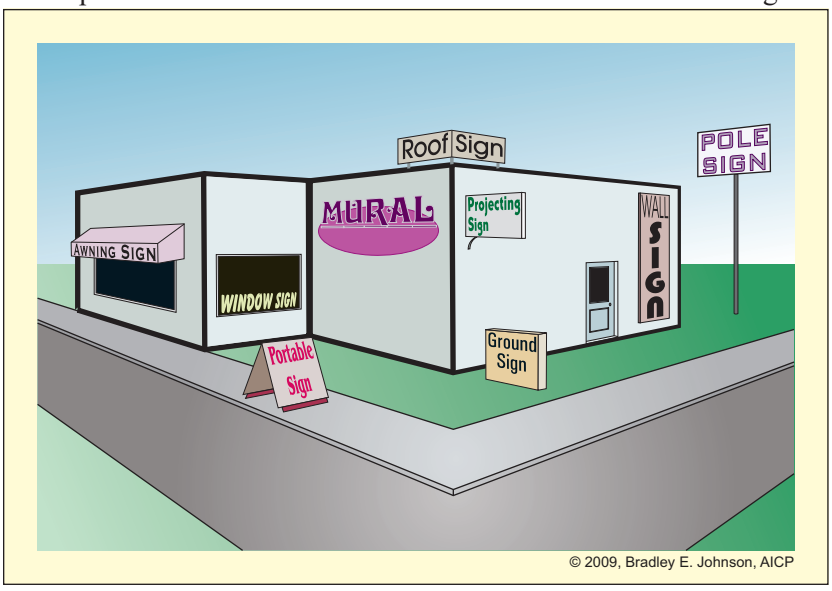
Sidepath: A seamless asphalt trail, or concrete trail with saw-cut joints to maintain a smooth continuous surface.

Sidewalk: Flatwork used for pedestrian movement or transportation, typically two (2) to five (5) feet in width.

Sidewalk, Private: On-site sidewalks in proportion with and customarily installed around a primary structure, to destinations on a lot, and linking the primary structure to the public right-of-way.

Sidewalk, Public: Off-site sidewalks, sidewalks placed in a right-of-way or easement and available for public access.

Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations are not considered a sign unless accompanied with text. Address numbers are not considered a sign.



Utility, Public: Any person, firm, or corporation duly authorized to furnish under public regulation to the public: electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

Or every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State of Indiana for the:

1. Conveyance of telegraph or telephone messages;
2. Production, transmission, delivery, or furnishing of heat, light, water, or power; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Unified Development Ordinance, to deviate from the applicable development standards (e.g. height, bulk, or area) in the Unified Development Ordinance.

Variance, Use: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Unified Development Ordinance, to allow a land use that otherwise would not be permitted in the subject zoning district.

Vehicle: See "Motor Vehicle."

Walk: See "Sidewalk."

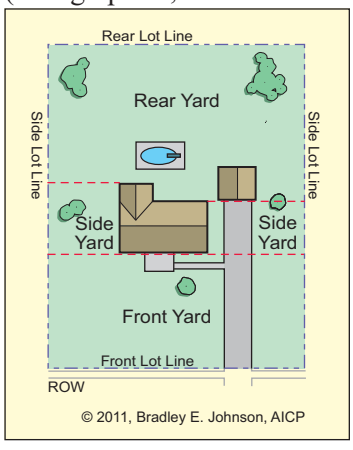
Walk, Private: See "Sidewalk, Private."

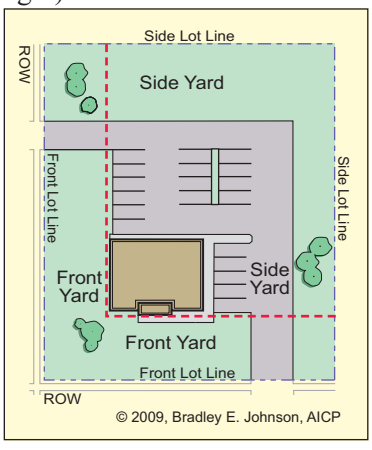
Walk, Public: See "Sidewalk, Public."

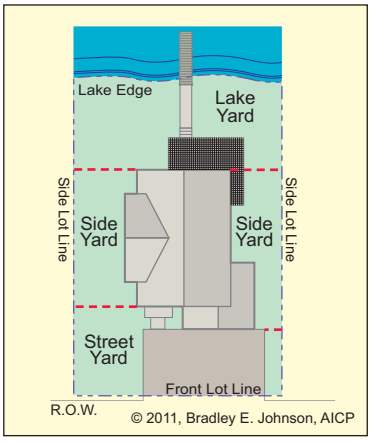
Walkout Basement: See "Basement, Walkout."

Will-Serve Letter: A written document issued by a water and/or sewer service provider to an owner or developer of a project or dwelling that states the provider is able and willing to provide water and/or sewer service to the project or dwelling subject to the conditions, if any, set forth in the document.

Yard: A generic term for side yard, rear yard, front yard, street yard, or lake yard; or any combination thereof. (new graphics, far left and far right)







Yard, Front: The horizontal space between the front facade(s) of a primary structure and the front lot line, extending to the side lot lines (See graphic for "Yard"). On a corner lot, each yard abutting a street or street right-of-way shall be considered a front yard.

Yard, Lake: The horizontal space between the facade(s) of a primary structure which face a lake and the lake's edge at normal elevation, extending perpendicularly to the side lot lines (See graphic for "Yard").

Appendix

A

Land Use Matrix

Town of Clear Lake
Unified Development
Ordinance

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GroundRules
website www.groundrulesinc.com

Land Use Matrix

Appendix A

	CO	PR	AG	IA	RE	SR	LR	LA	MR	IS	NC	MA
Commercial Uses												
bank machine/atm											P	
club or lodge											P	
coffee shop											P	
commercial storage facility												P
farmers market										P		
golf course		P										
ice cream shop											P	
indoor storage											P	
liquor store											P	
marina (with up to 40 rack and launch boats)												P
office, general											P	
outdoor storage												P
pub											P	
restaurant											P	
retail (type 1), very low intensity											P	
retail (type 2), low intensity											S	
shooting range, indoor			P	P								
telecommunication facility										S		
watercraft fuel sales												P
watercraft maintenance facility												P
yacht club (with up to 40 rack and launch or mooring of boats)											P	

P = Permitted S = Special Exception

Blank fields indicate that the land use is not permitted. Unlisted land uses are not permitted.

Town of Clear Lake
Zoning Services Update

Zoning Administration Services Committee

October 6, 2026

Bert Elliott

Jim Hauguel

Dan Rippe

Amy Schweitzer

October Update

Zoning Administrative Services Committee

Charter:

- Launch a new team-based, “distributed model” of delivering TOCL zoning services
- Monitor results, improve service efficiency, accuracy, and compliance

October Key Take-Aways:

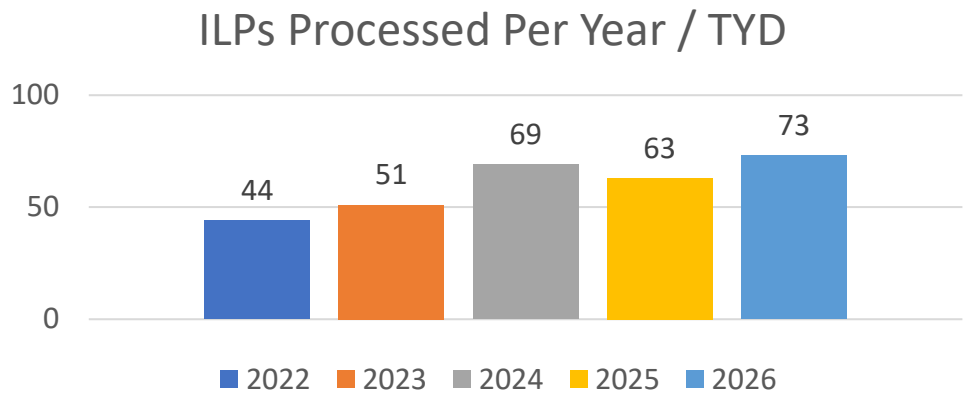
- Continuous improvement in quality, consistency, and customer service
- Additional process improvements implemented
- Improved clarity and understanding of required labor hours and budget projections
- New development: Indiana legislative requirements driving additional changes

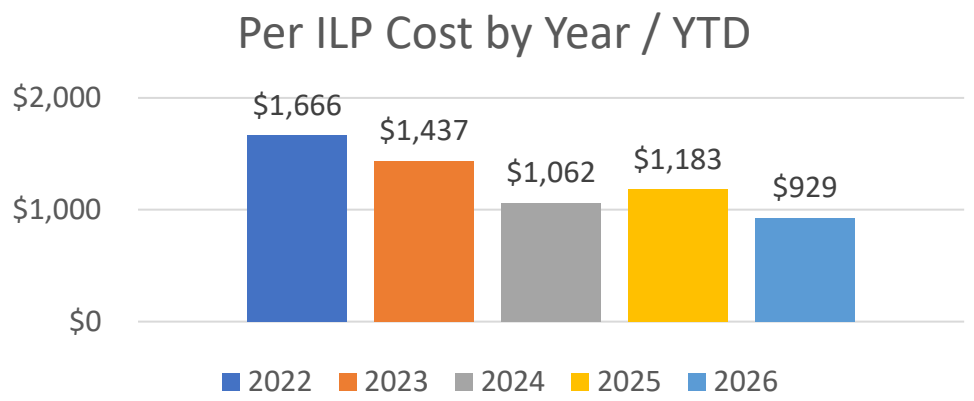
A team of experts ensures every resident receives a fair, transparent, and consistent process.

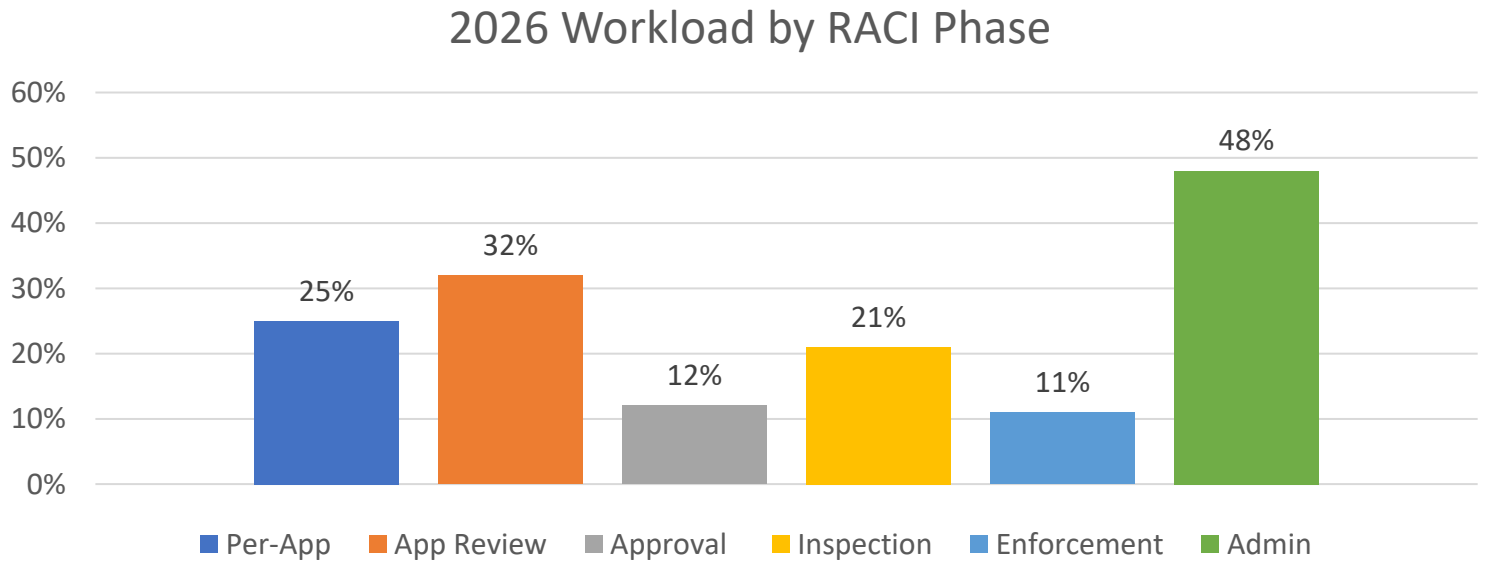
2026 Process Improvements

- New single, comprehensive ILP form
- Standardized ILP review process – issues identified up-front, faster turnaround
- On-line UDO document now up-to-date with all approved amendments
- Simplified list of required inspections included with ILP Placard
- Integrated tracking mechanism for fee collection to insure proper fund accounting
- Created consistency across right-of-way permitting – forms, fees, and applicability
- Improved speed, accuracy of UDO interpretations
- Improved collaboration with Steuben County Offices
- Written findings of fact for BZA decisions
- New certificate of completion and ILP closeout
- Streamlined process for assigning new addresses
- File organization + documentation

Productivity Snapshot







Financial Snapshot

2026 Key Points:

- Total hours are 53% less than having a full-time equivalent
- Service expenses are 39% higher
  - Complete income offset not yet available
  - No fees are assessed for Enforcement & Resolution
  - 150 different properties touched - not every encounter results in an ILP
  - 25% of workload involved Pre-application & Consulting Time
  - Litigation fees not reflected in overall expenses
- Administrative time utilized for 2026 Process Improvements and Legislative requirements make up nearly 50% of all hours.

2026 Zoning Models Comparison		
	YTD Expenses	**YTD Hours**
Distributed Model	$ 67,822	657
Employed Model	$ 48,867	1,387
Difference	$ 18,955	(730)
Variance	39%	-53%

2027 Budget

- Projected expenses are $81,000 based on steady state workload
- Service expenses 10-15% higher than employed model
- Reduced administrative cost and operational efficiencies

Indiana Legislative Actions

State Legislation	Topic / Impact
SEA 176	Shooting Ranges
HEA 1161	Rules of Procedure
HEA 1210	Dept of Local Gov’t Finance
HEA 1001	Housing Matters Emergency Declaration – March 2026 Reduce Cost of & Increase Supply of Housing Annual Housing Report Ordinance Audit Permit and Application Fees Definition Updates

Appendix

Context

Historical Zoning Administration Model

Complex UDO and TOCL building requirements executed with a single full-time Zoning Administrator

TOCL Experience

- High Zoning Administrator turnover – no career path – difficult to retain talent
- Each Zoning Administrator approached the role in their own way
    - Reoccurring learning curves
    - Ever-changing procedures
    - Incomplete documentation – procedures and decisions
    - Various document management systems

Swirling, inefficient administrative tasks regardless of people or delivery model

Implemented Solution

Zoning Administration – Distributed Model

- **Context:** The zoning administration process consists of a recurring set of tasks within a phased workflow
- **Challenge:** Zoning administration tasks require expertise in many specialized areas (Legal, Technical, Planning, Enforcement, Field Inspection, Town Operations, etc.)
- **Solution:** Defining the objective & tasks of each phase enables zoning administration responsibilities to be **distributed** across a team of subject matter experts

High quality, Consistent, Legally compliant

Zoning Administration – Key Phases (1 of 2)

Phase	Responsible	Objective	Tasks
1. Pre-Application and Consultation	Hometown Innovations	Guide applicants before formal submissions.	- Assist the public, developers, architects, engineers, and property owners with inquiries about zoning requirements, proposals, and applications. - Provide interpretations of zoning ordinances, explain procedures, and direct individuals to other agencies for additional permits. - Research and gather data to support planning visions, such as reviewing preliminary development plans for alignment with comprehensive plan. - Oversee overall zoning ordinance administration and enforcement.
2. Application Review & Processing	Hometown Innovations	Evaluates submissions for compliance.	- Accept, review, and process zoning permit applications, site plans, special use permits, variances, appeals, and rezoning requests. - Determine if applications are complete and compliant with zoning ordinances; issue permits if approved or notify applicants of denials with alternatives. - Coordinate site plan reviews, prepare technical reports, maps, charts, and staff recommendations for planning commissions or zoning boards. - Conduct technical research, analyze data, and identify issues in building or development applications.
3. Board Collaboration & Decision-Making	Hometown Innovations	Collaboration with boards and final determinations	- Serve as staff liaison and technical advisor to Planning Commissions, Boards of Zoning Appeals and Town Council; prepare agendas, materials, minutes, and public notices. - Attend meetings to present reports, explain decisions, and advise on zoning issues. - Forward applications for zoning changes, conditional uses, or variances to appropriate boards and represent the Town in hearings, as necessary. - Draft ordinances/amendments, correspondence, and zoning verification letters. - Develop recommendations for fee structures, or administrative improvements.

Trial Period to Focus on Phase 2 Execution.

Zoning Administration – Key Phases (2 of 2)

Phase	Responsible	Objective	Tasks
4. Inspection and Compliance	TOCL Zoning Inspector	Post-approval monitoring to ensure adherence.	- Perform on-site inspections and field investigations to verify compliance with approved plans, zoning codes, and occupancy certifications. - Identify and monitor nonconforming uses; use checklists and documentation like photographs for records.
5. Enforcement and Resolution	TOCL Plan Commission President	Addresses violations and maintains long-term compliance.	- Investigate complaints and alleged ordinance violations; issue warning letters, citations, or corrective measures. - Coordinate enforcement, present case facts in appeals or court, and testify as needed. - Maintain records of violations, permits, inquiries, and enforcement actions; update office files.
6. Administration and Professional Development	Hometown Innovations	Support operations and broader planning efforts.	- Handle office tasks like fee collection, supplier invoice approval, budgeting, reporting to town boards/committees, and distributing zoning materials. - Maintain cooperative relationships with peer agencies, stay updated on laws and trends through seminars, conferences, and certifications.

Trial Objectives and Methodology

Distributed Model Trial Deployment

- **Objectives:**
  - Trial Period 4-months (January – April 2026)
  - Upgrade practices to industry standards
  - Gain insights on the time and resource requirements
  - Identify process gaps that affect satisfaction, independent of who fills the ZA role
- **Methodology:**
  - ✓ Assign experts to the zoning administration phases
  - ✓ Resolve backlog of in-process permits & process existing/new applications
  - ✓ Measure efficiency, quality and satisfaction metrics – Focusing on Phase 2
  - ✓ Evaluate phase 2 mid-trial using Value Stream Mapping tool (Visual construct of process, helps identify bottlenecks, rework, delays, etc.)
  - ✓ Identify high value process improvement targets

A focused pilot. A capped investment. A data-driven test of feasibility.

Discussion

Town of Clear Lake
Zoning Fee Schedule

Plan Commission Executive Committee

October 6, 2026

Bert Elliott

Jim Hauguel

Dan Rippe

Senate Enrolled Act (SEA-1) Revenue Impact and Town Response

- **SEA-1 (2025)** reduces property-tax bills statewide and restructures Local Income Tax, lowering the overall LIT cap and giving the county greater control over how LIT is distributed among units.

- Property tax and LIT currently provide **85%** of Town of Clear Lake tax-supported revenue, so these changes create material fiscal risk.

- Steuben County's Municipal Unit Strategic Taskforce (MUST) is deliberating now to determine LIT rates and distribution among units.

- Current estimates show an approximate **11%-39% revenue reduction** for the Town; the new structure takes effect with the **2029 budget**, but the TOCL town council is beginning adjustments in **2027**.

- **To help close the gap**, the Plan Commission has been asked to recommend ways to improve the balance between expenses and revenues for Zoning Administration Services.

Objectives

Role of Zoning Services

- Maintain the unique residential setting of Clear Lake - a community priority
    - Comprehensive, detailed Uniform Development Ordinance (UDO)
    - Professional application of the UDO in a consistent, fair, and legally compliant manor
- Operate within Town of Clear Lake budget constraints

Fees: Criteria

- Target at least 50% coverage of administrative and enforcement costs – from average 34% currently
- Project fees need to reflect time and effort required
- Proportional – larger, more complex projects cost more
- Fees to be transparent, simple, and intuitive
- Changes effective 12-1-2026

Fees: Structure

- Improvement Location Permit (ILP's)
- Other: Appeals, Variances, Subdivisions of land, Special Meetings, etc.

Improvement Location Permits

Current:

Improvement Location permits:			
Projects less than 200 square feet	$	200	
Projects 200 square feet to 1,999 square feet	$	400	
Projects 2,000 square feet to 2,999 square feet	$	500	
Projects 3,000 square feet to 3,999 square feet	$	600	
Projects 4,000 square feet or greater	$	700	
Commercial projects of any size	$	1,000	
Fence and/or Retaining Wall	$	100	
Flatwork and/or Hardscaping	$	125	
Signs, less than 50 square feet in area	$	50	
Signs, 50 square feet in area or greater	$	1	per sq ft
Outdoor Mechan ical Equipment	$	75	
Temporary Improvement Location permit	$	75	
Amendment to App/site plan (Major)	25% of original fee		
Post Construction Improvement Location permits	Regular Fee Tripled		
Reinspection	$	75	
Demolition Permit Application	$	100	
Each Additional Structure to be demolished	$	25	
Post Demolition Inspection	$	50	

Proposed:

Improvement Location Permit (ILP)

All new or remodeled homes, accessory structures, or decks	$	300.00	plus $0.50 per sq ft
Commercial projects	$	2,250.00	
Fences, retaining walls, outdoor mechanical equipment, or signs	$	200.00	
Temporary location permit	$	200.00	
Flatwork and/or hardscaping	$	300.00	
Demolition	$	200.00	plus $75 per add'l structure
Reinspections	$	75.00	
Amendment to App/Site Plan (Major)	25% of original fee		
Extension of ILP (six (6) month extension) (renewable three (3) times)	25% of original fee		
Post Construction Improvement Location Permits	Regular Fee Tripled		

Scope of ILP - what's included

ILP	Fee	Demo	Decks	Flatwork / hardscape	Fences	Retaining walls	Outdoor mech equip	Signs
New structures	$300 + $0.50/sf	No	included*	included*	included*	included*	included*	included*
Remodeled structures	$300 + $0.50/sf	No	included at $0.50/sf*	included*	included*	included*	included*	included*
Commercial structures	$ 2,250	No	included*	included*	included*	included*	included*	included*

** Elements must be defined and submitted as part of the initial ILP application to be included*

- **Most projects: $300 + $50 per sq ft.**
- **Fees are a very small percentage of overall new construction cost**

Other Zoning Fees

Current:

Administrative Appeal	$	900	*
Variance (Development Standards) :			
Residential	$	1,250	*
EachAdditional Residential Request	$	250	*
All Other Non-Residential	$	1,750	*
Variance (Use Standards):			
First variance	$	1,500	*
Each additional variance after the first	$	750	*
Special Exception	$	900	*
Applicant-requested Special BZA Meeting**	$	1,500	*
Subdivision of Land			
Administrative Subdivision	$	450	*
Minor Subdivision	$	800	*
Primary Plat first four (l-4) lots	$	1,000	*
Primary Plat each additional (5+) lot after four	$	100	/each lot
Secondary Plat	$	200	
Zoning Map Amendment (Rezoning)	$	500	+ $100/acre *
Development Plan Approval	$	500	
Planned Unit Development	$	3,000	+ $80/acre *
Vacation of a Public Way	$	1,500	
Applicant-requested Special PC Meeting**	$	1,500	

*Applications requiring apublic hearing shall be charged $100, in addition to the listed fee, for legal advertising costs and mairing costs to interested parties

**If an applicant requests a special meeting of the Plan Commission, this one-time special meeting fee shall be collected, in addition to the fees listed for the specific petition. Special meeting fees shall not be split between applicants

Proposed:

Administrative Appeal	$	1,000.00	
Variance (Development Standards)			
Residential	$	1,350.00	
Each Additional Residental Request	$	350.00	
All Other Non-Residental	$	1,850.00	
Variance (Use Standards)			
First Variance	$	1,600.00	
Special Exception	$	1,000.00	
Applicant requested Special BZA Meeting (note)**	$	1,500.00	
Subdivision of Land			
Administrative Subdivision	$	450.00	
Minor Subdivision	$	900.00	
Primary Plat - First Four (1-4) Lots	$	1,100.00	
Primary Plat - Each Additional (5+) Lot after first four Lots	$	100.00	each lot
Secondary Plat	$	200.00	
Waiver Request	$	1,600.00	limit 2 waiver requests
Plat Vacation or Partial Plat Vacation	$	1,600.00	
Zoning Map Amendment (Rezoning)	$	500.00	plus $100/acre
Development Plan Approval	$	500.00	
Planned Unit Development Base Fee	$	3,000.00	
District Ordinance and Establishment Plan	$	250.00	per acre
Applicant Requested Special PC Meeting (note)**	$	1,600.00	

**If an applicant requests a special meeting of the Plan Commission, this one-time special meeting fee shall be collected, in addition to the fees listed for the specific petition. Special meeting fees shall not be split between applicants

- **Small increases typically $0 to $100**
- **No change to Administrative Subdivision fee**

Discussion

Appendix

Appendix A

Current Fee Schedule

Current 2026			
Town of Clear Lake Planning and Zoning Fee Schedule			
Improvement Location permits:			
Projects less than 200 square feet	$	200	
Projects 200 square feet to 1,999 square feet	$	400	
Projects 2,000 square feet to 2,999 square feet	$	500	
Projects 3,000 square feet to 3,999 square feet	$	600	
Projects 4,000 square feet or greater	$	700	
Commercial projects of any size	$	1,000	
Fence and/or Retaining Wall	$	100	
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Signs, less than 50 square feet in area	$	50	
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Reinspection	$	75	
Demolition Permit Application	$	100	
Each Additional Structure to be demolished	$	25	
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Administrative Appeal	$	900	*
Variance (Development Standards) :			
Residential	$	1,250	*
EachAdditional Residential Request	$	250	*
All Other Non-Residential	$	1,750	*
Variance (Use Standards):			
First variance	$	1,500	*
Each additional variance after the first	$	750	*
Special Exception	$	900	*
Applicant-requested Special BZA Meeting**	$	1,500	*
Subdivision of Land			
Administrative Subdivision	$	450	*
Minor Subdivision	$	800	*
Primary Plat first four (l-4) lots	$	1,000	*
Primary Plat each additional (5+) lot after four	$	100	/each lot
Secondary Plat	$	200	
Zoning Map Amendment (Rezoning)	$	500	+ $100/acre *
Development Plan Approval	$	500	
Planned Unit Development	$	3,000	+ $80/acre *
Vacation of a Public Way	$	1,500	
Applicant-requested Special PC Meeting**	$	1,500	

*Applications requiring apublic hearing shall be charged $100, in addition to the listed fee, for legal advertising costs and mairing costs to interested parties

**If an applicant requests a special meeting of the Plan Commission, this one-time special meeting fee shall be collected, in addition to the fees listed for the specific petition. Special meeting fees shall not be split between applicants

Appendix B

Proposed Fee Schedule

Town of Clear Lake Planning and Zoning Fee Schedule		
Improvement Location Permit (ILP)		
All new or remodeled homes, accessory structures, or decks	$ 300.00	plus $0.50 per sq ft
Commercial projects	$ 2,250.00	
Fences, retaining walls, outdoor mechanical equipment, or signs	$ 200.00	
Temporary location permit	$ 200.00	
Flatwork and/or hardscaping	$ 300.00	
Demolition	$ 200.00	plus $75 per add'l structure
Reinspections	$ 75.00	
Amendment to App/Site Plan (Major)	25% of original fee	
Extension of ILP (six (6) month extension) (renewable three (3) times)	25% of original fee	
Post Construction Improvement Location Permits	Regular Fee Tripled	
Administrative Appeal	$ 1,000.00	
Variance (Development Standards)		
Residential	$ 1,350.00	
Each Additional Residental Request	$ 350.00	
All Other Non-Residental	$ 1,850.00	
Variance (Use Standards)		
First Variance	$ 1,600.00	
Special Exception	$ 1,000.00	
Applicant requested Special BZA Meeting (note)**	$ 1,500.00	
Subdivision of Land		
Administrative Subdivision	$ 450.00	
Minor Subdivision	$ 900.00	
Primary Plat - First Four (1-4) Lots	$ 1,100.00	
Primary Plat - Each Additional (5+) Lot after first four Lots	$ 100.00	each lot
Secondary Plat	$ 200.00	
Waiver Request	$ 1,600.00	limit 2 waiver requests
Plat Vacation or Partial Plat Vacation	$ 1,600.00	
Zoning Map Amendment (Rezoning)	$ 500.00	plus $100/acre
Development Plan Approval	$ 500.00	
Planned Unit Development Base Fee	$ 3,000.00	
District Ordinance and Establishment Plan	$ 250.00	per acre
Applicant Requested Special PC Meeting (note)**	$ 1,600.00	

**If an applicant requests a special meeting of the Plan Commission, this one-time special meeting fee shall be collected, in addition to the fees listed for the specific petition. Special meeting fees shall not be split between applicants