



**CEDAR LAKE PLAN COMMISSION SPECIAL WORK SESSION MINUTES  
CEDAR LAKE TOWN HALL, 7408 CONSTITUTION AVENUE, CEDAR LAKE, INDIANA  
NOVEMBER 29, 2021 at 6:00 pm**

**CALL TO ORDER:**

Mr. Jerry Wilkening called the Plan Commission Special Work Session to order at 6:05 pm, on Monday November 29, 2021, with its members attending on-site.

**ROLL CALL:**

**Members Present:** Robert Carnahan (via Zoom); John Foreman; Richard Sharpe; Heather Dessauer (via Zoom); John Kiepora, Vice-President; Jerry Wilkening, President. A quorum was attained. **Also present:** Don Oliphant, Town Engineer; Jill Murr, Planning Director; Rick Eberly, Town Manager; and Ashley Abernathy, Recording Secretary. **Absent:** Chuck Becker; and David Austgen, Town Attorney.

**Zoning Ordinance Work Session:**

**Chapter 6.7 Legacy Lots**

Mr. Eberly stated this chapter was created to allow development, make improvements on, or build on lots that are smaller than standard lots or smaller than what is allowed by the Zoning Ordinance. What was presented to the Plan Commission is an attempt to address the Legacy Lots. These are for lots of record and the same thing was created for Commercial Legacy Lots. As proposed, this would allow additions to building that are lots that are not lots of record as long as the addition was not more than 25% of the square footage for the footprint of the existing building and did not increase noncompliance with setbacks or lot coverage. This proposes to allow items such as detached garages, sheds, gazebos, fences, etc. to be constructed to be constructed without the need to plat the lot, as long as they meet the requirements in the Zoning Ordinance.

Mr. Wilkening asked if this was for Residential Legacy Lots. Mr. Eberly clarified Section B, Items 1, 2, and 3 are Residential and Section C, Items 1, 2, and 3 are Commercial Legacy Lots.

Mr. Wilkening commented there needs to be care taken with Legacy Lots. Mr. Foreman discussed the lot size requirements listed in the Legacy Lots only being 5,000 square feet. Mr. Wilkening clarified he was referring to Item 3 and stated for example Shane's could rebuild with an addition as long as all the setbacks would follow requirements. This would occur regardless of its legal status on paper. Mr. Eberly stated it would be regardless if the property was a platted lot or not.

Mr. Foreman asked if anything that falls under Items 1, 2, or 3 in Section C are for Legacy Commercial Lots. Mr. Eberly responded in the affirmative. Mr. Foreman read the setbacks listed for lot development

standards for vacant Legacy Lots and stated that would prevent most businesses from qualifying. Mr. Wilkening expressed concerns about creating more issues in the Legacy Lot area.

Mr. Wilkening stated he thinks having Item 3 for Residential Lots is a good idea and asked if this applied to Commercial Lots. Mr. Eberly stated Section C, Item 3 the language is almost identical and attempts to allow commercial buildings on non-platted lots to add an addition as long as it does not result in an increase into the non-compliance.

Mr. Oliphant commented if the building is demolished, they will have to start with the platting process. Mr. Eberly commented on the same. Discussion ensued at length regarding Legacy Lot items with building setbacks and additions that could occur without needing the plat the property.

Mr. Foreman discussed an example of the McColly Real Estate Office and the building next to it and stated if some building was wanted to do there, it may fall into the category of the Legacy Lots. Mr. Oliphant stated a maximum threshold would need to be set. For example, if the lot is over 25,000 square feet.

Mr. Eberly commented that was what he was stating, and a Legacy Lot could apply to a maximum amount of square feet. The Legacy Lot has to meet the criteria for a minimum lot size and if it is a vacant residential Legacy Lot, it has to be 5,000 square feet or more. If a lot is an acre or more, it would not qualify to be able to be a Legacy Lot and would need to plat first.

Mr. Wilkening asked what could be potential problems in the future for non-platted lots. Mr. Eberly stated he thinks Mr. Wilkening is concerned about properties not being properly defined due to not being platted. Mr. Wilkening stated with not platting the properties, there can be confusion and need to be cleaned up. Ms. Murr discussed the Starcevic property and determining the Right of Ways. She thinks a big part of the platting process helps define the Right of Way so it does not have to be acquired in the future. Discussion ensued on what was the goal of Legacy Lots versus platting the property.

Mr. Foreman discussed Occupied Residential Legacy Lots and the standards created for Occupied Legacy Lots. Mr. Foreman asked about the requirement to have a garage in order to do improvements on the lot. Mr. Eberly stated that was from the current Zoning Ordinance of needing to have a garage with a minimum lot size.

Mr. Nick Recupito asked the Commissioners where would the Legacy Lot overlay district going to be applied. Mr. Eberly stated the Legacy Lot overlay does not apply uniformly. The districts have to be identified in which the Legacy Lot overlay would apply.

Mr. Wilkening asked Mr. Oliphant if he had a list of where the overlay district would be. Mr. Oliphant stated he had a map. Mr. Eberly commented when the Zoning Ordinance is adopted in its entirety, there will be an adoption of the new Zoning Map that Mr. Oliphant has been working on with Ms. Bakker and other staff members. Mr. Oliphant can create a legend for Legacy Lots for whatever the Plan Commission determines where the overlay district will be. Discussion ensued about where the overlay could be and how to apply the overlay.

Mr. Carnahan stated he thought the Legacy Lots was supposed to be utilized for Old Cedar Lake and the new subdivisions would be New Cedar Lake. With the Legacy Lots, it was to set standards for what could be done in Old Cedar Lake. Mr. Eberly stated that was correct and listed new subdivisions that would not be included in the Legacy Lots.

Mr. Recupito asked when the overlay district is applied, the R-2 Zoning District would not apply to the Legacy Lots and only the Zoning Ordinance for Legacy Lots would apply. Mr. Eberly commented the more restrictive standards would apply to Legacy Lots. For example, in a Legacy District the maximum build height would be for 25 feet, whereas for a R-2 Zoning District it would be changed to 35 feet.

Mr. Wilkening asked if the Legacy Lots could have a maximum square footage. Mr. Foreman asked Mr. Wilkening if he is thinking 5,000 square feet is too small of a lot. Mr. Kiepura stated they are just trying to define what a Legacy Lot is. The best way to define it is by lot size. So, if the lot is 9,500 feet or less, it would be a Legacy Lot. Anything over the 9,500 square feet would need to meet the R-2 Zoning Ordinance. Discussion ensued about the potential use of lot size to determine Legacy Lots, including the minimum and maximum lot size requirements.

Mr. Foreman asked how to answer Mr. Recupito's first question of where the Legacy Lots would be. Mr. Recupito commented he thinks this is something that would need to be notified to the public, due to impacting properties of the Town. Mr. Foreman stated the Legacy Lot is to make it easier. Mr. Oliphant commented on the same.

Mr. Recupito discussed the two biggest problems he has been told about from individuals in the Town has been traffic and density. He understands there is a want to fix up the old houses, but is concerned about the application to the vacant lots and asked the Commissioners if the intent was to create more density or fix up existing properties. The Commissioners responded it was to fix up existing properties.

Mr. Wilkening stated perhaps the vacant Legacy Lot standards should be removed. Mr. Foreman asked if the vacant Legacy Lot size is made a minimum of 10,000 square feet. Mr. Wilkening commented he understood what Mr. Recupito was talking about and having vacant Legacy Lots is a dangerous area. Discussion ensued about if the lot size for vacant Legacy Lots was 10,000 square feet it would be the same as the R-2 Zoning District and would not be needed.

Mr. Eberly discussed in the Legal Non-Conforming portion of the Zoning Ordinance, there exists the ability to build on a lot of record less than the minimum requirements of the current Zoning Ordinance, if they are at least 50 feet wide and have 5,000 square feet they can be built on. This is the same thing that the vacant Legacy Lot is doing. A lot of 25 feet width cannot be built on. Two 25-foot-wide lots together can be built on and have to be recorded lots. Mr. Wilkening discussed removing the Vacant Lot portion of the Legacy Lots.

Mr. Foreman asked Mr. Eberly if the Legal Non-Conforming portion of the Zoning Ordinance would need to be removed as well and what do other municipalities in the area do. Mr. Eberly commented the 50-foot-wide lot size with 5,000 square feet is common language throughout other communities in the area for being buildable, as long as they are a lot of record.

Mr. Wilkening stated the density has been discussed before extensively and that he does not think it should be easier for the vacant lots to be built upon. Mr. Eberly asked if the Commissioners would like to remove the Vacant portion and leave the language for occupied parcels. Mr. Wilkening responded in the affirmative. It was the determination of the Plan Commission to remove the Vacant Lot portion from the Legacy Lots.

Mr. Recupito asked if a garage is being required what would be the minimum parking requirements for these lots. Mr. Eberly stated this is addressed for Commercial Legacy Lots by being allowed in all setback



areas but is not allowed to extend into a Public Right of Way. Similar language could be added to the Residential Legacy Lots. For off street parking, have 1 off street parking space required. Discussion occurred about parking in various areas of the Town and determining having a minimum of 2 off street parking spots.

Mr. Recupito asked how the Legacy Lot Zoning would apply to building an accessory structure on a lot, without a primary structure. Mr. Eberly stated they would need the Variance from the BZA to put a structure on a lot without a primary structure. The setbacks would need to be met and the BZA would be able to restrict the lot coverage due to the Zoning Ordinance not allowing for an accessory structure to be built on a lot without a primary structure. It would be the determination of the BZA to restrict the size of the accessory structure.

Mr. Wilkening asked the Commissioners if everyone was still okay with allowing for a building height of 35 feet in an R-2 Zoning District. The Commissioners discussed the changing of the height to 35 feet to make the building heights uniformed. Mr. Eberly stated there had been discussion by the Plan Commission to do either 30 or 35 feet as the building height and it was determined to utilize a 35-foot height.

Ms. Murr asked with the demolition and rebuilt on a lot within the Legacy Lots, could a timeline be established to ensure a house is rebuilt within a set of time and not just vacant until the owner choses to rebuild; or if the lot would just become a vacant lot once the house is demolished. Mr. Eberly commented when a demolition permit is taken out, the new construction permit should be taken out at the same time.

Mr. Wilkening asked how long the time period would be for the individual to demolish and rebuild their house. Mr. Eberly commented the length of permits are being looked at in a different Ordinance. Currently, the time period for a permit is a year. There is going to be a proposal in a different Ordinance the Plan Commission will see the next Plan Commission Work Session on updating the Building Department fees. Discussion ensued about setting a time limit for demolishing and rebuilding a house on a Legacy Lot.

Mr. Foreman suggested making an addition to Item B.2 stating "This would also allow for structures to be demolished and rebuilt on a lot such as this, as long as the new structure meets the bulk standards listed above" with a notation the building and demolition permit must be pulled at the same time.

Mr. Oliphant asked for houses that are torn down, with the removal of vacant Legacy Lots, would a reference to Legal Non-Conforming Bulk Standards be needed. Mr. Eberly responded in the affirmative. Mr. Oliphant asked if an overlay district would be needed for Legacy Lots, or if it could be the whole town. Discussion ensued about if an overlay district is needed with the size requirements needed for a Legacy Lot and the lot needing to pre-date the Town's incorporation.

Mr. Wilkening stated he wanted to discuss Occupied Commercial Legacy Lots further. He thinks the numbers created for bulk standards are good but does not like the fact they would not become platted lots. Mr. Foreman asked Mr. Wilkening if he would prefer for any commercial property to become a One (1) Lot Subdivision.

Mr. Foreman stated the requirements for Occupied Commercial Legacy Lots listed including parking not extending into the Public Right of Way. Mr. Wilkening stated if the property is not platted, where is the Public Right of Way.

Mr. Wilkening discussed Section C, Item 3 with "Additions to buildings on lots that are not lots of record (platted lots) will be allowed without the need to convert the lot to a lot of record (platted lot) if said addition does not result in an increase to the square footage" and stated that portion is concerning for to him.

Ms. Dessauer asked if they see enough lots for commercial properties that they would need to be put into the Legacy Lot Overlay District. She likes the Legacy Lot for residential but does not see the commercial portion being a big enough issue and should not be included in the Legacy Lot Overlay Districts. Discussion ensued regarding Commercial Legacy Lots being allowed in the Legacy Lot Overlay Districts or removing it from this section.

Mr. Foreman stated he thinks the rules created fit within the older commercial lots and most cases will still need to come to the BZA. If a business is demolished, then they would need to get a lot of record. Mr. Wilkening stated leaving the surveys out of the lots that are not platted for commercial buildings, is not a responsible move on the Plan Commission. Mr. Foreman asked if Mr. Wilkening was discussing making a One (1) Lot Subdivision. Mr. Eberly commented on the same. Mr. Wilkening responded in the affirmative. Mr. Foreman stated he agreed with that and discussed adding the requirement of obtaining a One (1) Lot Subdivision for commercial.

Mr. Oliphant advised the Plan Commission when the platting process occurs it opens up the Lighting Ordinance. When someone goes for a One (1) Lot Subdivision, it opens up the Petitioner to bring all the items up to current Code Ordinances. Mr. Foreman stated after hearing Mr. Oliphant's comments, he is not in favor of adding in a requirement to make commercial properties get a One (1) Lot Subdivision, but he understands what Mr. Wilkening is talking about. Discussion ensued about current Code Ordinances.

Mr. Eberly stated there are things that can be done to improve the property without platting, such as new siding, painting, roof, and such. Mr. Wilkening commented when adding an addition for the business is what he is concerned about.

Mr. Foreman asked if they were talking about removing vacant Legacy Lot for commercial businesses. Mr. Eberly stated that was his understanding was to remove vacant Legacy Lot for both. Mr. Wilkening commented about giving Occupied Commercial Legacy Lots an allowable bulk standards. Further discussion ensued regarding the Commercial Legacy Lot Overlay District. Discussion ensued about the removal of Vacant Legacy Commercial Lots being removed from the Ordinance. Further discussion ensued about increasing the requirements for bulk standards for Occupied Legacy Commercial Lots.

Ms. Murr asked the Plan Commission if they are referring to a vacant lot as a lot that has no building and an occupied lot as a lot has a structure. Mr. Wilkening responded in the affirmative. Ms. Murr stated if an occupied structure is vacant more than 6 months, it reverts to the Zoning District in which it was classified and the definitions are contradicting themselves. Mr. Eberly commented an occupied lot means that it would have a structure, not that the building is occupied.

Mr. Wilkening stated it would still go back to the 6 months. Mr. Eberly commented the Legal Non-Conforming Ordinance Ms. Murr is referring to is if the use that is existing in a building is legal non-conforming and the use goes vacant for 6 or more months, the use cannot be re-established. If the same style of business that is allowed in the Zoning District goes in, it can be occupied by the same style of business.

Mr. Eberly asked if they wanted to make the development standards for occupied commercial legacy lots 5,000 square feet. Mr. Wilkening responded in the affirmative. Mr. Eberly asked if they wanted the lot width to change to 50 feet. The Commissioners responded in the affirmative. Mr. Eberly stated the side yard setbacks could be increased. It was the decision of the Plan Commission to make the side yard setback 10 feet for occupied commercial legacy lots. It was the determination of the Plan Commission to change the front and rear yard setback 20 feet.

Mr. Recupito asked the Commissioners with Residential or Commercial Legacy Lots, how it would apply to the Town. Would it apply to specific areas or the whole town. Mr. Eberly discussed still using a polygon to identify where the Legacy Lot District applies. Mr. Oliphant stated since Vacant Legacy Lots have been removed and Item 2 states lots of less than 5,000 square feet remove most of the applicable lots and asked if a polygon would still be needed.

#### **Chapter 15 – Signs, Section C Signs in Business and Industrial Districts**

Mr. Wilkening stated the next section to be talked about is Chapter 15, Section C, Signs in Business and Industrial Districts. Mr. Wilkening read “each building shall be entitled to signage 1 square foot per linear foot of frontage” from the proposed Ordinance and asked Mr. Eberly if this was a formula he had used before. Mr. Eberly responded in the affirmative and stated he has seen this formula utilized frequently. It is a common formula for commercial signage. There should be a maximum size included.

Mr. Wilkening asked what the current Ordinance is for signage. Mr. Eberly stated the current ordinance allows for 2 Commercial signs, with one being 60 square feet and the other is 32 square feet. This only allows for a business to have 2 signs and if there is a directional sign that is enter and exit it would need a variance for the extra sign.

Mr. Wilkening suggested calling the other signs directional signs. Mr. Eberly agreed they should be called directional signs and if the Plan Commission desired, they could limit the number and size of those. For example, make a directional sign no more than 3 feet tall, no bigger than 4 square feet, and limited to the number of entrances and exits on the property.

Mr. Eberly stated the ratio of 1 square foot of signage per linear foot of frontage should make the size of the sign proportionate to the size of the building, with a maximum size. Discussion ensued regarding the proposed change with examples of businesses around the Town and how the signs could be divided.

Mr. Wilkening asked Mr. Eberly what he thinks the maximum square footage for a sign should be. Mr. Eberly stated it should be the 1 to 1 ratio with a maximum of 100 square feet.

Mr. Kiepura asked if a business painted their logo on a side of the building would that count as a sign. Mr. Eberly responded in the affirmative.

Mr. Sharpe asked Mr. Eberly for further clarification on using 100 square feet for the maximum. Mr. Eberly stated he has seen that number utilized commonly for a maximum size for signage.

Mr. Wilkening read “In the event that a building has a monument sign it shall be limited to a maximum size of 60 square feet in area”. Mr. Eberly stated the monument sign has a maximum of 60 square feet.

Mr. Wilkening asked with monument signs, is the sign in totality the size of the monument sign. Mr. Eberly responded in the affirmative with the exception of the base. If the support base is a set height with no

signage on, that is not counted as part of the size of the sign. Mr. Oliphant commented that an example would be the subdivision signs that have a concrete base, it is only the placard that counts for the sign size.

Mr. Foreman asked if there is a limit to how high the sign can be off of the ground. Mr. Kiepora and Mr. Oliphant responded the height restriction is 6 feet off of the ground.

Mr. Wilkening asked with the pole mounted signs, the support is to be the support and if verbiage is put on the pole, does that become part of the sign. Mr. Eberly stated if the verbiage is built in, it becomes part of the sign. If it is a temporary banner on the pole, it does not become part of the sign.

Mr. Wilkening discussed the language included in the Ordinance regarding a sign being placed within 10 feet of a Right of Way, Street, or Highway. Mr. Oliphant commented Airport Heights and U.S. 41 have wide Right of Ways. The ingress, egress point is into the Right of Way. Mr. Eberly stated a typical setback for a sign from a Right of Way is 10 feet. Discussion occurred on with larger Right of Ways, variances being needed due to the width of the Right of Way.

Mr. Wilkening asked if there was going to be discussion on message signs. Mr. Oliphant advised that message signs are located in the Lighting Ordinance.

Mr. Wilkening asked if there were any questions regarding what had been discussed for signage.

Mr. Oliphant asked Mr. Eberly about if the numbering needed to be cleaned up due to having 1, 3, 4, and 5, being listed. Mr. Eberly responded with the numbering, after Item 1.g, Item 2 would be for Off-Premise Signs. Discussion ensued about the numbering for Section C and getting the section cleaned up.

#### **Chapter 15 – Signs, Section D Non-Conforming Signs**

Mr. Wilkening read “All permanent signs erected prior to the effective date of this Zoning Ordinance which are in conflict with the terms of this Zoning Ordinance, as amended from time to time, shall be considered legal non-conforming and as such, shall adhere to the regulations regarding legal non-conforming uses”.

Mr. Wilkening asked if there is a title change, it would need to adhere to the Sign Ordinance. Mr. Foreman stated he did not think so, because the existing sign would be grandfathered in.

Mr. Eberly and Ms. Murr asked Mr. Wilkening if he was discussing changing the sign plate of the property or if ownership of the property changed. Mr. Wilkening responded in the affirmative. Mr. Eberly stated he would not treat it that way. If a property is purchased with a non-conforming sign, it still maintains its status as non-conforming.

Mr. Wilkening asked when should it be considered making the signage become conforming. Mr. Eberly gave an example of the pool company in St. John that had a non-conforming sign. The sign had been destroyed in a storm and would require a variance to be replaced. If a sign is destroyed, it cannot be rebuilt without being brought into compliance. Discussion ensued about non-conforming signs staying non-conforming as long as the structure of the sign is not changed.

#### **Chapter 15 – Signs, Section F Erection, Maintenance, and Repair**

Mr. Wilkening asked if the Town had requirements for signs with Chapter 15, Section F, Item 1. Mr. Eberly stated the Town does not, and the sentence could end with the State of Indiana and eliminate the rest.



Mr. Wilkening asked if Mr. Kubiak or Mr. Gatto would determine if a sign is unsafe and would need to be removed. Mr. Eberly responded in the affirmative.

Mr. Wilkening asked Mr. Eberly with regards to Item 4, removal of the sign 6 months after a business closes would be difficult to police. Mr. Eberly stated not only would it be difficult to police. Sometimes, it is counter productive to do so and gave examples from a previous municipality he worked in.

Mr. Wilkening asked the Commissioners if they thought Item 4 should be removed from the Ordinance. Mr. Oliphant advised leaving Item 4 in the Ordinance in case it is needed.

#### **Chapter 15 – Signs, Section G Temporary Signs**

Mr. Wilkening asked Mr. Eberly if the items in Section G were already existing in the current Ordinance. Mr. Eberly responded in the affirmative and stated he has not changed any part of Section G.

Mr. Wilkening discussed the portion of the Ordinance that allows a business to have 4 Activity Banners in a year and stated he thinks it would be difficult to police. He thinks the feather banners are nice and they should not have 4 of them out over a 12-month period. Mr. Foreman stated in Crown Point, a feather banner can only be utilized if they have gotten approval from the BZA. Discussion ensued at length regarding temporary signs and the use of activity banners.

Ms. Dessauer asked if the Ordinance covers the fold out signs. Mr. Wilkening asked Ms. Dessauer if she was talking about the sandwich boards. Ms. Dessauer responded in the affirmative.

Mr. Wilkening asked if sandwich boards were covered in this section of the Sign Ordinance. Mr. Eberly responded in the negative. Mr. Foreman suggested reviewing surrounding municipalities Ordinances and seeing what they have. Mr. Eberly stated with sandwich board signs, they are typically allowed on a private sidewalk. They are put up at the beginning of business and taken down at the end of day. They do not typically require a permit and should not be blocking a public sidewalk. Discussion ensued at length about if needing to include feather banner or sandwich board signages into the Sign Ordinance.

Mr. Wilkening asked about Item 9 Subdivision Sign On-Site and Item 10 Subdivision Sign Off-Site and asked what an off-site subdivision sign is. Mr. Eberly stated this is a problem everywhere. Mr. Oliphant stated these are the signs that are located around the area advertising for the subdivision. Discussion ensued regarding different signs located around the area for Subdivision Signs Off-Site and Subdivision On-Site Signs, including the fact they are often illuminated.

Mr. Wilkening asked if there are issues with policing these signs. Mr. Eberly stated the Police Department has the intent of bringing back a Code Enforcement Officer. Once a Code Enforcement Officer is hired, some of the issues could be taken care of.

Mr. Oliphant asked if they wanted to remove the non-illuminated portion for the Subdivision Signs On-Site, due to them being illuminated, and that could be controlled with the Lighting Ordinance. The Commissioners agreed to allow for those signs to be illuminated.

Mr. Wilkening asked if there should be a time period for Item 10. Mr. Oliphant stated there is a time limit included, with the time limit being 24 months after granting final approval or as long as any platted lot remains unsold, whichever is shorter.



Mr. Eberly commented with Item 9, the intent is to be removed after a certain construction points. The Commissioners would want to allow for a permanent sign for the subdivision. Mr. Oliphant asked if Item 9 was supposed to be for temporary advertising signs. Discussion ensued regarding Item 9 and 10 about what the signages are wanting to cover.

Mr. Wilkening asked the Commissioners if they were good with Chapter 15. The Commissioners responded in the affirmative.

#### **Chapter 18 – Administration and Enforcement**

Mr. Wilkening stated the next item for discussion was Chapter 18 Administration and Enforcement. Mr. Eberly stated both the BZA and the Plan Commission need to approve their updated Rules and Regulations. One of the items that has been a sticking point for both bodies, is not included in the Ordinance. The other reason this was passed out, is this chapter is not being replaced by the Rules and Regulations of the BZA, and can be amended without conflicting with the Rules and Regulations of the BZA. Mr. Eberly discussed the changes he created being done in red text.

Mr. Wilkening asked Mr. Eberly if having the Petitioner have more to do with their petition was still occurring. Mr. Eberly responded in the affirmative and that would be part of the application. This would be a strictly internal item and is not addressed by the Rules and Regulations of either body.

Mr. Wilkening asked with Section A Violations, would be a violation to any ordinance. Mr. Eberly responded in the affirmative. Mr. Wilkening asked without a Code Enforcement Officers, if there is anyone to take care of violations that occur. Mr. Eberly stated there are a number of individuals who can enforce the Ordinance, including himself, Ms. Murr, Mr. Kubiak, Mr. Gatto, any Police Department personnel. Mr. Wilkening asked if Mr. Eberly had any concerns with Section A. Mr. Eberly responded in the negative.

Mr. Eberly stated “prior to a public hearing the Board of Zoning Appeals shall refer to the appeal or application to the Plan Commission for review and comment” is not true and is being removed. Special Exception has also been removed from this Chapter. Paragraph J is removed due to discussing Special Exceptions, which is already being removed from the Ordinance. The next change is in Item 10.b which referred to Title 30 of the Current Ordinance, and is changed to reflect the proposed Ordinance.

Mr. Wilkening asked for clarification with Item 10.a regarding “appeals filed with the Board of Zoning Appeals must be specify the grounds of the appeals and must be filed within 10 days from the date of the action appealed from”. Mr. Eberly stated an individual can appeal to the BZA a decision made by the staff of the Town due.

Mr. Eberly stated Item 2 originally defined what an adjacent property owner as an adjacent property within 500 feet. This is not done in the Town, they use adjacent properties, including properties across the street. It is also proposed to change the proof of publication time from one day to five days prior to the Public Hearing.

Mr. Recupito asked with the removal of Special Exception and Special Uses, are all the uses listed under those sections going to be Variances of Uses. Mr. Wilkening responded in the affirmative.

Mr. Wilkening asked if there has been a document created for the BZA to utilize to imply what is stated by the Petitioner is going to do is applied. Mr. Eberly stated Mr. Austgen has talked about it. Mr. Wilkening asked Mr. Eberly if he did not like doing that. Mr. Eberly stated he would defer to Mr. Austgen regarding

legal matters, but to say that anything and everything a Petitioner stated during a meeting does not mean anything unless it is in the motion. Discussion ensued regarding what the Finding of Facts are according to State Statutes, the certification form for the BZA and the Plan Commission, and giving a copy of the form to the Petitioner.

Mr. Eberly advised the Commissioners he will make all final changes to the text and send out a draft final copy to the Commissioners prior to the Public Hearing.

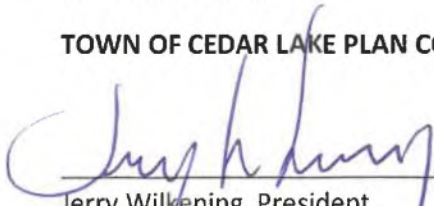
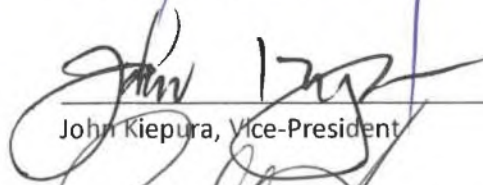

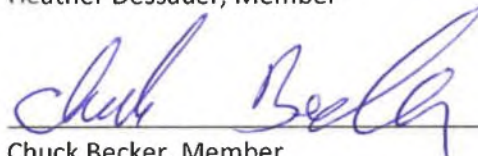
Mr. Oliphant asked if the Zoning Map would need to be circulated with the Zoning Ordinance. Mr. Eberly responded in the affirmative.

Mr. Wilkening asked the Commissioners if they had any further comments or questions. None were had.

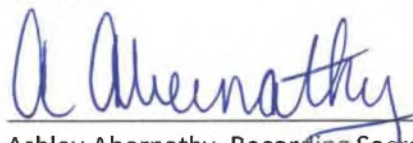
**ADJOURNMENT:**

Mr. Wilkening adjourned the meeting at 9:01 pm.

**TOWN OF CEDAR LAKE PLAN COMMISSION**

  
\_\_\_\_\_  
Jerry Wilkening, President  
\_\_\_\_\_  
John Kiepusa, Vice-President  
\_\_\_\_\_  
Richard Sharpe, Member  
\_\_\_\_\_  
John Foreman, Member  
\_\_\_\_\_  
Robert Carnahan, Member  
\_\_\_\_\_  
Heather Dessauer, Member  
\_\_\_\_\_  
Chuck Becker, Member

ATTEST:

  
\_\_\_\_\_  
Ashley Abernathy, Recording Secretary

*The Minutes of the Cedar Lake Plan Commission Special Work Session are transcribed pursuant to IC 5-14-15-4(b) which states:*

*(b) As the meeting progresses, the following memoranda shall be kept:*

- (1) The date, time, and place of the meeting.*
- (2) The members of the governing body recorded as either present or absent.*
- (3) The general substance of all matters proposed, discussed, or decided.*
- (4) A record of all votes taken by individual members if there is a roll call.*
- (5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.*

*Cedar Lake Plan Commission: November 29, 2021 Minutes of the Special Work Session*