



Special meeting for RV ordinance

# CICERO / JACKSON TOWNSHIP PLAN COMMISSION MEETING

## Plan Commission Special Meeting

April 10, 2018

7:05 p.m.

### Roll Call of Members

Present:

- ☐ Jack Russell
- ☐ David Martin
- ☐ Rusty Miller
- ☐ Chad Amos
- ☐ Dan Strong
- ☐ Dennis Schrumpf-absent
- ☐ Glen Schwartz
- ☐ Stephen Zell
- ☐ Marc Diller
- ☐ Aaron Culp - Legal Counsel
- ☐ C.J. Taylor - Plan Director

1. President Strong called meeting to order, declared a quorum.

#### **TOPIC: 7.23 Miscellaneous Standards (MS) MS-02: Storage and Parking of Recreational Vehicles**

President Strong explained background of the reason for the meeting. After several months of review and revision as well as research of other communities several members of the public were at meeting and board determined the opportunity to hear more from the public was needed. President Strong stated that everyone will have the opportunity to speak if they would like. Address comments to the board please. Everyone had the opportunity to sign in, and if you do wish to speak state your name and address for the record. To save time, try not to repeat comments unless adding to.

Here for informational purposes, for hearing from the public, we will not be making a recommendation or setting the ordinance tonight. This board is an advisory board to the Town Council and the final decision will be up to them. We will meet to determine any changes and a recommendation for the Town Council to review. This being said, we are ready if anyone has comments and suggestions to share.

Tom Grazianai 1349 Casco Bay Circle, resident for 42 years. Things that would be fair to everyone, camper/RV parking in drive for up to two weeks per year- allowing for loading/maint. After two-week period, should be off premise. Work vehicles more difficult to determine as there are many sizes and many variations of business use, weekday only, full time responsibility by driver and should be allowed it could affect their livelihood. Boat trailers that do not have a boat on them should be stored off premises. If boat is on the trailer, should be same as camper-two weeks. Concerned that the individuals that initiated process are not here for the public to hear their opinions. Feels that neighborhood is very clean and maintained. Mr. Grazianai stated would answer any questions. No questions from the board.

Mark Gordy (?) 1520 Bayswater Lane here to determine purpose of the ordinance? President Strong answered typically the purpose of any ordinance is to protect the property owners' property values, to

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protect the neighbors' health, safety, welfare of the community. Mr. Gordy asked for further clarification. President Strong gave example of parking too close to end of curb, sight lines as a safety example. Mr. Gordy continued that this seems like a HOA issue, for the neighborhood to look a certain way, not a safety issue. As far as everything you own being on your property or being dictated when on your property-Mr. Gordy is not in favor of that.

370 Morse Landing Drive-how will be administered, to be fair? Should this be a council decision or should be on fall as a referendum? President Strong explained that this is why we are having the open forum, lots not the same size etc. to come to a fair agreement. Mr. (?) stated have rules and yet doesn't seem to be enforced. President Strong explained that the Board doesn't enforce covenants. Concern for fire enforcement.

29 Bayshore Dr.-can't even get out due to lake needing dredged, where are we supposed to park boats. 842 Lanyard Dr. For the ordinance concerning trailers, boats, campers. Neighborhood dug up yard and still isn't fixed. Would love to see ordinance for trailers and trash in front yards to prevent.

Melissa Zuber 2503 Lincoln Dr. not opposed to restrictions but opposed to in town restrictions. There are neighborhoods have HOA type of restrictions if someone wants to live with that look. Due to number of vehicles and teens soon driving, would be concerned with restrictions that acted as a HOA. Mike Hanamaker 1440 Edgewater Dr. Moved into town due partially due to not having an HOA where we lived. Added a garage to not have items sitting out, as a fisherman there will be times but can understand not having there for years. Not in favor of losing "rights" but can understand perhaps a seasonality restriction.

Terri Strong 810 Lanyard Boating community and recreation community and would like to see ability to use the community without incurring additional costs. Town has responsibility to prevent us from becoming a junkyard. Perhaps the seasonality is a viable option. Concern for street parking versus parking on the grass expressed. Safety for all and for fire equipment important, cited example. If stated no parking on grass, does this open for everyone to cement in their front yards, thus limiting green space, rather see no street parking enforced.

Brian Burkhart 1280 Casco Bay Circle, Opinion is if legal and plated doesn't see anything wrong with being in the driveway. Needs to be fair and consistent. Who do talk to about Cicero Shores? Mr. Amos stated no HOA in Cicero Shores. Gave example of HOA covenants without a HOA, neighbor versus neighbor suing due to no active HOA. Mr. Burkhart questioned how to get covenants changed. Mr. Amos stated would need to reactivate the HOA. Mr. Burkhart asked where to get the covenants and why didn't homeowners have. President Strong explained process when a new HOA and unfortunately with home sales, they are not always passed on to the new homeowners. With your deed the covenants and restrictions are sometimes passed on. Mr. Culp explained the process for changing the HOA.

Nathan Huffman 1170 Grant Circle where do we get the covenants? Police does a good job of taking care of non-plated. If taxes are paid and vehicle plated, should be allowed. Can we share the covenants by mail? Wants a majority vote from everyone in town. President Strong stated for the covenants Mr. Taylor has worked to put on the Town website. Mr. Taylor explained cicero.in.gov via the planning department all but two of the covenants are now listed.

John Culp-Covenants are listed with the title insurance it should be listed where to get it at the recorders office. It identifies the page etc. where it is recorded.





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Mr. Burkhart continued to say isn't always shared when buying a home.

Question from person-what all is included in the description of vehicles? Explained different examples. Trailers is that boat, golf trailer, utility? Should be clear. What is legal is one thing but what is right is another.

President Strong tried to explain the current ordinance speaks mostly to RV's and as part we asked should we address all the other items we have been talking about. President Strong shared looking at other communities we developed a 12-page document. After reviewing, latest is about one page.

Mr. Culp-town attorney-right now we don't have a prohibition on cars parked in yard or trailers. Laws we have currently are based on state and some are local. Junk cars is not plated or not operable. One way the town must deal is thru nuisance ordinance, so could be cited.

Question is on timeline for Town Council.

President Strong stated will have a discussion tomorrow evening at regular Plan Commission meeting doesn't mean we will have the recommendation tomorrow. But will put board on the spot to have recommendation by the May meeting.

Mr. Bowen 2450 Lincoln Dr. does the town of Cicero manage the streets of Warehams Pond?

Concerned for the safety issues due to the sidewalks blocked and street parking. Cars parking on the street versus an RV parked in the driveway. Suggestion is to have larger front yards or to have offsite parking for the neighborhood for newer developments. Safety for the children playing or walking is the concerns. Concern for fire equipment due to the parking.

Mr. Amos stated when subdivision was approved there was no parking on the streets, however the Town Council approved parking on one side of street due to drives being filled and no space.

Mr. Bowen expressed concern for future subdivisions to prevent some of the issues being discussed.

Amy Featherston 1340 Waterbury T. Raised in country but has been nice to be in Cicero and not had an HOA.

Mr. Culp a couple people had mentioned putting on ballot for vote. Indiana law doesn't not allow. Can do a referendum or a constitution question but as a municipality cannot.

Mr. Huffman is there a way to do a community wide survey? Mr. Culp legally nothing preventing.

Option of Survey Monkey was mentioned and discussed.

President Strong stated last chance to speak.

## 2. Board Member Comments:

Mr. Martin-good comments as we consider what to do, no questions.

Mr. Diller- thank you to everyone appreciate all the feedback.

Mr. Amos-Just want to remind the public that we can not enforce covenants whether HOA or not. That is between the neighbors or the HOA if active. Survey Monkey how to get to each citizen is the challenge whether internet or not. Look at this meeting, all the ways we put this out and we have 20 people that show up out of 4900. Town Council elected for a reason, trust to make right decisions for the town. Said started with 12 pages, how is this going to work. Have discussed writing to have the police be able to enforce. Items some of you may not be aware of, when this was brought up we went around town and took pictures. Mr. Taylor 38 RV's not in compliance of the current ordinance. The Town Council was





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asking why that would be a violation on some of the pictures. We want you to know we aren't just trying to change an ordinance.

Mr. Graziani-is there a difference between a RV, motor home or camper? Mr. Amos stated he is looking at it all at the same. Mr. Graziani stated they are not. Mr. Amos stated that is why we are looking at it as the current ordinance considers all the same. President Strong read the definition of a recreational vehicle as defined by current ordinance. Mr. Amos stated no decisions that have been determined.

Mr. Russell-wrote down a couple of things and underlining is the culture of why we live in our community. Embracing of the recreational lifestyle. The culture of our community is coming thru.

Mr. Zell-common theme is this is Cicero. As Mr. Russell stated our culture will need to be considered as we make the draft. Appreciate everyone coming out to share their concerns.

Mr. Miller-this RV ordinance was done in the 90's and we don't know why. Perhaps because the lake was built up, the covenants do not go away. An ordinance does need to be tweaked to be able to cover but doesn't supersede the covenants and should not.

Mr. Graziani- stated he felt in the 70's the lots were large, and covenants were meant for undeveloped land. Look forward and be fair and equitable.

Glen Schwartz- Purpose was to listen to the public, everyone has taken notes. He does not live in limits, does not have a boat but understands concerns clearly and there is a lot of work to do. Thank you to everyone that came out and shared.

President Strong as everyone has said, thank you for coming out to share your concerns. The reasons for a 75ft setback in the ordinance doesn't make sense, a corner lot having two front lots and that impact. The board is very logical and will take comments in consideration as a draft is done for the Town Council to review. Everyone is welcome to come to the next meeting, tomorrow at 7:00 p.m. It is a public meeting but not a public hearing.

Question: this is a poor representation of the public that have an opinion on this topic. What can we do to get more people to share? Mr. Russell stated we could send something out, but greatest power is word of mouth to get public involved.

Question: Who are writing ordinance to? If can't enforce the covenants why write of an ordinance?

Explanation given that can enforce the ordinance, most covenants are stricter than the ordinance and the HOA is the enforcer. Can be in compliance of an ordinance but not a covenant and vice a versa.

Ms. Featherstone thanked the board for their time and appreciate the volunteer work that is done by the members.

President Strong thanked everyone for coming and while there are not many, felt it is a fair representation of the opinions of the community.

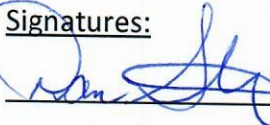
4. Next Planned Plan Commission Meeting: **April 11, 2018 at 7:00 p.m.**

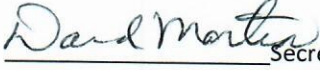
5. Adjournment: **Mr. Schwartz made motion to adjourn. Second by Mr. Zell.**



# CICERO / JACKSON TOWNSHIP PLAN COMMISSION MEETING

Signatures:

 President

 Secretary

Date: 5-9-18

Location:

Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034