



## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Plan Commission Meeting Agenda

October 9<sup>th</sup>, 2024

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

#### **Roll Call of Members**

Present:

- Dan Strong
- Wendy Gillespie
- Harrison Massone
- Chris Lutz
- Marc Diller
- Mark Thomas
- Jenna Majors
- Eric Hayden
- Dennis Schrumpf
- Aaron Culp - Legal Counsel
- Frank Zawadzki - Plan Director
- Terri Strong - Recorder

#### **Declaration of Quorum:**

#### **Approval of Minutes:**

September 11<sup>th</sup>, 2024

#### **Public Comment:**

#### **Old Business:**

Rules of Procedure

Overlay District

(NC) Neighborhood Commercial signs

Boathouse – 409 W Jackson Street - Review of fence from 2023

#### **New Business:**

**Petitioner:** Boathouse

**Property Address:** 409 W Jackson Street, Cicero, IN 46034

**Docket#:** PC-1024-06-DC

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## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

An Aesthetic Overlay District application has been submitted concerning winter lakeside dining on the property.

**Plan Director's Report:** Enclosed in your packets.

**President's Report:**

**Legal Counsel's Report:**

**Board Member Comments**

**Next Planned Plan Commission Meeting:**

November 13<sup>th</sup>, 2024

**11. Adjournment:**

Location:

Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034

DRAFT

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**CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION**

Plan Commission Meeting Minutes

September 11<sup>th</sup>, 2024

Cicero Town Hall

70 N Byron Street

Cicero, IN 46034

**Roll Call of Members**

Present:

Dan Strong

Wendy Gillespie

Chris Lutz

Marc Diller

Dennis Schrumpf

Mark Thomas

Jenna Majors

Eric Hayden

Frank Zawadzki - Plan Director

Terri Strong – Recorder

Absent:

Harrison Massonne

Aaron Culp available by phone

**Declaration of Quorum:** President Strong declared a quorum with 8 members present.

**Approval of Minutes:** Mr. Schrumpf made motion to approve minutes from August 14, 2024, meeting as presented. Mrs. Majors second. All present in favor.

President Strong questioned Mr. Zawadzki on the agenda. Mr. Zawadzki asked that the agenda be amended to include public comment.

**Mr. Hayden made motion to amend the agenda to include public comment. Mr. Lutz second. All present in favor.**

**Public Comment:** President Strong stated this is the time for any comments from the public on matters not on the agenda.

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Kimberly Chance 3161 E. 246<sup>th</sup> Street, Cicero. Live in the overlay district that conversation was started last meeting. Want to ask questions is that possible? President Strong stated would see how the conversation goes. Was questioned on whether a vote would take place or not tonight. President Strong stated he would allow questions prior to a vote.

No further public comment.

### **Old Business:**

President Strong stated first on old business is the Overlay District discussion. Started briefly at last meeting. Discussion on determining so the Plan Commission would have oversight on any development that would want to build in the overlay district. Intent is not to permanently rezone any of the area but to review aesthetics of the area and moving down the road look at permitted uses, non-permitted uses, and special exception uses. The intent tonight is to discuss the boundaries of that district might look like. Map used to describe the area. Suggestion was to utilize the area that the county determined as a TIF district. This would allow us to move faster with the boundaries, parcel numbers would be known, preliminary work done. Would open the discussion.

#### **1. Overlay District discussion**

Mr. Thomas questioned if we use the current district, could we expand in the future if we wanted. President Strong stated he understood that it could be modified in the future. Mr. Thomas asked if we followed the boundaries of the TIF, once we updated the Comprehensive Plan it could be modified if needed. President Strong explained yes, or could wait until Plan is completed, but have heard from residents in the area that are concern with the oversight aspect and this group being able to oversee development options. Mr. Lutz stated he agrees with the set up and expedite need, but if we put something in the district, is there a waiting period for changing? President Strong stated he is not 100% sure, not aware of a waiting period for creating. Know that we can create multiple, example being if along 31 was one and then we wanted another that included more of the Township we could. Mr. Lutz used an example of if this is created tonight, and after Comp Plan is complete we could come back in 6 months (as example) and divide into three overlay districts. Mr. Lutz wanting to make sure there are no time restrictions on any changes and doing quickly would hinder in the future. President Strong asked that Mr. Culp be reached on the phone to answer technical questions. Mr. Zawadzki reached Mr. Culp. President Strong explained the questions. If overlay district was formed tonight and later changes were desired could this happen? Mr. Culp stated yes, like any other zoning, as long as process is followed, public notice, recommendation to Town Council, Council vote. President Strong asked if district along US 31 and in future we want to break it into three districts we could. Mr. Culp stated yes, if we envisioned as a catch all district and then once the Comp Plan is complete, if desired to break into separate districts we could. President Strong thought that was the fact but wanted to verify with legal counsel. Mr. Culp stated online for the next questions. Mrs. Majors asked for clarification, the reason why we are putting a TIF district in place that would encompass the corridor along 31, is not to rezone, there are some areas that are already commercial zoning. The idea is that we as a Planning Commission would set up a "law" per se that would anyone building in the entire district or changing buildings in the district, would have to come before the Board to review their plans so we are approving aesthetic like buildings. President Strong stated that is correct, the intent is not to rezone any property, and not part of any discussion this evening. We would have standards set for the district, similarly, to having an Overlay District for most of the Town of Cicero. If

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someone wanted to do commercial business, we would look at style of building, lighting, parking, etc. Mrs.

Majors clarified that right now because it doesn't exist in our structure, these businesses have been able to go to the BZA and not the Plan Commission first, is that correct. President Strong stated that is correct, since they seek a variance; they go to the BZA. Since we don't have anything set up in the corridor there is no reason for them to come to the PC unless they seek a rezone for a property. Mrs. Majors stated then this would require coming before this Board for review and then the BZA, giving two boards review. President Strong stated before the BZA if looking for a variance but otherwise correct. Mr. Lutz gives us the opportunity to have a say on the vision we have. President Strong stated there is more work that would need to be done, to set the standards for the area, what we would want the buildings to look like, etc. Mr. Lutz asked for verification of the process. Mr. Culp added it would depend upon how the district is drafted, example being 50% brick, and if wanted less they would come for a variance. Mr. Lutz stated he would guess that Mr. Strong was 10 steps ahead and would outline more as we go along. President Strong gave summary of if Board decided to move ahead with an Overlay District, an ordinance would be created, would go through public hearing and final draft would go to Town Council for approval since it would be a zoning ordinance. President Strong distributed handouts with information on Overlay District. Don't misunderstand that we want to do everything that the County did, but did go back to look at what the County did to lay out an Overlay District. Modified to get a starting point. Gave it a place holder name. The packet has lot sizes, building materials, drive thru, lighting standards, roof designs. This is a starting point to the discussion. Does not have development standards and could give us a starting point that could be adopted fairly soon and modified as needed. Mr. Culp added that would expect to be in place approximately 12 months as we adopt the Comp Plan. President Strong stated there is more work to be done and will take time. Second part explained the building materials. Lastly, created a sheet for taking notes and what each would want to incorporate as you look at other communities and what they have done. This is based off the County website. Page two discusses options of a committee. Discussion on how the town has had Aesthetic Review committees in the past and whether it is an option for working through the details. Mrs. Gillispie asked if Township and the County can have overlays that have overlays. President Strong clarified this: as the Counties Overlay is the west side of US 31 to Dunbar Road in Adams Township. We are looking at the east side to create an Overlay district for the standards. Can get confusing because the TIF district is on both sides of US 31. Mr. Culp explained that the TIF district and zoning are quite different. The County has no zoning power in Jackson Township due to the ad joiner agreement and relationship with Town of Cicero. Unincorporated Hamilton County regardless of townships, defaults to the County, example police, fire that the commissioners retain that authority. President Strong stated we shared some starting points but at the end of the day we want to do what is right for Cicero and Jackson Township as we move forward in next few months. Mr. Hayden questioned existing property owners that now become part of the overlay district, how do they make changes to their property. Discussion on house painting as an example. Mr. Culp answered in the structure would be like town portion where we accept current and possibly ag buildings for farms. It would be in the wording of the District documents. Targeting commercial/industrial would be possible. President Strong stated the intent from the last meeting was to bring forward a starting point, looking for feedback, do the boundaries work, thoughts and feedback. How does the Board want to proceed? Mr. Culp stated it would be acceptable if the members wanted to review and come back next month.

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Mr. Lutz stated he was ok with the boundaries and wanted to move through the process right. President Strong stated from his perspective, he thought boundaries would be agreed upon tonight and the information

handed out and research done. Anticipates working sessions for the next few months. Mr. Lutz asked just because we have an Overlay District doesn't mean someone could come to the BZA and use it as a standing in the BZA. Mr. Culp agreed that the BZA has rules to follow and sole responsibility for granting a variance. Mr. Thomas questioned that with an Overlay District they would have to come to Plan Commission before going to the BZA. Mr. Culp answered it is based on what they are proposing, what kind of use variance they would be asking for. Mrs. Majors expressed concern that if this is put into place, it doesn't set precedence for someone to take a piece of zoned AG land and say you have standards in place that means it can be rezoned to commercial zoning. Mr. Culp stated they could make that argument, but at the end of the day that is just someone making an argument. Just because we have standards in place for a commercial property does not in any way preclude the Plan Commission to approve a rezone. Or the BZA to approve a Land Use variance. Statement can be added to the Overlay District to include that this is in no way a preference or desire to approve commercial but simply to have development standards for those commercial areas that are in the district. (as example)

President Strong summarized discussion and options for moving going forward. Mrs. Majors expressed to get things moving forward she agreed that the TIF district current boundaries make sense. Mr. Thomas agreed and discussed the timeline. President Strong questioned Mr. Culp if only a consensus is needed to move forward. Mr. Culp stated that is correct to put things together for the next meeting, a consensus is all that is needed. Mr. Thomas asked for the statement to be part of all items moving forward, that just because the standards are in place does not mean the land will be rezoned.

Mrs. Chance asked if a percentage was needed in the vote for an Overlay District. President Strong stated typically 9 members, so would need majority (5), and then it would go to the Town Council and would need 3/5. Mr. Culp stated that is correct, even if only 6 members it would need 5 votes. Also, if the TC wanted to amend it would go back to the Plan Commission, but the TC has the final approval.

Mrs. Chance asked if there is any provision to grandfather in any properties. Example: some have chickens would that be allowed, would properties be grandfathered if prohibited like town. Is it possible? President Strong stated that would not be part of this process but would come during development standards. Mr. Culp added that if an overlay district and development standards was set, if your use was in place prior to being adopted that would not change and would be grandfathered as a non-conforming use. That would be possible as long as it did not change for six months, even if sold property and next person wanted to do the exact same thing. Mr. Hayden expressed concern for the boundaries and not all of Jackson Township being part of the district. Mrs. Majors expressed concern for items like last month and the fences, buildings that do not need review from PC, how this would change and take up additional time and resources. Mr. Hayden shared he didn't want overreach. Mr. Lutz stated he wanted to move faster and set up the boundaries. Discussion ensued on recent situations and whether it is better to do the whole township. President Strong asked Mr. Culp if doing the whole township can you only state if it is commercial that it has to come before the PC. Mr. Culp answered can state only along 31, not apply to residential, number of employees as examples. Mr. Hayden stated he didn't want to slow the process but want to look at a broader reach. Mr. Diller felt Anthony Road was a cleaner line. President Strong stated we have all the information for the current TIF district and would have to research all parcels for any expansion. Mr. Culp stated and create descriptions of the properties, but the Board has a lot of discretion on setting boundaries and standards. Mr. Thomas stated we

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could do this area and once the Comp Plan comes out move the boundary if needed. Mr. Culp stated this area is the most logical to have the greatest risk for needing review in the next 12 months, as the process is defined.

President Strong asked what the Board would want to do tonight, if anything.

Mr. Lutz stated his recommendations would be to move forward using the TIF District boundaries, and review information and continue discussion at next meeting.

Mr. Thomas stated he would agree and second that recommendation, looking ahead to potential of Anthony Road once Comp Plan is updated. Regarding Agri-tourism it might show that 266<sup>th</sup> is another overlay or 276<sup>th</sup>.

President Strong stated we will go with the consensus tonight and Mr. Culp would start working on the paperwork to move forward. Consensus achieved to use the TIF district boundaries and will come back next month to further discussion.

## **2. Rules of Procedure update**

President Strong stated we have had Rules of Procedures for quite some time, but it was time to do some updating to them. Everyone should have received them and had a chance to review. While there aren't many changes they are updated to reflect today's role. Any additions or changes?

Mrs. Majors stated under section of membership, talks about 9, later discussing 2 from Jackson Township and 7 from Cicero. Do not see anything about the appointment of those members. Perhaps it is in another document, should there be something in this document about the term (4 years), attendance (not to miss 1, 2, 3) meetings to be in good standing. Where are they written down for years to come?

Mr. Lutz stated he thought they were a part of the joiner agreement. President Strong questioned Mr. Culp if they should be listed or is it covered in the IC codes. Mr. Culp stated important is that the rules of procedure cannot change how appointments are done, usually we site where in the Indiana Code it is spelled out. Mrs. Majors first page had a typo. Mr. Zawadzki questioned section 2-voting paragraph 3, regarding the conflict of interest the member must declare. The question is to whom they must declare, director, attorney. President Strong repeated the question to Mr. Culp. Mr. Culp answered there is a difference between a conflict and a financial interest, and so someone could have conflict without financial. They do not need to declare what the conflict is or just that they have to declare a conflict and don't participate. Discussion on interpretation and if the same for BZA. Mr. Culp read the statute, for Plan Commission, must be part of record but not reason for. Determined the wording will be reviewed to reflect this correction. Mr. Zawadzki added secretary will prepare accurate record. Mr. Hayden stated he signs off on the minutes. Mr. Zawadzki stated but we go from the recording to a transcriptionist which is legal, but wording is that secretary does it. Discussion ensued. Mr. Culp answered the commission can delegate certain things, but if concerned can change to secretary designee. And can tweak that in the document. Typos were discussed. Mr. Thomas questioned Section 5, letter C, if petition does not get submitted.... this area should include "not". Mr. Culp disagreed but would review further comparing to statute for rezone recommendations. It would still have to go to Town Council before approval. Mr. Thomas under section 6, conditional approval, does wording need to be spelled out. Mr. Culp stated the commission would conduct the investigation by delegating it through the Plan Director. Mr. Thomas questioned if it should be spelled out. Mr. Culp stated it could be requesting information not physical investigation of site. Determined to leave as it is. Mr. Thomas stated number 5, fourth line down, "learn what

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participates are doing”.

President Strong stated while a lot of time spent, glad there are not a lot of tweaks to be done.

**New Business:** No new business.

**Plan Director's Report:** Mr. Zawadzki summarized report as follows: August 2024, permit revenue of \$8394 and YTD of \$40782, compared to August of 2023 of \$5135 and YTD of \$66900. This is an increase for month of \$3259 and a decrease for YTD of \$26118. Issued 22 building permits, 16 in corporate limits with 4 being new homes, six in Township with 0 new homes. Estimated cost of projects \$2,152,535.

**President's Report:** President Strong thanked everyone for their engagement this evening and contributions.

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**Legal Counsel's Report:** Mr. Culp updated that the Town broke ground on the sewer project. Will be moving forward and take approximately 18 months. Town acquired a parcel on Jackson St. next to the Pocket park. Currently has a house and garage, and in upcoming weeks will be demolishing those buildings. Town wanted to acquire for looking to the future.

President Strong thanked Mr. Culp for being available by phone.

**Board Member Comments:** Mr. Hayden stated he felt we need to look at the sign ordinance, missing opportunities to make look better. Example was last month's Cicero Chiropractic, willingness to make look better than we required. President Strong asked if recommending looking at all the sign ordinances or just Neighborhood commercial. Mr. Hayden stated pole signs specifically. Mr. Thomas stated he agreed we have opportunity. Discussion ensued on landscaping around signs. Mr. Hayden stated he wasn't complaining about what they did, just that we had opportunity and could do better with the ordinance.

**Next Planned Plan Commission Meeting:**

October 9<sup>th</sup>, 2024

**Adjournment: Mr. Schrumpf made a motion to adjourn. Mr. Lutz second. All present in favor.**

**President:** \_\_\_\_\_

**Secretary:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Location:  
Cicero Town Hall  
70 N Byron Street  
Cicero, IN 46034



**RULES OF PROCEDURE  
CICERO-JACKSON TOWNSHIP PLAN  
COMMISSION**

**ARTICLE I  
AUTHORITY,  
DUTIES**

**SECTION 1. AUTHORITY**

The Cicero-Jackson Township Plan Commission (hereinafter called Commission) exists as an Advisory Plan Commission under authority of Indiana Code 36-7-4-200 series and 36-7-4-1210 and any amendments thereto. These rules are adopted in accordance with the requirements of IC 36-7-4-401.

**SECTION 2. DUTIES**

The duties of the Cicero-Jackson Township Plan Commission shall be those set forth in IC 36-7-4- 400 series, COMMISSION DUTIES AND POWERS, and any such other responsibilities as may be assigned to it by the Cicero Town Council and/or Jackson Township Advisory Board.

**SECTION 3. MEMBERSHIP**

The Commission shall consist of nine members.

**SECTION 4. RULES**

In all matters not otherwise provided for by statute, ordinance, or these rules, the most recent edition of Robert's Rules of Order, as interpreted by the Commission's presiding officer, shall govern the conduct of the Commission meetings.

**SECTION 5. MEETINGS**

All meetings of the Commission shall be conducted in accordance with IC 5-14-1.5, the Indiana Open Door Law, and any amendments thereto.

- a. Regular Meetings - The Commission shall hold a regular meeting on the second Wednesday of each month at 7:00 p.m. All regular meetings will be held in Town Hall located at 70 North Byron Street, Cicero, Indiana, unless otherwise deemed necessary by the President and appropriately notified.
- b. Special Meetings - In accordance with the provisions of IC 36-7-4-307, special meetings of the Commission may be called at any time by the president or by two



members upon written request to the Commission's secretary. The secretary shall notify Commission members of such special meeting at least three (3) days in advance of such meeting. Written notice of a special meeting shall not be required if the time and place of the special meeting has been fixed in a regular meeting of the Commission, provided that all members of the Commission are present at the regular meeting.

- c. Cancellation - Whenever there is a lack of business for Commission consideration, the president may dispense with a regular meeting. In such cases, the secretary of the Commission shall give written or oral notice to all members, and the news media shall be notified of such cancellation. Whenever it is determined that a quorum is not available for a regular or special meeting, the president of the Commission may dispense with such meeting, and all business scheduled for such meeting will be automatically continued to the next regular or special meeting. In such cases, the secretary of the Commission shall give written or oral notice to the Commission, and to the news media. The president of the Commission also may dispense with a scheduled regular, or special meeting in the event of natural disaster, snow emergency, or similar causes. In such cases, the secretary of the Commission shall give written or oral notice to the Commission members and to those having business before the Commission if possible, and the secretary shall notify the news media of the cancellation. In the event of cancellation for any reason, the president may require renotification to interested parties, with such notice to be paid for by the petitioner or by the Commission as the president deems appropriate.

## **ARTICLE II**

### **OFFICERS AND STAFF**

#### **SECTION 1. COMMISSION OFFICERS**

At its first regular meeting in each year, the Commission shall elect from its members a president and vice president. The secretary of the Commission shall also be elected at that first meeting of each year; however, the office is not required to be held by a member.

Each officer shall be elected by a majority of the entire membership of the Commission and shall serve for one year, or until their successor takes office.

#### **SECTION 2. DUTIES OF COMMISSION OFFICERS**

- a. President - The president shall preside over the Commission meetings and on behalf of the Commission shall exercise general supervision over the affairs of the Commission, including the execution of contracts and agreements, the appointment of committees and representatives (except as otherwise provided by statute, ordinance, or these rules), the determination of points of order and procedure, and the signing of all official documents. . .
- b. Vice President - The vice president shall have authority to act as president of the Commission during absence or disability of the president.
- c. Secretary – The secretary shall certify all official acts of the Commission, including the written votes of the Commission on any and all matters for which such vote is required.



In the event of the absence or disability of both the president and vice president, a quorum of the Plan Commission members present shall appoint one of themselves to act as temporary chairman.

### **SECTION 3. COMMISSION STAFF**

The Commission may delegate authority to its employees to perform ministerial acts in all cases except where final action of the Commission is required by law.

## **ARTICLE III CONDUCT OF MEETINGS**

### **SECTION 1. QUORUM**

Five (5) members of the Commission shall constitute a quorum. No business may be transacted, and no public hearing may be opened at any meeting of the Commission unless a quorum is in attendance.

### **SECTION 2. VOTING**

- a. Majority-In accordance with IC 36-7-4-302, no action of the Commission is official unless it is authorized at a regular, or special meeting by a majority of the entire membership of the Commission.
- b. Method-All votes of the Commission shall be by voice vote. If the outcome of a particular vote is unclear, the president or any member may request a roll call vote.
- c. Conflict of Interest - In accordance with IC 36-7-4-223, a Commission member may not participate in a hearing or decision concerning a matter in which he has a direct or indirect financial interest. A member shall declare that he/she has a conflict of interest and is recusing himself/herself from participating in consideration of the matter. The member does not need to disclose the actual details of the conflict, only that one exists. Questions as to whether such conflict exists may be determined by the president or the Commission attorney. When there is uncertainty as to the applicability of this section, the member shall be disqualified. The Commission shall enter in its records *the* fact that its member has a disqualification. Members are expected to disclose any personal, nonfinancial interest in any matter before the Commission, and may abstain from participation and voting on such matter. A member who has a conflict of interest shall leave the Commission table. Such member may join the audience but may not give testimony on the matter before the Commission. Nothing in this section shall prevent a member of the Commission from presenting a petition on his/her behalf, but members shall not appear before the commission on behalf of others.
- d. Required - Except as provided in "c" above, all Commission members present shall vote on each matter for which a public hearing is held. An abstention for any other reason shall have the same effect as a negative vote.
- e. Absentee - Absentee or proxy voting shall not be permitted. Members must be present for



the entire presentation concerning a public hearing in order to be eligible to vote on any matter. In the event that a member is absent for part of a public hearing, such member's eligibility to vote on the matter shall be to abstain from voting on that matter.

### **SECTION 3. ORDER OF BUSINESS**

The order of business of regular meetings shall be as listed below, except that said order of business may be changed by the president upon the consenting vote of the majority of those members.

1. Call to Order
2. Roll Call of Members
3. Determination of Quorum
4. Minutes of Prior Meeting (s)
5. Communications – Public Comment
6. Old Business
7. New Business
8. Public Hearings
9. Plan Director Report
10. President's Report
11. Legal Council Report
12. Board Member Comments
13. Adjournment

## **ARTICLE IV FILING PROCEDURES**

### **SECTION 1. APPLICATION**

Each petition to the Commission shall be on an application form prescribed by the Commission and shall be accompanied by such information and exhibits as specified on such forms and as required by applicable ordinances. Any communication purporting to be a petition not on the prescribed forms or not containing the information required shall be considered incomplete and shall not be docketed.

### **SECTION 2. FILING DEADLINES**

Each petition to the Commission must be submitted to the Plan Director of the Cicero/Jackson Township Plan Commission no less than thirty (30) days prior to the next meeting date of the Plan Commission in which it may be considered for hearing: when so submitted and deemed complete, the Plan Director shall docket the petition for hearing by the commission and identify the petition by numbers assigned sequentially proceeded by the last two digits of the year in which submitted.

### **SECTION 3. ELIGIBLE APPLICANTS**

All owners of property included in any petition before the Commission must be included on the application form.



## **ARTICLE V**

### **NOTICE REQUIREMENT**

Pursuant to authority given under IC 36-7-4-604 and IC 7-4-706, interested parties

### **SECTION 1. CHANGE OF ORDINANCE**

When the public hearing is scheduled before the Commission concerning the initial adoption replacement, repeal in whole or part or amendment of a Zoning or Subdivision Control Ordinance, interested parties shall be all residents within the jurisdiction of the Cicero-Jackson Township Plan Commission and notice to them shall be given by publication pursuant to IC 5-3-6.

### **SECTION 2. ZONE CHANGE OR PLAT APPROVAL**

Where the proposal before the Commission is a change in the zone map or zone district, the primary approval of a plat or subdivision, or Planned Unit Development Plans...

- a. Interested parties shall be all owners of contiguous and bi-contiguous real estate not to exceed 600' from the real estate described in the petition as certified by obtaining a certified list from the Hamilton County Office of Transfers and Mapping and notice to them shall be given by certified mail at least ten (10) days prior to the date of the hearing. For the purpose of determining contiguous and bi-contiguous parcels, the real estate described in the petition shall be deemed to include any adjacent land owned by the petitioner. Land separated from the petitioned real estate by streets, railways, easements, etc., shall be deemed to be land contiguous and bi-contiguous to the petitioned real estate. A copy of the certified list, not more than 30 days since certification, of all such owners shall be a part of the petitioner's application.
- b. Interested parties shall also be all residents within the jurisdiction of the Cicero-Jackson Township Plan Commission and notice to them shall be given by a notice sign prescribed by the Commission and available from the Commission upon payment of the applicable fee or deposit and placed upon the real estate described in the petition at least ten days prior to the date of the hearing along each non-intersecting road frontage in a location thereon best visible by unobstructed view by the general public but in no case more than 25 feet from the edge of that road frontage.



- c. Notice shall also be given as specified in Section 1 of this article.

### **SECTION 3. RESPONSIBILITY AND COST**

The petitioning party shall be responsible for giving all required notice and shall bear cost for same. When the proposal before the Commission is upon the Commission's own motion, notice and costs shall be the responsibility of the Commission.

### **SECTION 4. PROOF OF PUBLICATION**

Proof of publication shall be duly issued Newspapers Publisher's Proof of Notice, proof of Mailings shall be by post office certified mail receipts of mailing and proof of signage shall be by affidavit in a form prescribed by the Commission. All applicable proof of notice must be made a part of the application a minimum of five (5) days prior to the public hearing.

### **SECTION 5. CONTENTS**

Except in the case of signage, the notice of public hearing shall contain as a minimum the following information:

- a. Docket number and the substance of the matter to be heard.
- b. General location by address or other identifiable geographic characteristics of the property.
- c. Name of the person or agency initiating the matter to be heard.
- d. Time and place of the hearing.
- e. Statement that the petition may be examined at the office of the Commission.
- f. Statement that interested parties may offer an oral opinion at the hearing or may file written comments prior to 3:00 pm the day of the hearing concerning the matter to be heard prior to or at the hearing.
- g. A statement that the hearing may be continued from time to time as may be found necessary.
- h. Any other information which may be required by law to be contained in this notice.

## **ARTICLE VI PUBLIC HEARINGS**

### **SECTION 1. WHEN HELD**

Public hearings shall be held on matters before the Commission as required by law. In addition, the Commission may, at its discretion, hold public hearings when it determines that such a hearing will be in the public interest.



## **SECTION 2. NOTICE**

Notice of public hearings shall be given in accordance with Article V of these rules and any other applicable law or ordinance.

## **SECTION 3. PROCEDURE**

- a. Opening the Hearing- The president shall call the docket number of the item scheduled for public hearing and declare the public hearing open.
- b. Order of Testimony – The order of testimony shall be as follows:
  1. Background and comments by the Commission
  2. Presentation of request by petitioner
  3. Staff comments
  4. Comments and questions by members of the audience
  5. Comments and questions by Commission members
  6. Rebuttals by petitioner
  7. Summations
- c. Closing the Public Hearing – After all public comments have been heard under the rules of this Section, the presiding officer shall declare the public hearing closed and shall call for a motion. Additional public comments shall not be permitted after the closing of the public hearing. Any motions which are made and seconded are open for discussion by the Commission members; such motion is closed to discussion by the petitioner or public unless the presiding officer specifically allows such discussion. The presiding officer shall have authority to limit such discussion by the petitioner, public, or the Commission members.
- d. Voting – Each motion on a matter requiring a public hearing shall be voted on by the Findings of Fact of the members, in accordance with the provisions of Article III, Section 2 of these rules. At the conclusion of the vote, the secretary shall report the vote and it shall be so recorded. The vote of each member shall be disclosed by the Commission to any interested party requesting such information.

## **SECTION 4. CONDUCT**

- a. Representation - The petitioner shall appear in person. Remonstrators and persons in favor of the request shall appear in person. Any person interested in any petition shall have the right but shall not be required to enter a written statement at the hearing.
- b. Commission Participation - The Commission members shall be provided with an adequate opportunity to examine witnesses and question any evidence, statements, and arguments in the interest of a fair hearing.



- c. Identification -All persons wishing to be heard on any matter in a public hearing must stand before the Commission and provide their names and addresses for the record.
- d. Commentary Addressed to Commission - All commentary at a public hearing shall be addressed to the Commission through its presiding officer. Such commentary shall not be permitted between opposing parties without the consent of said officer.
- e. Authority of Presiding Officer - The presiding officer shall have the authority to prohibit repetitious and irrelevant testimony and shall have authority to limit the length of testimony by each speaker deemed appropriate for a fair public hearing.
- f. Orderly Conduct – Every person appearing before the Commission shall abide by the order and direction of the presiding officer. Discourteous, disorderly, or contemptuous conduct shall not be tolerated, and the presiding officer may take such action as is deemed necessary to prevent such conduct.

## **ARTICLE VII**

### **DISPOSITION OF PETITIONS**

#### **SECTION 1. MOTIONS**

The final disposition of any petition duly filed and brought before the Commission shall be in the form of a motion, properly adopted, specifically setting forth such disposition.

#### **SECTION 2. DISMISSAL**

- a. Want of Prosecution – The Commission may dismiss a petition if the petitioner or authorized representative does not appear to present and speak in favor of a petition or has been improperly filed.
- b. Lack of Jurisdiction - The Commission shall dismiss a petition if it finds that it has no jurisdiction over such matter.

#### **SECTION 3. WITHDRAWAL**

- a. Without Prejudice - Any petition may be withdrawn without prejudice provided a written request for withdrawal signed by the petitioner is received by the Commission at least 14 days before the scheduled hearing.
- b. With Prejudice - Any request for withdrawal made less than 14 days before the scheduled hearing may be granted or denied by the Commission. Such requests may be in writing or oral and must state the reasons for the request. If the Commission votes to permit withdrawal, the petition shall not again be placed on the docket for hearing within a period of three months from the date of the originally scheduled hearing, except upon a motion duly adopted by a majority of the members of the Commission to permit such re-docketing.
- c. Not permitted- No petition may be withdrawn after a motion has been made and seconded and a vote has been ordered by the presiding officer.



#### **SECTION 4. AMENDMENT**

- a. Increased Density or Intensity-No petition can be amended in a manner which increases the intensity of use (e.g., adds additional lots or land, changes to a zoning district permitting more uses or more intensive uses) after the filing deadline. Any such amendment request will result in postponing the docketing of the petition for one month. If notice in accordance with Article V already has been given, the item as amended shall be re-advertised and new notice given to interested parties. The petitioner shall be required to pay the costs of such re-advertising and re-notification.
- b. Decreased Density or Intensity - It shall be within the discretion of the Commission to approve a petitioner's request to amend the petition in a manner which decreases the intensity of use (e.g., removes lots or land, changes to a zoning district which is more restrictive). Any interested parties may request such amended petition to be continued and may request the Plan Commission to re-advertise and do re-notification in the interest of providing a fair and adequate hearing.

#### **SECTION 5. CONTINUANCE**

- a. Requests by Interested Parties -Any interested party as defined by the applicable ordinance may request a continuance in writing prior to the hearing and/or orally at the beginning of the hearing. The party requesting such continuance shall be required to show good and sufficient cause for such continuance, and it shall be within the discretion of the Commission to grant or deny such request.
- b. Motion by Commission -Any member of the Commission may at any time move to continue the hearing of any petition. Such a motion duly seconded and adopted shall continue the hearing to the time specified in the motion. The commission may include in the motion specific instruction for re-advertising and/or re-notification of interested parties. If such re- notification is required, the petitioner shall be required to pay the costs associated therewith.
- c. Automatic - In the event that the Commission does not achieve the required five votes to approve or deny a petition, such vote shall be declared indecisive. Before declaring a petition continued on this basis, the presiding officer shall call for a second motion. If the required vote is not held on the second motion, it shall be continued to the next meeting. No petition shall be continued more than two meetings for reasons of failure to achieve the required votes. If upon the second successive consideration of a petition resulting from continuances under the provisions of this paragraph, the Commission does not arrive at a recommendation with necessary five majority vote, it shall forward the petition to the Town Board with a report stating the Commission's inability to arrive at a recommendation within a reasonable time, and the Town Council may decide the petition without a recommendation to approve or deny from the Commission. If the petition does not get submitted to the Town Council for final consideration and the petition does not secure the required majority vote to approve the petition, the petition shall be considered denied.  
The Commission shall arrive at a majority-vote on items of which the Plan Commission has the final vote.



- d. Improper Notice-If proper notice under applicable laws and Section V of these rules has not been given, the Commission shall continue the petition to allow for proper notice to be given by the petitioner.

## **SECTION 6. APPROVAL**

- a. Petition Under Ordinance - Petitions properly brought before the commission under any existing Zoning or Subdivision Control Ordinance, if approved, shall be approved as either conditional or unconditional.
  - 1. Conditional Approval - A motion to approve a petition may be conditional upon a petitioner's compliance with a requirement or requirements imposed by the Commission. Such conditions of approval shall be specifically stated and recited to the petitioner. The Commission may impose a time limit upon the fulfillment of any such requirement. The petitioner shall be required to notify in writing the Commission of the fulfillment of such requirement prior to the issuance of a building permit for the project. In the event any condition of the decision has not been fulfilled or the time for compliance has expired, the Commission shall issue a request to the petitioner to show cause why the decision should not be revoked and rescinded. The Commission may investigate the matter and take such remedy as it deems appropriate.
- b. Ordinance Amendments - If the Commission recommends favorably upon a petition for amendment to the Zoning Ordinance, the president, and secretary shall sign the resolution recommending such amendment and forward it together with a report describing the Commission's action to the Cicero Town Council.

## **SECTION 7. DISAPPROVAL**

- a. Petition Under Ordinance - If the Commission finds that a petition does not meet the criteria established by Ordinance for approval and a variance has not been requested, it shall deny the request.
- b. Ordinance Amendments -If the Commission disapproves of a Zoning or Subdivision Control Ordinance amendment which has been referred to it for recommendation, the Commission shall forward its recommendation together with a report describing the Commission's action to the Cicero Town Council.

## **ARTICLE VIII COMMITTEES**

### **SECTION 1. AUTHORITY**

The presiding officer is hereby authorized to appoint permanent and temporary committees to facilitate the work of or advise the Commission. Such committees may be comprised of Commission members only, or they may include other interested parties. A chairman shall be appointed for each committee, and reports on their assignments shall be made a part of the record. The president shall be an ex officio member of any committees so appointed.



## **Article IX**

### **Commission Records**

#### **SECTION 1. RESPONSIBILITY**

It shall be the duty of the Commission and Plan Director to maintain all Commission files and records, including the official minutes of all meetings.

#### **SECTION 2. MINUTES**

The secretary, or the secretary's designee, shall prepare an accurate record of all hearings and official actions of the Commission. Upon approval by the Commission, copies of such minutes shall be made available to interested parties.

#### **SECTION 3. COMMISSION CASE FILES**

A file shall be maintained for each item placed on the docket of the Commission. Such files shall contain, as a minimum, the application form and supporting materials and any exhibits pertinent to the decision, condition, or safeguards or other material related to the binding effects of the Commission's action.

#### **SECTION 4. PUBLIC RECORDS**

The records and files of the Commission shall be made available to the public under the provisions of IC 5-14-3, the Indiana Access to Public Records Law, and any amendments thereto. Any question whether or not an item is a public record shall be referred to the Commission president and Commission attorney who shall decide whether a requested document is a public record.

## **ARTICLE X**

### **FEES**

#### **SECTION 1. SCHEDULE OF FEES**

The Commission shall, in accordance with the requirements of IC 36-7-4-411 and IC 36-7-4-704, establish a uniform schedule of fees to defray the administrative costs connected with processing and hearing petitions for re-zonings, special exceptions, special uses, contingent uses, variances, for the checking and verifying of proposed subdivision plats, and for other official acts taken under provisions of the 400 Series, COMMISSION DUTIES AND POWERS, of the Indiana Code. Such fees shall not exceed the actual costs of providing such services. Fees established shall include fees for copying documents under the provisions of IC-5-4-8(d).

#### **SECTION 2. PAYMENT REQUIRED**

In no case shall the Commission take action on any petition for which applicable fees have not been paid in full. No part of any fee paid pursuant to this section shall be returnable to the petitioner.



## **Section 3 Waivers**

Nothing herein shall be construed to require a fee for actions initiated in the public interest by the Commission.

## **ARTICLE XI AMENDMENTS AND SUSPENSION**

### **SECTION 1. AMENDMENTS**

Amendment to the Rules of Procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of five members, provided; however, that the proposed amendment shall have been presented in writing at a previous regular meeting of the Commission.

### **SECTION 2. SUSPENSION OF RULES**

The suspension of any rule of procedure herein may be authorized by the Commission at any regular or special meeting upon the affirmative vote of five members, provided; however, that the proposed amendment shall have been presented in writing at a previous regular meeting of the Commission.

## **ARTICLE XII SEPARABILITY**

If any section, clause, provision or portion of these rules shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these rules.

## **ARTICLE XIII CERTIFICATE OF ADOPTION**

The foregoing Rules of Procedure of the Cicero-Jackson Township Plan Commission are hereby adopted by the affirmative vote of the Commission this\_\_ day of\_\_\_\_\_year\_\_\_\_\_

---

Mr. Dan Strong, President

ATTEST:

---

DATE: \_\_\_\_\_



## **ETHICAL PRINCIPALS FOR PLANNING**

1. **SERVE THE PUBLIC INTEREST** - The obligation of planners and public planning officials is to serve the public interest.
2. **SUPPORT CITIZEN PARTICIPATION IN PLANNING**- Because the definition of the public interest is continuously modified, the planner and public planning officials must recognize the right of citizens to influence planning decisions that affect their well-being. They should advocate a forum for meaningful citizen participation and expression in the planning process and assist in the clarification of community goals, objectives, and policies in plan-making.
3. **RECOGNIZE THE COMPREHENSIVE AND LONG-RANGE NATURE OF PLANNING DECISIONS** - The planner and public planning official must recognize and have special concern for the comprehensive and long-range nature of planning decisions. The planner and official must balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. The planner and official must continuously gather and consider all relevant facts, alternatives, and means of accomplishing them. The planner and official should explicitly evaluate all consequences before making a recommendation or decision.
4. **EXPAND CHOICE AND OPPORTUNITY FOR ALL PERSONS** - The planner and public planning official must strive to expand choice and opportunity for all persons, recognize a special responsibility to plan for the needs of disadvantaged people, and urge changing policies, institutions, and decisions that restrict their choices and opportunities.
5. **FACILITATE COORDINATION THROUGH THE PLANNING PROCESS**-The planner and public planning official must facilitate coordination. The planning process should enable all those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and effort is and accommodation of interests. The planner and official must ensure that individuals and public and private agencies possibly affected by a prospective planning decision receive adequate information far enough in advance of the decision.
6. **AVOID CONFLICT OF INTEREST** - The public planning official must make prior disclosure to the public planning body of any financial or personal conflict of interest in any matter before the body. In cases where the official has a direct or indirect financial interest, he/she must not participate in any hearing or decision thereon. In cases where the official



has a personal, non-financial interest, he/she may abstain from participation and voting on such matter. While the official is also a member of the public and may present petitions on his/her own behalf, any public planning official must not appear before the public planning body on behalf of others.

7. **RENDER THOROUGH AND DILIGENT PLANNING SERVICE**-The planner and public official must render thorough and diligent planning service. Should the planner or official believe he/she can no longer render such service in a thorough and diligent manner, he/she should resign from the position. If the official has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the official must not participate in that decision.
8. **NOT SEEK OR OFFER FAVORS** - The public sector planner and public planning official must seek no favor. The planner and official must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part. The private sector planner must not offer any gifts or favors to influence the recommendation or decision of a public sector planner or public planning official. The private sector planner should oppose such action by a client.
9. **NOT DISCLOSE OR IMPROPERLY USE CONFIDENTIAL INFORMATION FOR FINANCIAL GAIN** - The planner and public planning official must not disclose or improperly use confidential information for financial gain. The planner and official must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, or (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the planner or official has verified the facts and issues involved and has sought separate opinions on the issue from other planners or officials.
10. **ENSURE ACCESS TO PUBLIC PLANNING REPORTS AND STUDIES ON AN EQUAL BASIS** - The public planning official must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to the official must be made available in the same form to the public in a timely manner at reasonable or no cost.
11. **ENSURE FULL DISCLOSURE AT PUBLIC HEARINGS** - The public



planning official must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question received in the mail or by telephone or other communication part of the public record.

12. MAINTAIN PUBLIC CONFIDENCE - The public planning official must conduct himself/herself publicly to maintain public confidence in the public planning body, the official's unit of government, and the official's performance of the public trust.
13. RESPECT PROFESSIONAL CODES OF ETHICS AND CONDUCT- The planner and public planning official must respect the professional codes of ethics and conduct established by the American Institute of Certified Planners (AICP) Commission and by several professions related to the practice of planning. Professional codes commonly establish standards of professional conduct and include provisions that protect the integrity of professional judgment and describe the professional's responsibility to the public, clients, employers, and colleagues.

CERTIFICATE OF ADOPTION

\_\_\_\_\_  
Mr. Dan Strong, President

ATTEST:

\_\_\_\_\_

DATE: \_\_\_\_\_





## **CICERO/JACKSON TOWNSHIP PLAN COMMISSION**

PC-0723-07-NC Aesthetic Review-Powers Excavating  
PC-0723-06-DC Aesthetic Review-Boathouse fencing

**770 South Peru Street, Cicero**

**An Aesthetic Overlay District has been submitted concerning signage on the property.**

Scott Schuller 23234 Marin Dr. Cicero owner of building. The tenant runs the business. We did not realize signage on the windows needed approval, we are here tonight to go through proper channels. Mr. Thomas questioned if within the square footage allowed. Mr. Zawadzki stated he will need a variance for the number of signs, but square footage is well under. Mr. Zawadzki stated ordinance is two window signs. President Strong stated one for a single tenant. Will want to make contingent upon BZA approval of variance request. Mr. Thomas asked if additional signs would be added. Mr. Hayden asked how the Black Oak was handled. President Strong explained thru Aesthetic Review when the building was built, the concern was wanted to name the building. Mr. Schuller stated multi-tenant building so wanted consistency, and old buildings have names. Mrs. Majors questioned how many tenants does this building hold. Mr. Schuller stated two separate tenants, drywall between, could be one but currently two. Mrs. Majors asked if added another tenant how much signage will they have. Mr. Schuller explained that he has a second tenant, the barbershop, not visible in pictures. President Strong stated if added another tenant, signage would be based on square footage, 75 feet as multi-tenant, provided he had parking. Mr. Zawadzki confirmed 75 sq. feet per tenant for multi. Mr. Thomas questioned two tenants. Mr. Schuller explained there are two buildings, the front building has one tenant. There is a connector, but it is two buildings.

**Mr. Hayden made motion to approve the Aesthetic Review of PC-0723-07-NC contingent upon BZA variance approval. Mr. Thomas seconded.**

**Mr. Hayden-approved, Mr. Diller-approve, Mr. Schruppf-approve, Mr. Thomas-approve, Mrs. Majors-approve, Mr. Strong-approve.**

**Motion passed 6-0.**

Mr. Schuller questioned BZA, Mr. Zawadzki will contact for next steps. Mr. Schuller thanked the Board for their support.

**Docket # PC-0723-06-DC**

**Petitioner: Boathouse**

**409 W Jackson Street, Cicero**

**An Aesthetic Overlay District has been submitted concerning fence on the property.**

Darryl Norris and Matt Hall, here to answer questions on issues. Mr. Norris to start with background why fencing and signage occurred. Parking on our lot to go to other businesses during the fourth and other times, cars with trailers when Wolfe's runs out of space, using the hill to access the lake. Using the docks, during the fourth no respect of boundaries. Reason for the fence, we have a little fence crashed into as well, trashing restaurant in process. Purpose to get across that it is not a public space, it is needed for the business to operate, keep solid and going. Also, a pontoon service using our docks for his business onloading and offloading, trying to curtail that. The restaurants that are close are a vocal point, but the city docks are not enough, and unattractive due to area and only able to use one side. That could be improved. Photos shared. Want to put a fence on the step-up area from the lake to our building/property line so we can keep the public separate from our restaurant. Even if they park at public docks, use our restrooms, go on their way and come back through on the way back. Not enough restrooms for the public space of Cicero Town Docks. Not enough parking for the number of people in the area. Suggestion to buy lot for the traffic since you are growing. Mr. Norris compared to Carmel for growth solutions. Mr. Norris stated Matt will share what he has experienced for several years. President Strong asked for a picture to be used, dock, clarify what is being proposed from the town dock to the building. Mr. Hall stated we are here for the fence; we knew before we opened it was going to be a challenge. Concern for liability running the day-to-day business. President Strong stated he felt everyone understood why you would want a fence, but here to discuss the aesthetics of the fence. Expressed safety concerns for the fence as well. Mr. Hall stated had to quickly do this year, the lake is very busy and keep letting them on. Would listen to other solutions. President Strong stated he would like a nicer looking fence but can understand why you need a fence. Mr. Hall stated if there is development there, the fence is going to be around for awhile \$20-30 grand is one thing, but if down soon that is an expense to the business.





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PC-0723-07-NC Aesthetic Review-Powers Excavating  
PC-0723-06-DC Aesthetic Review-Boathouse fencing

Mr. Schrupf speak to the town dock space, the Town is locked into that, we are locked in by the people that control the lake. Locked into the number, would like to have more at Red Bridge. One thing to say is we need more, but if we are locked in, can't do more. Mrs. Majors asked for clarification on the docks-first set is the Town, next two sets are the Boathouse. Correct. Mrs. Majors explained that she uses the Town docks to visit the Boathouse. Perhaps more signage is needed to educate.

Mr. Norris explained signs are there, but still have to explain all the time. Mrs. Majors verified that the request tonight is for two different items-a fence from dock area and fence approval. Mr. Hall explained these two months it is terrible, have had signs but the fence if have to put up and take down understand but it is just getting worse. Mr. Hall explained that his people are parking in the area across the street that is not his but if it goes away eventually the parking is just worse. President Strong explained he understands the dilemma he is facing. Walkability vs parking discussed. Mr. Hall focused on July 4<sup>th</sup> as a brutal weekend for controlling and abuse of the public. Mr. Hayden questioned if the need was just for the holiday. Mr. Hall clarified that the first weekend in June was the prompt of the fence, the launching of boats when no parking on the Wolfe's area, means they take the trailer and park here to get on the boat. Charter boats are also an issue for parking. President Strong questioned the comment earlier of a fence between the Town docks and the building being temporary. Mr. Hall stated would want year-round. Mr. Culp stated as long as the fence was on his property it would be like any other fence. Go through Aesthetic Review and permit process to put on his property. Mr. Hayden shared that when the docks were constructed to have a boardwalk was a goal and request of previous owner. Discussion ensued. President Strong stated this Board cannot police the area. Mr. Hall shared many concerns about the festival, including inappropriate behavior. Mr. Hayden suggested going to the Town Council to share and get the LOML committee involved. President Strong stated here tonight for the fence, and suggested Mr. Hayden's solution to go to the Town Council is a good one.

Discussion brought back to the petition request.

Mr. Hayden stated from the fence issue, what he heard is that looking for a fence at the bottom between the docks and to maintain the current fence at the top of the hill for a period of time knowing there may be changes in the area in the foreseeable future. Mr. Hall stated seemed reasonable. President Strong questioned the fence at the dock area is the one shown a picture, as we are only dealing with the aesthetics. Mr. Hall stated it would be his cost for the bottom fence, it is on his property. Mr. Schrupf stated the town engineer would have information on the dock area. Mr. Thomas expressed concern for the safety/escape route. Mr. Hayden asked Mr. Zawadzki to get information from Lance (fire chief) on the safety concerns. Discussion ensued on the type of fence/gate/proper access/lock possibilities. Mrs. Majors questioned the vote tonight. President Strong stated voting on the aesthetics of the type of current fence in place on the hill and the item brought up tonight of a fence from one dock area to the other and the aesthetics of that second fence. Options are "as is", on a temporary basis until preferred fencing would be done, definitely options to the motion. Mr. Hayden stated his preference would be to not be bound to a different costly fence for a period of time. Mr. Norris asked if could be given two years and go from there, by then would know where at with progress. Mr. Hayden felt that was too long, not to say couldn't extend but come back prior. President Strong suggested a year. Mr. Norris stated since a year is in middle of summer, can say 15 months. Mr. Hayden agreed that was reasonable. President Strong stated rumors in that area but hopefully in 15 months would know more and if nothing happening would want board to discuss different type of fencing. President Strong stated the other topic is the signage, if not considered informational signage, would need to go to BZA. Mr. Culp stated he would classify as informational so BZA approval would not be required. Mr. Thomas asked what height for the lower fence was Board members comfortable with. Mr. Hayden answered to match the area. Mr. Hall stated there is a stone wall that is higher than current 42" fence but might be a good target. Discussion ensued using pictures provided. Discussion also on the timeframe of October 2024. Mr. Thomas expressed ugly of using a farm fence but hated to see the costs at this point. Mr. Norris expressed it doesn't block the view. Mrs. Majors questioned the need for fence (outside of the holiday) couldn't signage achieve the same result. Mr. Hall stated have signs and needed for enforcement, but not enough, considered taking down in off season. Would take several days to remove. Mr. Hayden expressed sympathy for the concerns. Mr. Schrupf expressed understanding based on park experience.

Mr. Hayden made motion to approve PC-0723-06-DC to place fence between the Town dock space and Boathouse dock space similar to existing what is shown, subject to Mr. Zawadzki's approval for height. Secondly, to allow the current fence along the parking lot to leave as is until October 2024, thus requiring a revisit for aesthetics and changes to area. Mr. Diller second. Mrs. Majors suggested adding offseason removal. Mr. Hayden declined to add to the motion. Discussion on procedures.





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PC-0723-07-NC Aesthetic Review-Powers Excavating  
PC-0723-06-DC Aesthetic Review-Boathouse fencing

Mrs. Majors made motion to amend motion to remove from October to March. Motion dies for lack of second.

Mr. Schrumpf-approve, Mr. Thomas-approve, Mrs. Majors-approve, Mr. Hayden-approve, Mr. Diller-approve, Mr. Strong-approve.

President Strong stated motion approved, before installing get with fire department for requirements or concerns, last thing we want is for you to install and they require you to remove. President Strong thanked Mr. Norris for his presentation and communication and thank you to Mr. Hall as well.

*At this point the recording abruptly stopped.*

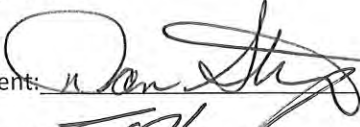
### Comprehensive Plan RFP's and Discussion


The rest of the minutes are being re-constructed from notes.

Opening of RFP'S (Request for Proposals) in regard to the Comprehensive Plan. The two firms that submitted were Taylor Siefker Williams and American Structure Point.

6. Plan Director's Report: Enclosed in your packets.
7. President's Report: President thanked everyone for attending and being engaged in the conversations this evening.
8. Legal Counsel's Report:
9. Board Member Comments
10. Next Planned Plan Commission Meeting: August 9<sup>th</sup>, 2023
11. Adjournment: Mr. Hayden made motion to adjourn. Mr. Diller second. All present in favor.

Location:  
Cicero Town Hall  
70 North Byron Street  
Cicero, IN 46034

President: 

Secretary: 

Date: 9-05-2023





# **PRIVATE PROPERTY**

## **BOATHOUSE PARKING ONLY**

**NO other food, ice cream, or beverage permitted**  
**NO Trespassing - NO Fishing access - NO Swimming access**

Non-Patron and Unauthorized vehicles and vehicles left by individuals accessing Boathouse docks will be towed at owners expense.

We encourage all Boathouse patrons to drive responsibly. All Boathouse patrons who leave a vehicle overnight must notify Host Team for Overnight Parking Pass. Lake access for non-Boathouse guests is strictly prohibited.

**Permission given from The Boathouse to local authorities and Department of Natural Resources to enforce IN state laws**

Towing enforced at all times

For vehicle recovery call **Indy Tow Pros** 888-Tow-Pros

We greatly appreciate your cooperation for our Guests and Team Members!







































CICERO/JACKSON  
TOWNSHIP  
PLAN COMMISSION

# CICERO / JACKSON TOWNSHIP PLAN COMMISSION

CICERO / JACKSON TOWNSHIP  
PLANNING AND DEVELOPMENT

SEP 29 REC'D

## AESTHETIC REVIEW OVERLAY DISTRICT APPLICATION

RECEIVED

### APPLICANT MUST COMPLETE THE FOLLOWING

Property Owner: DOUG MOORE (R.T. MOORE)	Phone: 317-694-9400	
Property Address: 409 W. JACKSON STREET	Email*: dmoore@tmoore.com	
City: CICERO	State: INDIANA	ZIP Code: 46034
Tenant Business Name: BOATHOUSE AND SWAN DIVE RESTAURANT		
Petitioner/Contact: DARRELL NORRIS ATTORNEY	Phone: 260-723-6000	
Address: FOR BOATHOUSE (MATT HALL)	Email*: darrellnorrise@gmail.com	
City: CARMEL	State: INDIANA	ZIP Code: 46032
Cell Phone:	Fax:	
Current Property Use: RESTAURANT		
Proposed Property Use: WINTER LAKE SIDE DINING - OUTSIDE LAKE VIEW		
General Contractor/ Builder:	Phone:	
Address:	Email*:	
City:	State:	ZIP Code:
Engineer:	Phone:	
Address:	Email*:	
City:	State:	ZIP Code:
Attorney:	Phone:	
Address:	Email*:	
City:	State:	ZIP Code:
Architect:	Phone:	
Address:	Email*:	
City:	State:	ZIP Code:
Sign Company:	Phone:	
Address:	Email*:	
City:	State:	ZIP Code:
Landscape:	Phone:	
Address:	Email*:	
City:	State:	ZIP Code:

### OFFICE USE ONLY

AROD Category		Docket #: PC-1024-06-PC
<input type="checkbox"/> Sign Package	<input type="checkbox"/> New Construction	Date of Application: 9/29/24
<input type="checkbox"/> Façade Improvement	<input checked="" type="checkbox"/> Other	Date of Expiration:
Check List		Application Fee: \$200.00
<input type="checkbox"/> Sign Package	<input type="checkbox"/> Lighting Plans	Date of Hearing: 10.9.24
<input type="checkbox"/> Landscape Plans	<input type="checkbox"/> Building Elevations	Date of Decision:
<input type="checkbox"/> Other:	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved

331 E. JACKSON ST. P.O. Box 650 CICERO, IN 46034  
PHONE: 317-984-5845 FAX: 317-984-5938 WWW.CICEROIN.ORG



















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## Where to Find Restaurants with Outdoor Igloos in Indianapolis

Looking for a place around Indianapolis to eat in an igloo? Check out these places!

### Daniel's Vineyard

**Address:** 9061 N 700 W, McCordsville

**Cost:** Wed-Thurs: \$60; Fri-Sun: \$100

**Time limit:** 2 hours

**More info:** [danielsvineyard.com/igloos](https://danielsvineyard.com/igloos)

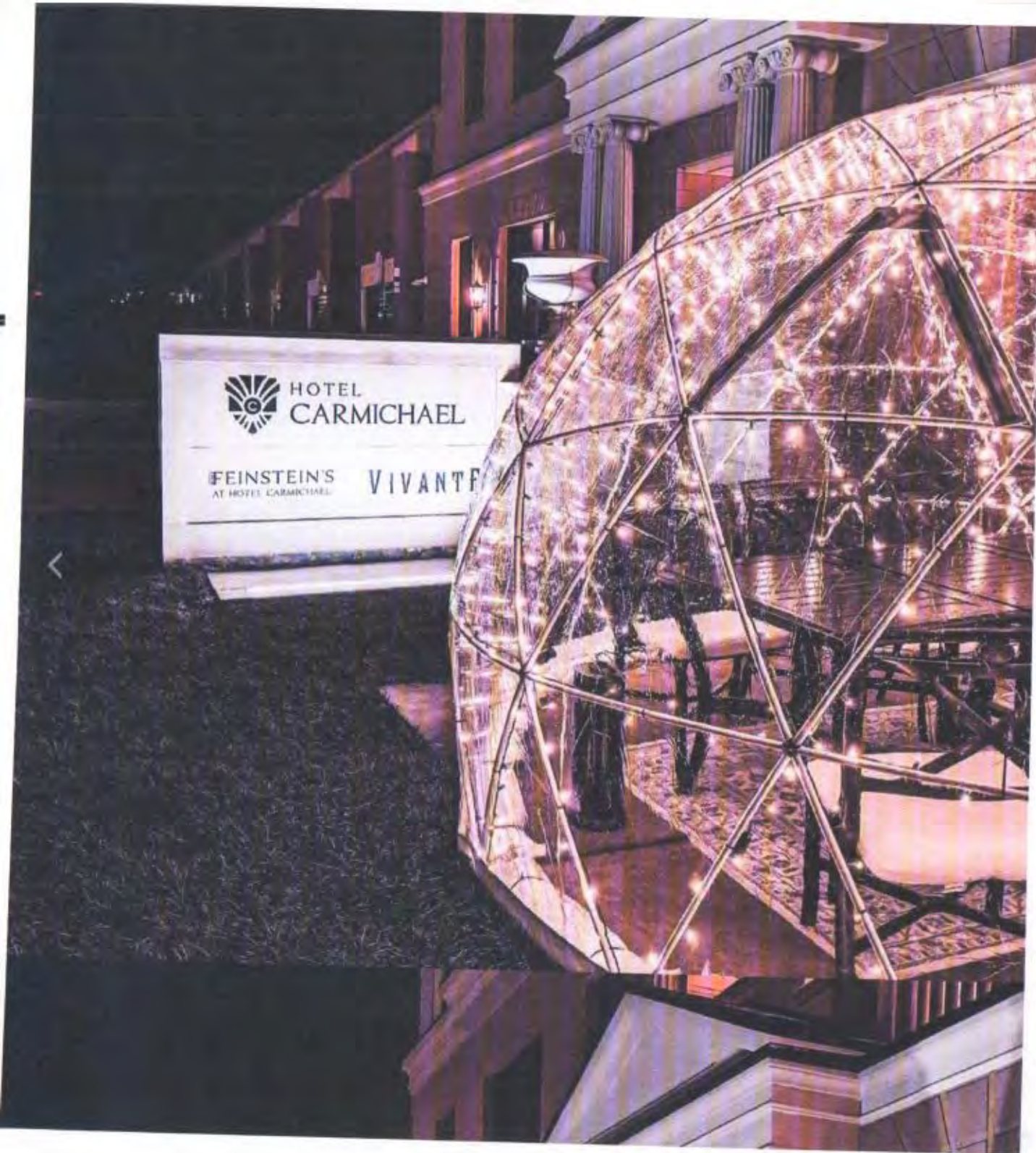
Join **Daniel's Vineyard** for some great wine, amazing food, and an even better view. They have 8 different igloo themes so be sure to check them all out. Igloos are heated and spacious, perfect for a gathering with family or friends during a cold or snowy night.



### Urban Vines

*NEAR GEIST LAKE*





 [@hotelcarmichael](https://www.instagram.com/hotelcarmichael)  
January 18

Have you experienced one of the igloos in front of VivanteCarmel yet? Find them in front of the restaurant along the Monon trail and cozy up for a lunch, brunch, or dinner. Each igloo can seat up to 6 guests, is decked out in holiday lights, equipp... [Read More](#)

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# CICERO / JACKSON TOWNSHIP PLAN COMMISSION

## AESTHETIC REVIEW FINDINGS OF FACTS

Docket: PC-

Petitioner Name:

**Findings of Fact/Decision Criteria:**

The Plan Commission may approve, not approve, or approve with conditions. The Plan commission shall make written findings and issue a written decision:

**The Petitioner has presented information to the Plan Commission which confirms compliance with all requirements of the Cicero/Jackson Township Aesthetic Review Regulations, Zoning Ordinances, Comprehensive Plan and all other applicable Town and Township Codes and Ordinances.**

*Findings of Facts:*

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*This criterion has / has not been met.*

**Conditions Approved:**

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Signature: \_\_\_\_\_

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





## CICERO/JACKSON TOWNSHIP PLAN COMMISSION

### Director's Report

### September 2024

**Permit Revenue:** September 2024 = \$5,612, YTD: \$46,394

September 2023 = \$5,310    YTD: \$72,210

Difference: Month = +\$302    YTD: -\$25,816

We have issued a total of 20 building permits for September of 2024.

15 have been within the corporate limits (of which 0 have been new homes).

We have issued 5 in Jackson Township (of which, 0 has been for a new home).

Estimated Cost of projects permitted \$802,555.

Please feel free to email, call or stop by the office anytime.

At your service!

Frank Zawadzki