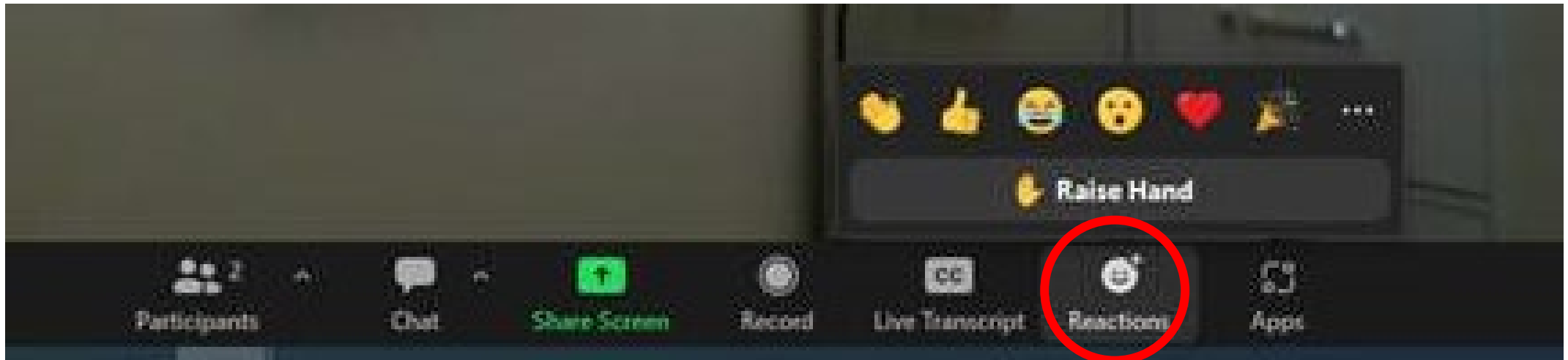
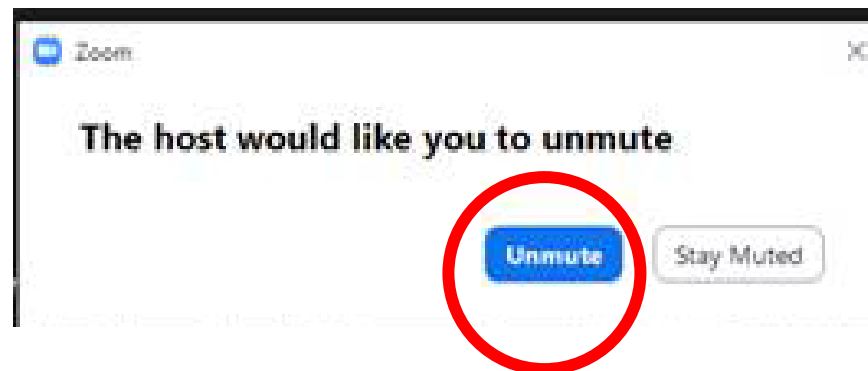


Public Feedback

- Chairman or President will open up the meeting for public input
- Raise your hand using the Reaction button



- You will be unmuted by host and you will also need to unmute yourself.





111 Gecowets Drive Fremont IN 46737
(260) 495-9158 / (260) 495-5902 fax
www.townofclearlake.org

Town of Clear Lake - Plan Commission Meeting
Tuesday, November 1, 2022 @ 7:00 PM

Conference number 1-646-931-3860

Meeting ID: 647 970 5713

Passcode: 121380

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

Agenda

1. Call to Order
2. Introductions and Roll Call Quorum
3. Approve minutes – August 2, 2022
4. Budget items – None
5. Applications, Petitions, and/or Hearings
 - 2022-02, Application for a Minor Subdivision at 57 & 59 WCLD by Tony Gericke & Chris Laukhuf
6. Old Business
 - None
7. New Business
 - Discuss proposed UDO Changes
8. Discussion
 - 2023 Meeting Dates
 - Tuesday, February 7
 - Tuesday, May 2
 - Tuesday, August 1
 - Tuesday, November 7
9. Adjournment

The next regularly scheduled meeting of the Clear Lake Plan Commission will be Tuesday, February 7, 2023, at 7:00 PM. The deadline for items requiring legal notices is January 10, 2023.

**Town of Clear Lake Plan Commission
Meeting Minutes – August 2, 2022**

Plan Commission President Dan Rippe called the meeting to order at 7:00pm.

There were 26 residents in attendance and 4 via Zoom.

Members introduce themselves:

Jennifer Smith-Sattison, Town Clerk
Larry Lillmars, Zoning Administrator
Mike Hawk, Attorney to the Plan Commission
Bill Hanna, 208 West Clear Lake Drive
George Schenkel, 144 West Clear Lake Drive
Dan Rippe, 126 Lakeside Court
Don Luepke, Alternate
Scott Lazur, 1108 South Clear Lake Drive
Jessica Swander, 7382 East State Road 120
Jim Hauguel, 154 West Clear Lake Drive

D. Rippe asked for a motion to approve minutes with corrections from May 4, 2022, Plan Commission meeting.

Motion by: G. Schenkel

To approve minutes May 4, 2022.

2nd by: S. Lazur

All in favor, say I. Vote was 5 to 0, D. Luepke abstained. Motion carried; minutes from May 4, 2022, approved.

D. Rippe asked for a motion to approve minutes with corrections from June 7, 2022, Plan Commission meeting.

Motion by: J. Hauguel

To approve minutes June 7, 2022.

2nd by: B. Hanna

All in favor, say I. Vote was 5 to 0, D. Luepke abstained. Motion carried; minutes from June 7, 2022, approved.

No budget items.

2022-01

L. Lillmars went through the staff report, comprehensive plan, Jim and Annie Skinner's plans and discussed the rezoning of their property from CO to LR.

Plan Commission members discussed and asked L. Lillmars questions that pertained to 416 Point Park.

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

Motion by: D. Luepke

To open for public comment.

2nd by: J. Swander

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

Jim Skinner, 416 Point Park – Discussed his most current site plans with the community. They are planning on keeping the boathouse and they are working around the trees they have on their property.

Tom Kramer, 440 Point Park, discussed the gentleman agreement they had, approximately 8 to 10 years ago, regarding no one building garages on Memorial Woods.

Todd Rumsey, 432 Point Park, discussed the UDO stating that you can only have two structures and they would not be able to build a third structure. If combined under one LR, it is based off surface ratio, the lake side could be overdeveloped counting the Point Park Drive corner, would offset his ratio, so he could build more on the lake. He could ask for a variance and build a third structure.

L. Lillmars clarified the three structures. The boathouse and the new garage are storage structures, according to UDO, you can have two and with talking with Mike Hawk, the guest house is considered occupiable. The storage space, according to the UDO, must be 1200 square feet or less, the boathouse and new garage are under 1200 square feet combined.

D. Rippe entertained a motion to close public comment.

Motion by: B. Hanna

To close public comment.

2nd by: S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

L. Lillmars went through eleven responses they received from the feedback forms.

Plan Commission members discussed their support in keeping it as CO rather than rezoning it to LR.

D. Rippe stated the Clear Lake Comprehensive Plan was adopted on 11/30/06 and updated/adopted on 5/13/13, establishing the community's vision for the Town. The UDO was adopted on 7/13/09 and updated as necessary to remain consistent with comprehensive plan revisions, establishing this area as predominately (91%) Conservation (CO) district. D. Rippe then provided a comparison/contrast between CO and LR districts indicating the better fit to this day is CO.

D. Rippe entertained a motion for recommendation of 2022-01 to Town Council.

Motion by: B. Hanna makes an unfavorable recommendation to Town Council.

To send 2022-01 to Council with an unfavorable recommendation.

2nd by: S. Lazur

Roll Call:

J. Hauguel – Yes

J. Swander – Yes

S. Lazur – Yes

D. Luepke – Yes

D. Rippe – Yes

G. Schenkel – Yes

B. Hanna – Yes

Vote was unanimous. Motion carried to send 2022-01 to council with an unfavorable recommendation.

Old Business

L. Lillmars discussed the changes to UDO 2018-37.

PC members discussed the reasoning behind wanting an ILP added for home businesses.

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

Motion by: G. Schenkel

To open for public comment.

2nd by: D. Luepke

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comment.

D. Rippe entertained a motion to close public comment.

Motion by: D. Luepke

To close public comment.

2nd by: S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion for recommendation of 2018-37 to Town Council.

Motion by: G. Schenkel makes a favorable recommendation to Town Council.

To send UDO change 2018-37 council with a favorable recommendation.

2nd by: J. Hauguel

Roll Call:

J. Hauguel – Yes

J. Swander – No

S. Lazur – No

D. Luepke – No

D. Rippe – No

G. Schenkel – Yes

B. Hanna – No

Vote was 5-2 unfavorable. Motion failed.

D. Rippe entertained a motion for recommendation of 2018-37 to Town Council.

Motion by: S. Lazuel makes an unfavorable recommendation to Town Council.

To send UDO change 2018-37 council with an unfavorable recommendation.

2nd by: J. Swander

Roll Call:

J. Hauguel – No

J. Swander – Yes

S. Lazur – Yes

D. Luepke – Yes

D. Rippe – Yes

G. Schenkel – No

B. Hanna – Yes

Vote was 5-2 favorable. Motion carried to send 2022-37 to council with an unfavorable recommendation.

L. Lillmars discussed the changes to UDO 2018-38.

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

Motion by: D. Luepke

To open for public comment.

2nd by: J. Swander

All in favor, say I. Vote was unanimous. Motion carried; open for public comment.

No public comment.

D. Rippe entertained a motion to close public comment.

Motion by: G. Schenkel

To close public comment.

2nd by: S. Lazur

All in favor, say I. Vote was unanimous. Motion carried; closed for public comment.

D. Rippe entertained a motion for recommendation of 2018-38 to Town Council.

Motion by: D. Luepke makes a favorable recommendation to Town Council.

To send UDO change 2018-38 council with a favorable recommendation.

2nd by: B. Hanna

Roll Call:

J. Hauguel – Yes

J. Swander – Yes

S. Lazur – Yes

D. Luepke – Yes

D. Rippe – Yes

G. Schenkel – Yes

B. Hanna – Yes

Vote was unanimous. Motion carried to send 2018-38 to council with a favorable recommendation.

New Business

L. Lillmars and G. Schenkel went through Plan Commission training.

D. Rippe entertained a motion to adjourn the meeting.

Motion by: S. Lazur

To adjourn meeting.

2nd by: D. Luepke

All in favor, say I. Vote was unanimous. Motion carried; meeting adjourned.

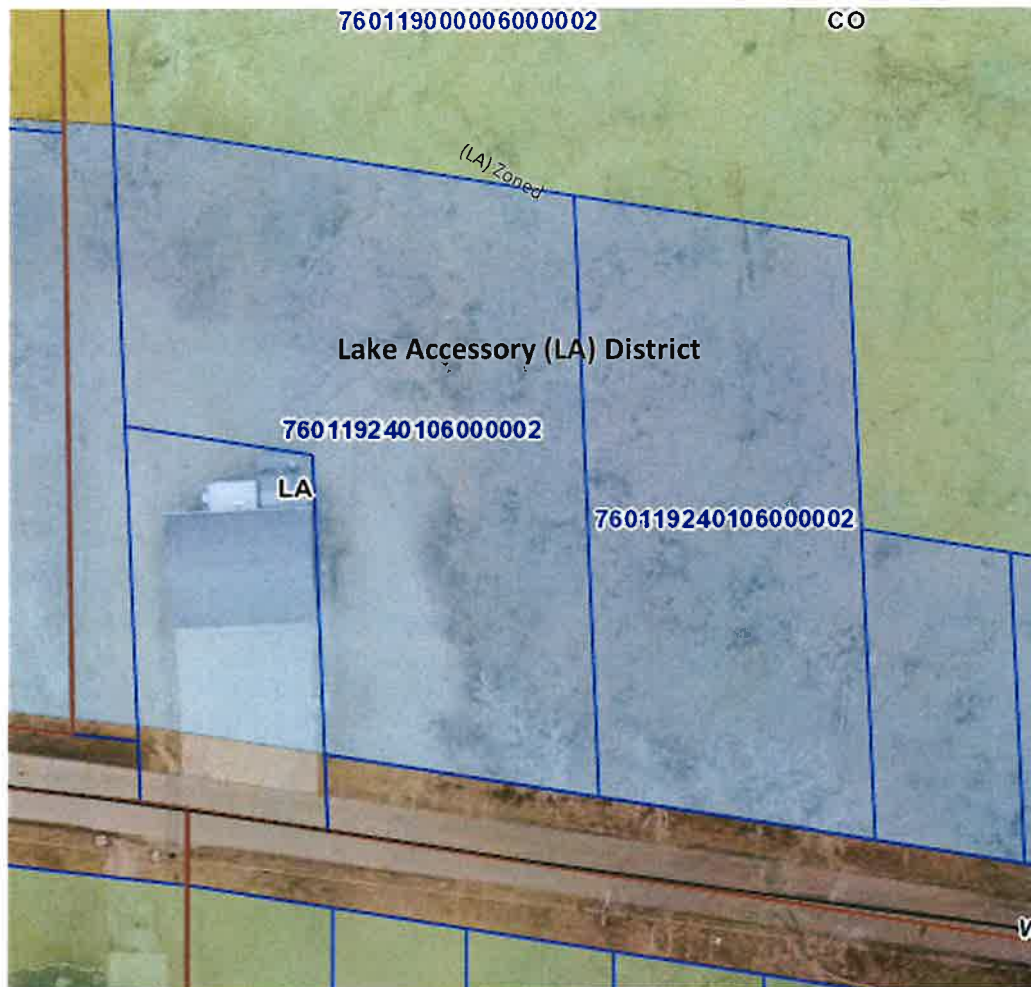
Meeting adjourned at 8:59pm.

Dan Rippe, Plan Commission President

Attest: Jennifer Smith-Sattison, Clerk

- Case Number:** 2022-02
- Procedural Type:** Minor Subdivision of Land
- Subdivision Type:** Simple Subdivision (per Article 6)
- Subdivision Name:** Gericke and Laukhuf Subdivision
- Applicant/Owner:** Anthony Gericke
209 Sylvanus St. Archbold, OH 43502
- Chris Laukhuf
8451 Road 48, Haviland, OH 45879
- Location:** .621 Acre parent tract with frontage along West Clear Lake Drive
- Number of Lots:** Two (2)
Lot 1 - 124' x 159' #57 West Clear Lake Drive (*Reference Survey*)
Lot 2 - 74' x 159' #59 West Clear Lake Drive (*Reference Survey*)
- Current Zoning:** Proposed lot(s) are Lake Accessory (LA)
- Proposed Zoning:** No Change
- Current Use:** Undeveloped
- Proposed Use:** Storage based accessory structure
- Waivers Requested:** No
- Hearing Date:** November 1, 2022, at 7 pm
Clear Lake Town Hall
- Required Notice:**
- Legal Notice published in the Herald Republican on October 20, 2022.
 - Legal Notice has been posted at the Clear Lake Town Hall, Clear Lake Marina, Clear Lake General Store and TOCL website.
 - Seven (7) adjacent owners were sent legal notices with a certificate of mailing
 - Eight (8) interested property owners were sent "courtesy notices" by regular mail.
- UDO Applicability:** 9.14 – Minor Subdivision
6.01, 6.02, 6.03 – Simple Subdivisions
7.08 – Erosion Control Standards
7.09 – Flood Hazards Standards
7.13 – Monument and Marker Standards
7.16 – Pedestrian Network Standards
7.18 – Prerequisite Standards

Zoning



2013 Comprehensive Plan Excerpts:

Policy 1.2: It is the policy of the Town of Clear Lake to ensure that future development does not create traffic or safety or traffic congestion problems for the municipal, county and state roads and streets.

Objective 1.2.1: ensure driveway cuts and new road construction is properly designed to promote traffic safety.

Policy 2.1: Balance the preservation of the lake environment with the needs of a growing year-round population.

Objective 2.1.1: ensure development conforms to the Town's land use regulations recognizing that many lots around the lake possess unique and sometimes challenging features.

Policy 7.2: Ensure land use regulations have sufficient flexibility to allow property owners and the Town to propose measures to adapt development to unique and difficult site conditions, preserve open space and natural resources, and avoid negative impacts on surrounding properties.

Unified Ordinance Development

Article 6: Subdivision Types

- The proposed Subdivision is a Simple Subdivisions per 6.01 and meets the standards per 6.03.

Article 7: Design Standards

Per the UDO the applicable sections of article 7 are as follows:

7.08 - Erosion Control Standards

- At this time there is no ILP on file and no earth work proposed. A current drainage plan has been supplied to show movement of surface water.

7.09 - Flood Hazzard Standards

- *Recommendation for condition of approval: a drainage plan must be submitted and approved by the zoning administrator prior to the issuance of the ILP*

7.11 - Lot Establishment Standards

- Standards met

7.13 - Monument and Marker Standards

- Standard met

7.16 - Pedestrian Network Standards

- Not applicable

7.18 – Prerequisites Standards

- Standard met

Article 9.14 Minor Subdivision of Land

- Proposed subdivision complies with all requirements. (*See Attached Subdivision Check List*). As of 10-28-2022 only item missing in the site plan is the addresses of the Applicants listed on the site plan.

SUBDIVISION OF LAND APPLICATION

2022-02

Town of Clear Lake 111 Gecowets Drive, Clear Lake, Fremont IN 46737
Office: (260)495-9158 Mobile: (260)243-6701 Email: zoning@townofclearlake.org

TYPE

Procedural Type: Minor Subdivision
 Major Subdivision

Subdivision Type: Simple
 Standard
 Conservation

APPLICANT INFORMATION

Name Anthony Gericke / Chris Laukhuf E-mail tgericke@live.com / chrislaukhuf@gmail.com
Address 59 & 57 W. Clear Lake Drive 209 Sylvanus Street, Archbold, OH 43502 -AG
lake permanent
Phones 419-356-2575 (AG) / 419-786-9525 (CL) 8451 Road 48, Haviland, OH 45879 -CL
preferred other

PROJECT INFORMATION

Subdivision Name Gericke and Laukhuf Subdivision
General Location Marina Bay
Engineer Tim Gouloff Engineer E-mail gou@gouloffjordan.com
Engineer Contact Information Gouloff - Jordan Surveying and Design, 1133 Broadway, Fort Wayne, IN
Acreage .621 Zoning LA - Lake Accessory
Number of Lots 2 Build Out Date N/A
Proposed Use Storage based accessory structures
Requested Waivers N/A

SIGNATURE

I certify to the accuracy of all information provided within this application and supporting information. I grant the Town of Clear Lake and its agents the authority to enter the property during the application stage and construction to determine compliance.

ca: 7 ep 10-28-22
Applicant's Signature Date
T. Gericke 10/28/22
Applicant's Signature Date

Subdivision of Land Check List – Minor (9.14) & Major (9.15 & 9.16)

Town of Clear Lake, 111 Gecowets Drive, Clear Lake, Fremont, IN 46737

Site Plan Requirements				
Minor	Major	Item required	Date Submitted	
X	X	North arrow	9-6-2022	<input checked="" type="checkbox"/>
X	X	Scale	9-6-2022	<input checked="" type="checkbox"/>
X	X	Name and Address of applicant <i>Emaild 10-28-22</i>		<input type="checkbox"/>
X	X	Name of Subdivision	9-6-2022	<input checked="" type="checkbox"/>
X	X	Area map insert showing general location of the site referenced to major streets	9-6-2022	<input checked="" type="checkbox"/>
X	X	Legal Description	9-6-2022	<input checked="" type="checkbox"/>
X	x	Proposed address for each lot	9-6-2022	<input checked="" type="checkbox"/>
X	X	Adjacent streets, sidewalks, and easements	9-6-2022	<input checked="" type="checkbox"/>
X	X	Boundary lines of the site including lot dimensions of the site proposed to be subdivided	9-6-2022	<input checked="" type="checkbox"/>
X	X	Proposed subdivision lines, all lot dimensions, lot area, and building setback lines of proposed lots	9-6-2022	<input checked="" type="checkbox"/>
X	X	Footprint and dimensions of existing structures with measurements to property lines	9-6-2022	<input checked="" type="checkbox"/>
X	X	Names, centerlines, right-of-way widths, and pavement widths of all streets, alleys, and easements	9-6-2022	<input checked="" type="checkbox"/>
X	X	Existing structures on adjacent lots	9-6-2022	<input checked="" type="checkbox"/>
	X	Location of all floodways, floodway fringe areas, and wetlands within the boundaries of the site		<input type="checkbox"/>
	X	Areas reserved for park, recreation, and common areas		<input type="checkbox"/>
	X	Proposed perimeter landscaping		<input type="checkbox"/>
	X	Proposed entryway feature signs		<input type="checkbox"/>
X	X	Stamp of Registered Professional Engineer	9-6-2022	<input checked="" type="checkbox"/>
	X	Representative building elevations (if applicable)		<input type="checkbox"/>
	X	Site access and circulation plan		<input type="checkbox"/>
	X	Utility plan		<input type="checkbox"/>
	X	Statement of development build out		<input type="checkbox"/>
	X	Landscape Plan		<input type="checkbox"/>
	X	Restrictive Covenants		<input type="checkbox"/>
	X	Traffic Impact Study (if applicable)		<input type="checkbox"/>
Application Requirements				
Minor	Major	Item required	Date Submitted	
X	X	Type <i>Updated 10/28/2022</i>	9-6-2022	<input checked="" type="checkbox"/>
X	X	Applicant Information	9-6-2022	<input checked="" type="checkbox"/>
X	X	Project Information	9-6-2022	<input checked="" type="checkbox"/>
X	X	Signature <i>↓</i>	9-6-2022	<input checked="" type="checkbox"/>
Supporting Information				
Minor	Major	Item required	Date Submitted	
X	X	Mailing List of property owners within 300 feet of subject subdivision	10-12-2022	<input checked="" type="checkbox"/>

SUBDIVISION OF LAND – PLAN COMMISSION DECISION

2022-02

Town of Clear Lake 111 Gecowets Drive, Clear Lake, Fremont IN 46737
Office: (260)495-9158 Mobile: (260)243-6701 Email: zoning@townofclearlake.org

GENERAL INFORMATION

Subdivision Name Gericke and Laukhuf Subdivision

Applicant's Name Anthony Gericke and Chris Laukhuf

Date of Public Hearing 11-1-2022

FINDINGS

The Plan Commission shall make the following findings of fact. Approval of the findings may be in the form of a general statement. Disapproval of findings shall specify the provision of the *Unified Development Ordinance* or *Town of Clear Lake Construction Standards* with which there is not compliance or the manner in which the project is not consistent with the *Town of Clear Lake Comprehensive Plan*.

- The subdivision of land is consistent with the *Town of Clear Lake Comprehensive Plan*.
- The subdivision of land satisfies the development requirements of *Article 06: Subdivision Types*.
- The subdivision of land satisfies the standards of *Article 07: Design Standards*.
- The subdivision of land satisfies any other applicable provisions of this *Unified Development Ordinance*.
- (Not applicable to Minor Subdivision) The subdivision of land satisfies the construction requirements of the *Town of Clear Lake Construction Standards*.

Note specific provisions with which there is not compliance: _____

FINAL ACTION

If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the Primary Plat. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the Primary Plat.

- Deny
- Approve
- Approve with Commitments

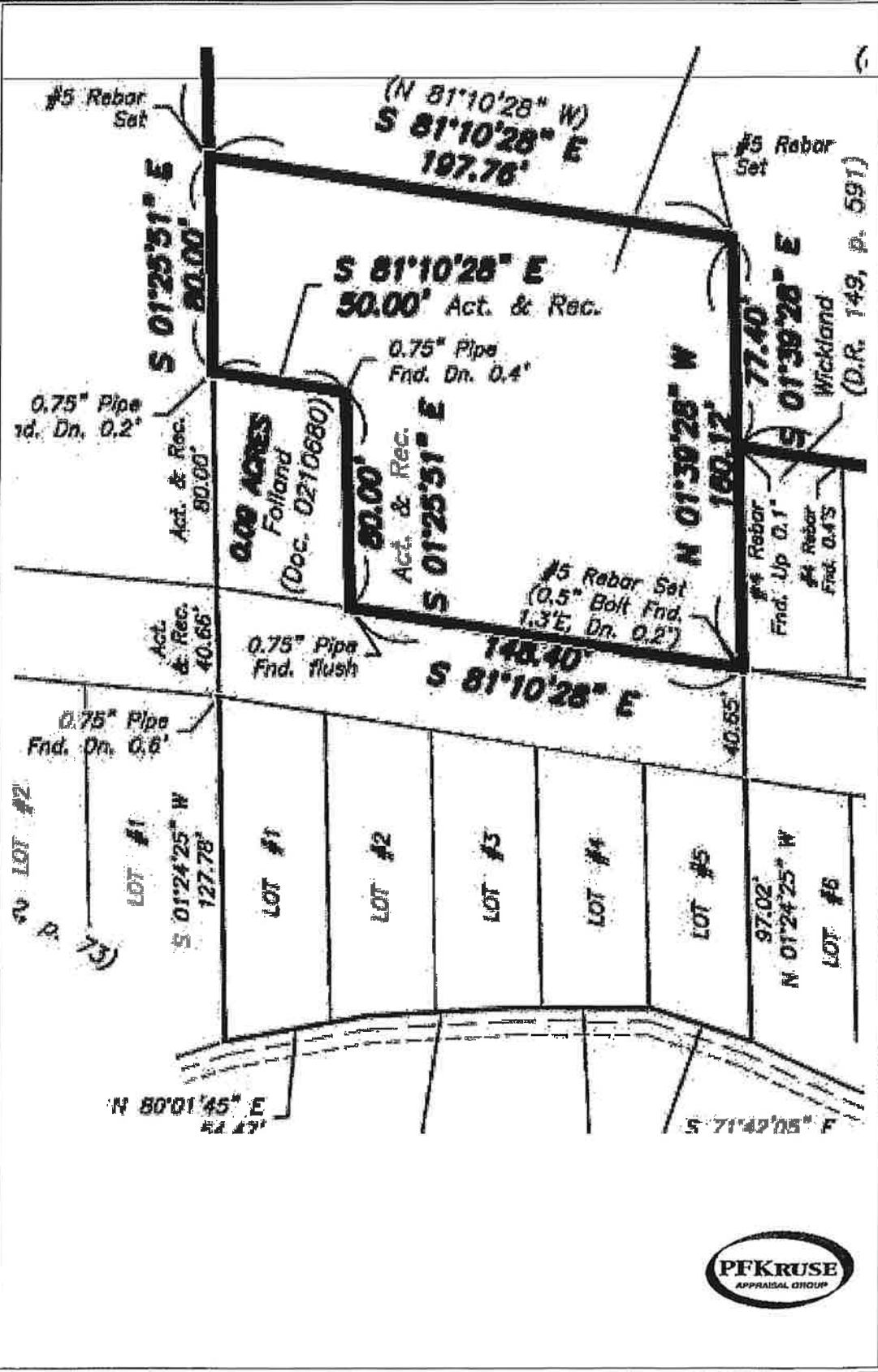
SIGNATURES

Primary Plat Approval _____
Plan Commission President *date*

Secondary Plat Approval _____
Zoning Administrator *date*

SURVEY

Borrower: Strong Development Corp
Property Address: 60 Lake Drive, Clear Lk
City: Fremont
Lender: Brennan, Manna & Diamond, LLC
File No.: 20090698
Case No.:
State: IN
Zip: 46737



Min Lot Width 50'

Plat of GERICKE and LAUKHUF SUBDIVISION
Part of the SE 1/4 of the NW 1/4 of Sec. 19, T 38 N, R 15 E
Clear Lake Township, Steuben County, IN

Current parcel is in Zone LA - (Lake Accessory)

LEGAL DESCRIPTION - LOT 1

A part of Section 19, Township 38 North, Range 15 East, Steuben County, Indiana, being more particularly described as follows, to-wit:
Commencing at the West Quarter corner of said Section 19, being marked by a survey nail, thence North 00 degrees 00 minutes 00 seconds East (dead bearing and basis of all bearings in this description), on and along the West line of the Northwest Quarter of said Section 19, being within the right-of-way of North County Road 700 East, a distance of 1324.21 feet to the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 19; thence South 86 degrees 30 minutes 18 seconds East, on and along the North line of the Southwest Quarter of the Northwest Quarter of said Section 19, being within the right-of-way of East County Road 675 North, a distance of 1313.26 feet to a railroad spike at the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 19; thence South 01 degrees 24 minutes 25 seconds East, on and along the West line of the Southeast Quarter of the Northwest Quarter of said Section 19, a distance of 250.00 feet to a 1/2 inch rebar at a Westerly corner of a 30.34 acre base tract of real estate described in a deed to Strong Development Corporation in Deed Record 156, page 447 in the Office of the Recorder of Steuben County, Indiana; thence South 01 degrees 25 minutes 51 seconds East, continuing on and along said West line and a West line of said base tract, a distance of 711.81 feet to a 1/2 inch rebar at the Point of Beginning; thence South 01 degrees 25 minutes 51 seconds East, continuing on and along said West line, a distance of 80.00 feet to a 0.75 inch pipe at the Northwest corner of a 0.09 acre tract of real estate described in a deed to Christopher Folland and Jill Ann Folland in Document Number 021200680 in the Office of said Recorder; thence South 81 degrees 10 minutes 28 seconds East, on and along the North line of said 0.09 acre tract, a distance of 50.00 feet to a 0.75 inch pipe at the Northeast corner thereof; thence South 01 degrees 25 minutes 51 seconds East, on and along the East line of said 0.09 acre tract, a distance of 80.00 feet to a 0.75 inch pipe at the Southeast corner thereof, being a point on the North right-of-way line of Lake Drive; thence South 82 degrees 22 minutes 40 seconds East (South 81 degrees 10 minutes 28 seconds East recorded), on and along said North right-of-way line, a distance of 73.94 feet to a 5/8" rebar capped "GOU"; thence North 01 degrees 43 minutes 19 seconds West, a distance of 158.70 feet to the point of beginning, containing 0.356 acres, more or less, being subject to easements and rights-of-way of record. This description is based on an original survey by Sauer Land Surveying, Inc., dated July 13, 2009, revised August 6, 2009, and numbered 090-149.

LEGAL DESCRIPTION - LOT 2

A part of Section 19, Township 38 North, Range 15 East, Steuben County, Indiana, being more particularly described as follows, to-wit:
Commencing at the West Quarter corner of said Section 19, being marked by a survey nail; thence North 00 degrees 00 minutes 00 seconds East (dead bearing and basis of all bearings in this description), on and along the West line of the Northwest Quarter of said Section 19, being within the right-of-way of North County Road 700 East, a distance of 1324.21 feet to the Northwest corner of the Southwest Quarter of the Northwest Quarter of said Section 19; thence South 86 degrees 30 minutes 18 seconds East, on and along the North line of the Southwest Quarter of the Northwest Quarter of said Section 19, being within the right-of-way of East County Road 675 North, a distance of 1313.26 feet to a railroad spike at the Northeast corner of the Southwest Quarter of the Northwest Quarter of said Section 19; thence South 01 degrees 24 minutes 25 seconds East, on and along the West line of the Southeast Quarter of the Northwest Quarter of said Section 19, a distance of 250.00 feet to a 1/2 inch rebar at a Westerly corner of a 30.34 acre base tract of real estate described in a deed to Strong Development Corporation in Deed Record 156, page 447 in the Office of the Recorder of Steuben County, Indiana; thence South 01 degrees 25 minutes 51 seconds East, continuing on and along said West line and a West line of said base tract, a distance of 711.81 feet to a 1/2 inch rebar; thence continuing South 01 degrees 25 minutes 51 seconds East, continuing on and along said West line, a distance of 80.00 feet to a 0.75 inch pipe at the Northwest corner of a 0.09 acre tract of real estate described in a deed to Christopher Folland and Jill Ann Folland in Document Number 021200680 in the Office of said Recorder; thence South 81 degrees 10 minutes 28 seconds East, on and along the North line of said 0.09 acre tract, a distance of 50.00 feet to a 0.75 inch pipe at the Northeast corner thereof; thence South 01 degrees 25 minutes 51 seconds East, on and along the East line of said 0.09 acre tract, a distance of 80.00 feet to a 0.75 inch pipe at the Southeast corner thereof, being a point on the North right-of-way line of Lake Drive; thence South 82 degrees 22 minutes 40 seconds East (South 81 degrees 10 minutes 28 seconds East recorded), on and along said North right-of-way line, a distance of 73.94 feet to a 5/8" rebar capped "GOU"; thence North 01 degrees 43 minutes 19 seconds West, on and along a line partially defined by an Easterly line of said base tract, a distance of 157.17 feet (160.12 feet recorded); thence North 81 degrees 10 minutes 28 seconds West, a distance of 73.94 feet; thence South 01 degrees 43 minutes 19 seconds East, a distance of 158.70 feet to the Point of Beginning, containing 0.264 acres, more or less, being subject to easements and rights-of-way of record. This description is based on an original survey by Sauer Land Surveying, Inc., dated July 13, 2009, revised August 6, 2009, and numbered 090-149.

SURVEYOR'S REPORT

This report and the accompanying survey plat have been prepared in accordance with Title 865, Article 1, Rule 12, Sec 1-29 and all amendments thereto of the Indiana Administrative Code, which establishes the minimum standards for the practice of land surveying.

Monuments set are 5/8 inch round by 24 inch long steel rebars with yellow plastic caps stamped "GOU LS29500017", and set flush with the ground surface.

Monuments found are noted with an above (x,x) or below (-x,x) ground surface dimension.

This purpose for this survey is to "retrace" the boundary of the real estate described herein.

THEORY OF LOCATION:
The lines and corners for this survey were established as depicted on the survey drawing and per information shown on the plat of First Addition to McLouth's Plat and Deed Record 156, page 447 as found in the Office of the Recorder of Steuben County, Indiana.

The West line of the SE 1/4 of the NW 1/4 was established between a Spike Nail found at the NW corner of the SE 1/4 of the NW 1/4 of Section 19, Township 38 North, Range 15 East and a 1" Pipe found at the NW corner of Lot 1 in the First Addition to McLouth's Plat recorded in Plat Book 3, page 49 in the Office of the Recorder of Steuben County, Indiana.

Reference Surveys:
A survey by Sauer Land Surveying, Inc. with number 090-149, dated July 13, 2009, Recorded in Doc. # 09070430.
A survey by Accurate Survey Co. (Michael Ruff) with number 51-19-006, dated June 26, 1991.
The plat of the First Addition to McLouth's Plat as recorded in Plat Book 3, page 49.

The uncertainty in the lines and corners found or established by this survey are as follows:

(A) Availability and condition of reference monuments:
Monuments found are described and depicted on the survey drawing.
Uncertainty created by the location of the monuments found or set on the subject property due to variations in reference monuments (monuments found on the subject property and on adjacent properties) is the difference between "measured" and "platted" or "recorded" angular or distance measurements as depicted on the survey drawing.
The maximum uncertainty for this survey is 1.54 feet East - West and 2.85 feet North - South.

(B) Occupation or possession lines:
No uncertainty was created by visible occupation or possession lines.
The former water's edge of Clear Lake as referenced in Deed Record 156, page 446 is actually South of the current shoreline as shown on the survey drawing. The 100' traverse line for the plat of the First Addition to McLouth's Plat runs South of the current shoreline along Lots 3, 4 and 5 as shown on the survey drawing.

(C) Clarity or ambiguity of the record description and/or adjoining descriptions:
The legal description for Tract "C" from the parent Deed Record 156, page 447 calls out a 1/2 inch rebar at the Southeast corner of said Tract, but a 1/2 inch rebar was found instead and measures more accurately for the East adjoining parcel. The location of the 1/2 inch rebar creates a shorter distance to the Northeast corner of said Tract. The total length of the common property line between Tract "C" and East adjoining parcels is 0.23' short.

(D) This survey falls under the classification of a "Rural" survey. The acceptable relative positional precision (random errors in measurements) = 0.26 feet (79 millimeters) plus 200 parts per million as specified in Section 7 of said Rule 12.

DEDICATION OF SUBDIVISION

We, Tony Gericke and Chris Laukhuf, the undersigned owners of the real estate shown and described herein, do hereby certify that we laid off, platted and subdivided, and do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as Gericke and Laukhuf Subdivision, a subdivision in the Town of Clear Lake, Steuben County, Indiana. All road right-of-way shown and not heretofore dedicated are hereby dedicated to the public.

Front, rear and side building setback lines are hereby established in accordance with the current Unified Development Ordinance for the Town of Clear Lake, between which lines and the Lot Lines of the road right-of-ways, there shall be no building structure erected or maintained.

Tony Gericke
Chris Laukhuf

PRIMARY PLAT APPROVAL

The undersigned, by authority granted to them by the Unified Development Ordinance of the Town of Clear Lake, Indiana, certifies that this minor plat has been granted secondary approval as required by the laws of the State of Indiana, and shall be legally effective upon filing with the Auditor of Steuben County and recording in the Office of the Recorder of Steuben County, Indiana.

Dated this _____ Day of _____, 20__

Town of Clear Lake Plan Commission:

President Clear Lake Plan Commission (signature)
Zoning Administrator Clear Lake Plan Commission (signature)

SECONDARY PLAT APPROVAL

This Minor Plat complies with the Zoning Ordinance requirements to minimum lot area, width and frontage.

Approved this date _____ Day of _____, 20__

Town of Clear Lake Plan Commission:

President Clear Lake Plan Commission (signature)
Zoning Administrator Clear Lake Plan Commission (signature)

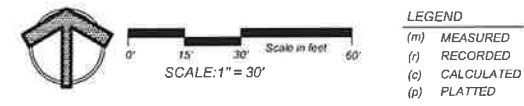
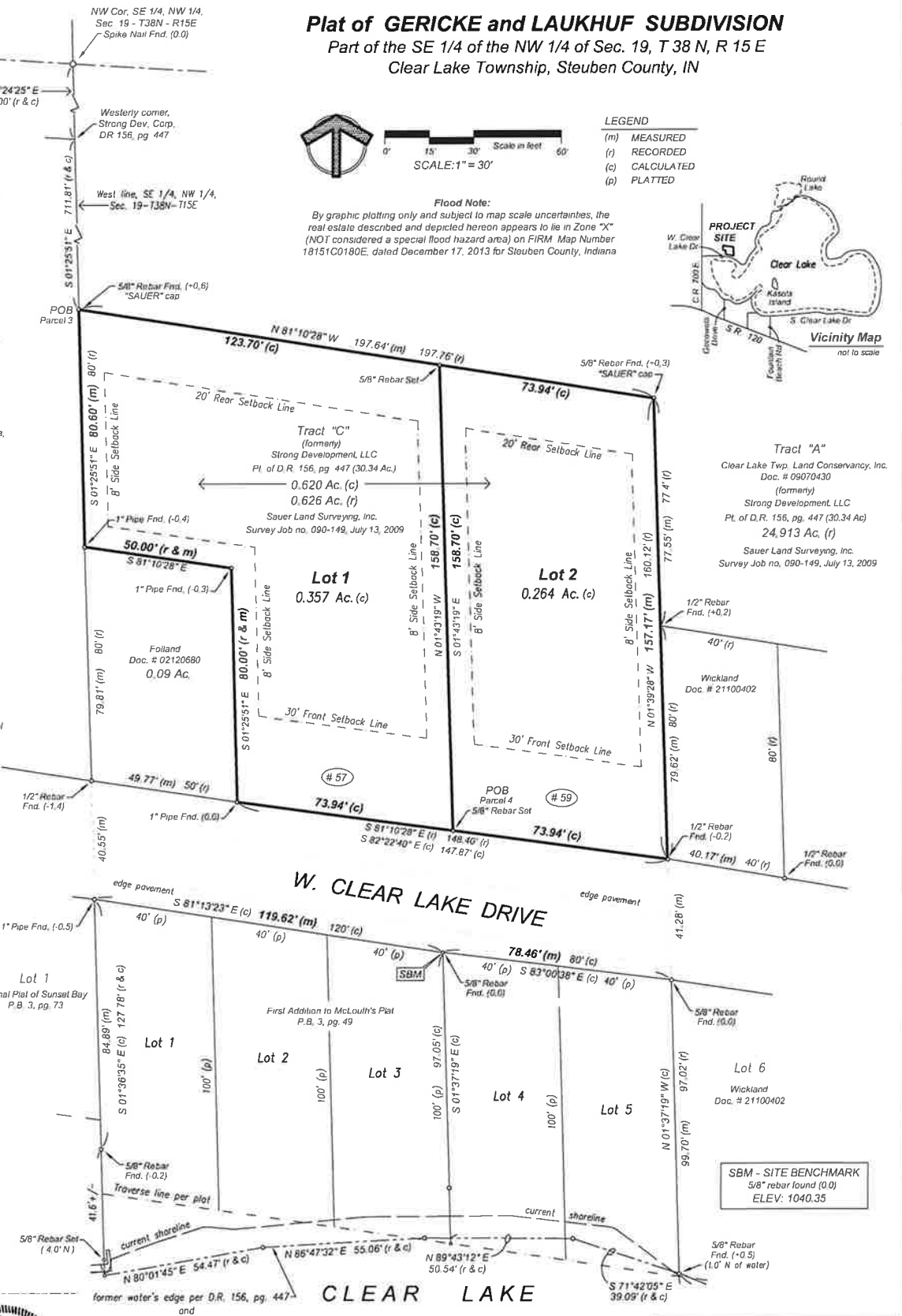
NOTARY:

STATE OF INDIANA
) SS:
COUNTY OF STEUBEN)
Before me, the undersigned notary public in and for the county and state, personally appeared Tony Gericke and Chris Laukhuf, representatives of the real estate, acknowledge the execution of the foregoing instrument for the uses therein set forth.
Witness my hand and notarial seal this _____ day of _____, 20__
My commission expires: _____
Notary public

SURVEYOR'S CERTIFICATION

This survey was performed by, or under the responsible direction of the undersigned registered land surveyor and to the best of said registered land surveyor's knowledge and belief, said survey was executed according to the applicable survey requirements of 865 IAC-1-12-1 thru 29.
Field work for this survey was performed on March 26, 2022.
DATED THIS 9th DAY OF SEPTEMBER, 2022.

Timothy C. Gouloff, R.L.S. 29500017
"I affirm, under the penalties for perjury, that I have taken reasonable care to read each Social Security Number in this document, unless required by law." Timothy C. Gouloff



Flood Note:
By graphic plotting only and subject to map scale uncertainties, the real estate described and depicted hereon appears to lie in Zone "X" (NOI considered a special flood hazard area) on FIRM Map Number 18151C0180E, dated December 17, 2013 for Steuben County, Indiana



Tract "A"
Clear Lake Twp. Land Conservancy, Inc.
Doc. # 09070430
(formerly)
Strong Development, LLC
Pl. of D.R. 156, pg. 447 (30.34 Ac.)
24.913 Ac. (r)
Sauer Land Surveying, Inc.
Survey Job no. 090-149, July 13, 2009





GOULOFF - JORDAN SURVEYING AND DESIGN, INC.
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5362 FAX (260) 424-4916


DATE: September 9, 2022	PROJECT NUMBER: 20220090 C
Scale: 1" = 30'	Sheet: 1 of 1

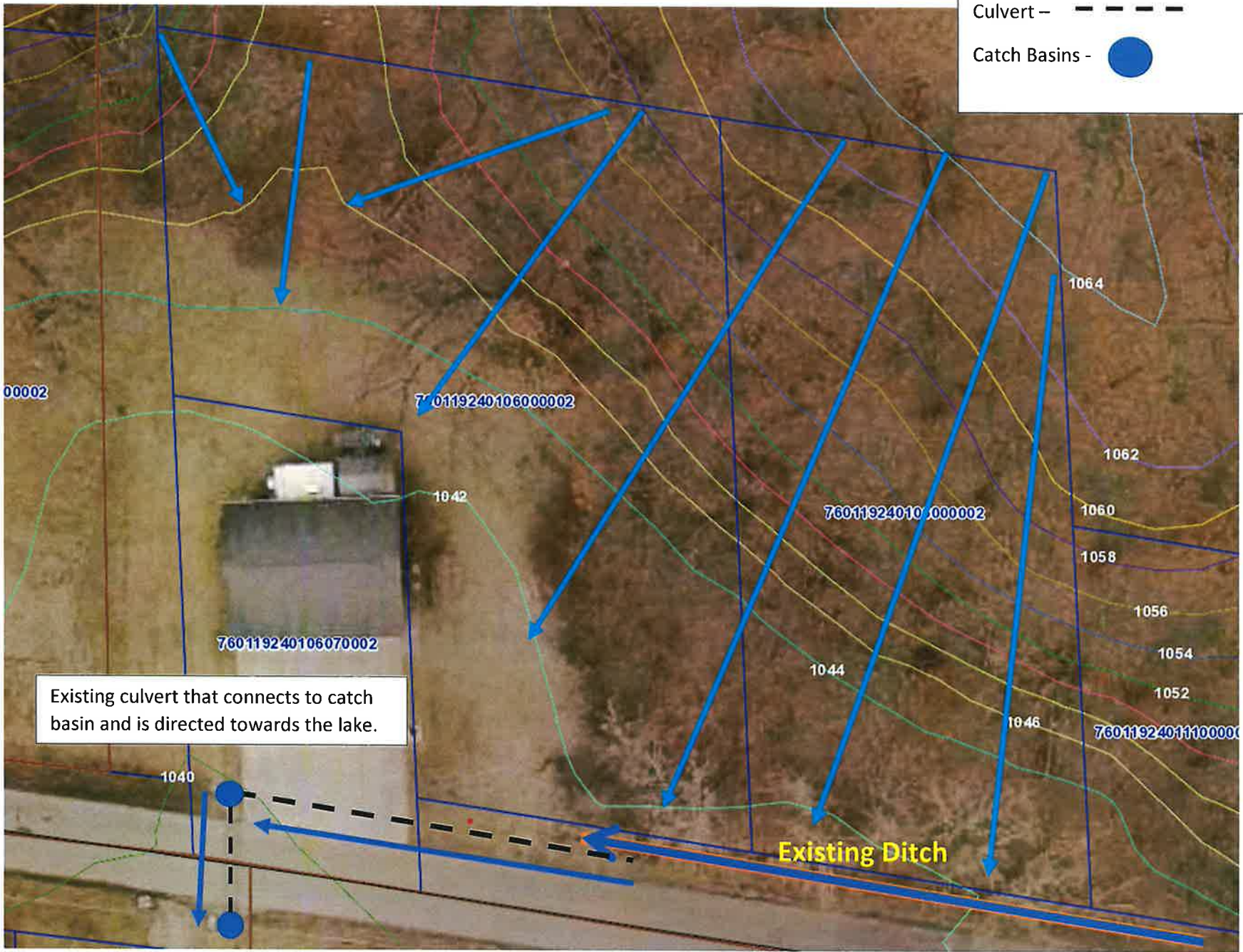
Performed for:
Anthony Gericke & Chris Laukhuf

Natural Drainage

Water flow - 

Culvert - 

Catch Basins - 



Existing culvert that connects to catch basin and is directed towards the lake.



Overview



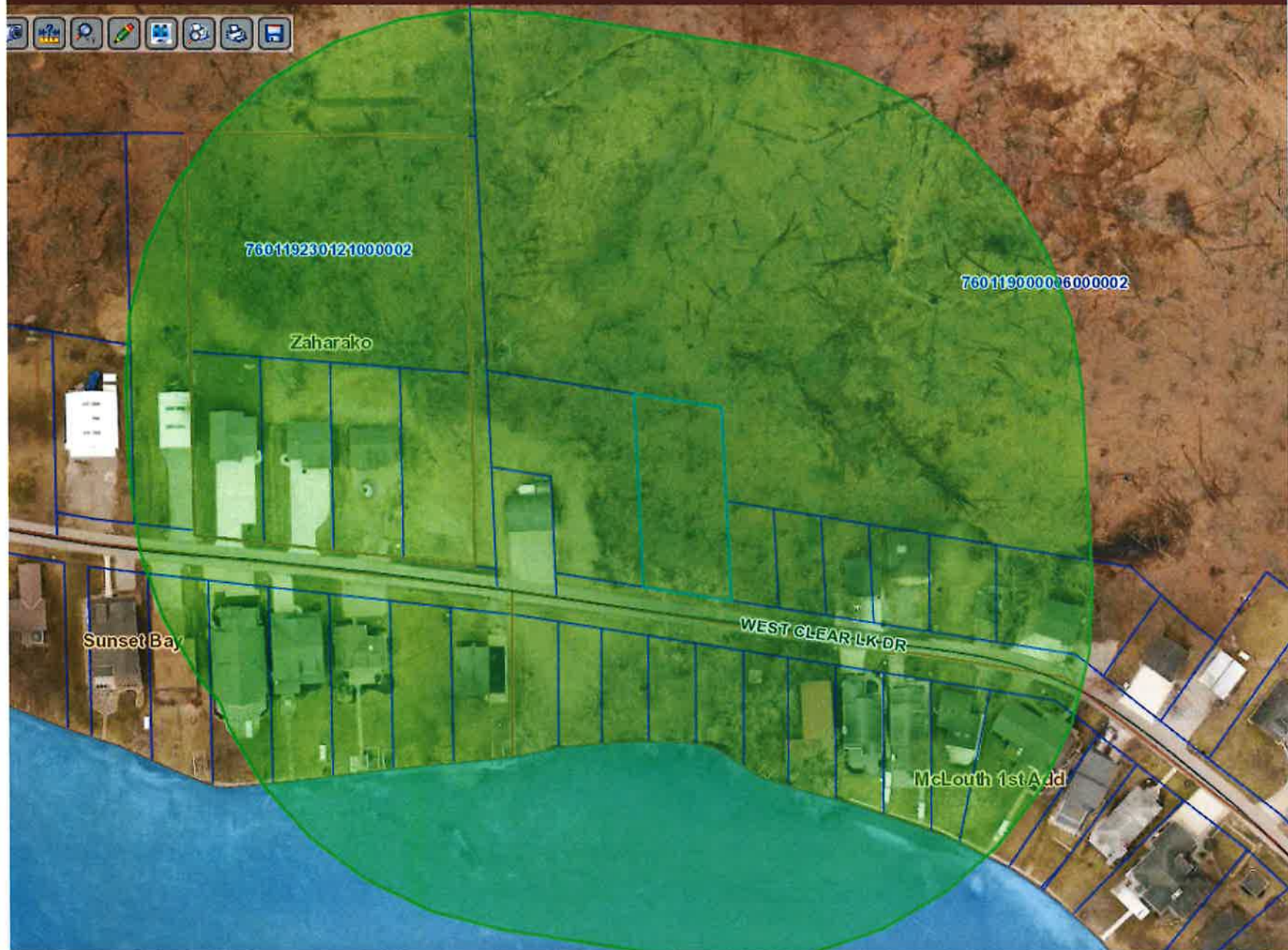
This contour data from December 2006 was gathered for Steuben County via Williams Aerial & Mapping Co. (South Bend, IN) with LIDAR technology. Tremendous effort has been made to ensure the data is as accurate as possible, but there may be inaccuracies. Steuben County GIS shall not be held liable in regards to errors.

Date created: 10/14/2022
Last Data Uploaded: 10/12/2022 4:46:14 AM

Developed by  Schneider
GEOSPATIAL

Properties within 300 Feet

ParcelId	OwnerName	OwnerAddress1	OwnerCityStZip	LocalAddress	City	State	Zip
760119230203000002	Yoder Jay L & Debra L H/W	10301 River House Ln	GRABILL, IN 46741	48 West Clear Lake Drive	FREMONT	IN	46737
760119230119000002	Yoder Jay L & Debra L H/W	10301 Riverhouse Lane	GRABILL, IN 46741				
760119230121000002	Yoder Jay L & Debra L H/W	10301 Riverhouse Lane	GRABILL, IN 46741				
760119000006000002	Clear Lake Township Land Conservancy Inc	111 Gecowets Dr	FREMONT, IN 46737	675 N	FREMONT	IN	46737
760119230102060001	Clear Lake Township Land Conservancy Inc	111 Gecowets Dr	FREMONT, IN 46737	N 700 E	Fremont	IN	46737
760119230103000002	Clear Lake Township Land Conservancy Inc	111 Gecowets Dr	FREMONT, IN 46737	675 N	Fremont	IN	46737
760119240108000002	Cullis Cass M Trustee of the Hannah R Cullis 2012 Irrevocable Trust fbo Cass M Cullis	1253 Ridgewood Dr	TROY, OH 45373	West Clear Lake Drive	FREMONT	IN	46737
760119310256000002	Cullis Cass M Trustee of the Hannah R Cullis 2012 Irrevocable Trust fbo Cass M Cullis	1253 Ridgewood Dr	TROY, OH 45373	70 West Clear Lake Drive	FREMONT	IN	46737
760119230114000002	Gamble Troy M & Wendy L Haberstock JT/RS	16368 La Paloma Ct	NOBLESVILLE, IN 46060	West Clear Lake Drive	FREMONT	IN	46737
760119230207000002	Gamble Troy M & Wendy L Haberstock JT/RS	16368 La Paloma Ct	NOBLESVILLE, IN 46060	40 West Clear Lake Dr	FREMONT	IN	46737
760119230118000002	Athens William S Jr & Lisa J Living Trust dtd 12-28-13	21658 Westcroft Dr	GROSSE ILE, MI 48138				
760119230204000002	Athens William S Jr & Lisa J Living Trust dtd 12-28-13	21658 Westcroft Dr	GROSSE ILE, MI 48138	46 West Clear Lake Dr	FREMONT	IN	46737
760119230205000002	44 Clear Lake LLC	3111 E 71st St	INDIANAPOLIS, IN 46220	44 West Clear Lake Dr	Fremont	IN	46737
760119230117000002	44 Clear Lake LLC	3111 E 71st Street	INDIANAPOLIS, IN 46220				
760119230115000002	Dirig Barbara M & Gerald C	3217 Plantation Tr	FORT WAYNE, IN 46818	West Clear Lake Drive	FREMONT	IN	46737
760119230206000002	Dirig Gerald C & Barbara M	3217 Plantation Tr	FORT WAYNE, IN 46818	42 West Clear Lake Dr	FREMONT	IN	46737
760119230202000002	Gary K Betty	34 West Clear Lake Dr	Fremont, IN 46737	West Clear Lake Dr	Fremont	IN	46737
760119240107000002	Schenkel Joseph J & Kathy J H/W	515 Fallen Timbers Dr	FORT WAYNE, IN 46825	West Clear Lake Drive	FREMONT	IN	46737
760119310255000002	Schenkel Joseph J & Kathy J H/W	515 Fallen Timbers Dr	FORT WAYNE, IN 46825	72 West Clear Lake Drive	FREMONT	IN	46737
760119230201000002	Folland Christopher D & Jill A	52 West Clear Lake Dr	FREMONT, IN 46737	52 West Clear Lake Drive	FREMONT	IN	46737
760119240106070002	Folland Christopher & Jill H/W	52 West Clear Lake Dr	FREMONT, IN 46737	West Clear Lake Drive	FREMONT	IN	46737
760119230120000002	Star Homes Inc	5909 Wheelock Rd, Ste 101	FORT WAYNE, IN 46835				
760119240109000002	Rippe Jerry J & Joan R	6828 Sweetwood	FORT WAYNE, IN 46814	West Clear Lake Drive	FREMONT	IN	46737
760119310257000002	Rippe Jerry J & Joan R	6828 Sweetwood	FORT WAYNE, IN 46814	68 West Clear Lake Drive	FREMONT	IN	46737
760119240106050002	Bushey James E & Karen S Bushey	74 W Clear Lk Dr	FREMONT, IN 46737	West Clear Lake Drive	FREMONT	IN	46737
760119310253000002	Bushey James E & Karen S H/W	74 W Clear Lk Dr	FREMONT, IN 46737	74 West Clear Lake Dr	FREMONT	IN	46737
760119240110000002	Wickland Jack C	8111 Minnie Ha Ha Cir	FORT WAYNE, IN 46818	W Clear Lk Dr	FREMONT	IN	46737
760119240111000002	Wickland Peggy E & Jack C	8111 Minnie Ha Ha Cir	FORT WAYNE, IN 46818	West Clear Lake Dr	FREMONT	IN	46737
760119310258000002	Wickland Jack C	8111 Minnie Ha Ha Cir	FORT WAYNE, IN 46818	66 West Clear Lake Drive	FREMONT	IN	46737
760119310259000002	Wickland Peggy E & Jack C	8111 Minnie Ha Ha Cir	FORT WAYNE, IN 46818	West Clear Lake Drive	FREMONT	IN	46737
Owners							
760119240106000002	Gericke, Anthony & Laukhuf, Christopher			57 & 61 W Clear Lake Dr.	FREMONT	IN	46737
760119310260000002	Gericke, Anthony & Laukhuf, Christopher			W Clear Lk Dr	FREMONT	IN	46738
760119310261000002	Gericke, Anthony & Laukhuf, Christopher			W Clear Lk Dr	FREMONT	IN	46739
760119310262000002	Gericke, Anthony & Laukhuf, Christopher			W Clear Lk Dr	FREMONT	IN	46740
760119310263000002	Gericke, Anthony & Laukhuf, Christopher			W Clear Lk Dr	FREMONT	IN	46741
760119310264000002	Gericke, Anthony & Laukhuf, Christopher			W Clear Lk Dr	FREMONT	IN	46742



Alternate ID 01-19-240-106.000-32
Class Unplatted 0 - 9.99 acres
Acreage 0.626

Owner Address Strong Development Corp
121 S Main St Suite 500
Akron, OH 44308

CLEAR LAKE CORP
MD PT S1/2 N1/2 Sec 19 .626A
(Note: Not to be used on legal documents)



111 Gecowets Drive Fremont IN 46737
(260) 495-9158 / (260) 495-5902 fax
www.townofclearlake.org

**LEGAL NOTICE OF A PUBLIC MEETING
BEFORE THE CLEAR LAKE PLAN COMMISSION
TOWN of CLEAR LAKE, INDIANA**

October 5, 2022

To: All persons located within the zoning jurisdiction of the Town of Clear Lake, Indiana

RE: 2022-02 Planning Commission Hearing for Minor Subdivision

The Plan Commission of the Town of Clear Lake, Indiana, will conduct a Special Public Hearing on, November 1, 2022, at 7:00 PM in the Clear Lake Town Hall located at 111 Gecowets Drive, Fremont, Indiana.

At the meeting, the Plan Commission will consider:

PC 2022—02

Tony Geicke & Chris Laukhuf, 57 & 59 West Clear Lake Drive, Fremont, IN 46737 is requesting a Minor Subdivision. The Gericke and Laukhuf Subdivision will be subdividing 1 lot into 2 lots:

Lot 1	124' x 159'	57 West Clear Lake Drive	Zoned Lake Accessory
Lot 2	74' x 159'	59 West Clear Lake Drive	Zoned Lake Accessory

At the public meeting, all interested persons will be given the opportunity to be heard. Written objections that are filed before the public hearing at the Clear Lake Town Hall located at 111 Gecowets Drive, Fremont, In. 46737 will be considered.

The file pertaining to the request is available for public inspection at townofclearlake.org 10 days prior to the hearing date.

Questions should be directed to the Zoning Administrator at 260-243-6701 or zoning@townofclearlake.org.

Robert Hawley, Town of Clear Lake Zoning Administrator

Legal Copy Deadlines

Copy due

Publish

Thurs. prior • 2 p.m.

Tues.

Fri. prior • 2 p.m.

Wed.

Mon. prior • 2 p.m.

Thurs.

Tues. prior • 2 p.m.

Fri.

Annual Reports & Budgets due 5 working days before the publish date.

Schedule your legal notice at kpcnews.com
Select publication from dropdown menu and follow instructions.
For questions, email legals@kpcmedia.com
or call Barb at 260-347-0400 x1126.

LEGAL NOTICE OF A PUBLIC MEETING BEFORE THE CLEAR LAKE PLAN COMMISSION
 TOWN of CLEAR LAKE, INDIANA
 October 12, 2022

To: All persons located within the zoning jurisdiction of the Town of Clear Lake, Indiana

RE: 2022-02 Planning Commission Hearing for Minor Subdivision

The Plan Commission of the Town of Clear Lake, Indiana, will conduct a Special Public Hearing on, November 1, 2022, at 7:00 PM in the Clear Lake Town Hall located at 111 Gecowets Drive, Fremont, Indiana.

At the meeting, the Plan Commission will consider: PC 2022—02 Tony Geicke & Chris Laukhuf, 57 & 59

West Clear Lake Drive, Fremont, IN 46737 is requesting a Minor Subdivision.

The Gericke and Laukhuf Subdivision will be subdividing 1 lot into 2 lots:

Lot 1

124' x 159' 57 West Clear Lake Drive
Zoned Lake Accessory

Lot 2 74'x 159' 59 West Clear Lake Drive
Zoned Lake Accessory

At the public meeting, all interested persons will be given the opportunity to be heard. Written objections that are filed before the public hearing at the Clear Lake Town Hall located at 111 Gecowets Drive, Fremont, In. 46737 will be considered.

The file pertaining to the request is available for public inspection at townofclearlake.org 10 days prior to the hearing date.

Questions should be directed to the Zoning Administrator at 260-243-6701 or zoning@townofclearlake.org.

Robert Hawley, Town of Clear Lake
Zoning Administrator

HR, 10/20, hspaxlp

Feedback Form Summary

Case # 2022-02
Description: Minor Subdivision - Gericke & Laukhuf Subdivision

Name	Address		Support	Oppose	Undesirable Viewshed Impact to Lake	Harmful to Natural Resource	Undue Strain on Infrastructure	Risk to Personal Safety	Undesirable Development Density	Undue Strain on Enforcement	Undesirable Aesthetic Appeal	Increased Population
Joan Rippe	68	WCLD	x									
Bob Hill	936	SCLD	x									
Joe & Kathy Schenkel	72	WCLD	x									
Jim Bushey	74	WCLD	x									
Total			4									

Oppose Other Comments											Total Number of comments
None											
Support Other Comments											Total Number of comments
Residents must provide adequat drainage if garages and driveways are constructed after tree removal											1

Town of Clear Lake Board Plan Commission (PC)

Minor Subdivision Public Feedback Form

Name: Jone Rippe

Email: _____
Optional

Address: _____
Lake

Phone: _____
Optional

Hearing # 2022-02

Description: Minor Subdivision of lots 57 & 59 WCLD

Finding of Facts:

1. Consistent with the Town of Clear Lake Comprehensive Plan. Agree Disagree

Comments: _____

2. Satisfies the standards of Article 06: Subdivision Types. Agree Disagree

Comments: _____

3. Satisfies the standards of Article 07: Design Standards. Agree Disagree

Comments: _____

4. Satisfies all other applicable provisions of this Unified Development Ordinance. Agree Disagree

Comments: _____

Recommendation: Support or Oppose

Area of Concern (check all that apply) (optional): No Concerns

<input type="checkbox"/> Undesirable Viewshed Impact to Lake	<input type="checkbox"/> Harmful to Natural Resource	<input type="checkbox"/> Undue Strain on Infrastructure	<input type="checkbox"/> Risk to Personal Safety
<input type="checkbox"/> Undesirable Development Density	<input type="checkbox"/> Undue Strain on Enforcement	<input type="checkbox"/> Undesirable Aesthetic Appeal	<input type="checkbox"/> Increased Population

Other Concern (describe) _____

Will you be attending meeting to answer questions from Committee: Yes No

If yes in person or remotely

Email form to zoning@townofclearlake.org or drop off at town hall

Town of Clear Lake Board Plan Commission (PC)

Minor Subdivision Public Feedback Form

Name: Bob Hill

Email: _____
Optional

Address: 936 S. Clear Lake
Lake

Phone: _____
Optional

Hearing # 2022-02

Description: Minor Subdivision of lots 57 & 59 WCLD

Finding of Facts:

1. Consistent with the Town of Clear Lake Comprehensive Plan. Agree Disagree

Comments: _____

2. Satisfies the standards of Article 06: Subdivision Types. Agree Disagree

Comments: _____

3. Satisfies the standards of Article 07: Design Standards. Agree Disagree

Comments: Public needs to see the plan to handle storm water runoff for future construction

4. Satisfies all other applicable provisions of this Unified Development Ordinance. Agree Disagree

Comments: Provided owners provide adequate drainage to minimize water running across the road

Recommendation: Support or Oppose

Area of Concern (check all that apply) (optional): No Concerns

<input type="checkbox"/> Undesirable Viewshed Impact to Lake	<input type="checkbox"/> Harmful to Natural Resource	<input type="checkbox"/> Undue Strain on Infrastructure	<input type="checkbox"/> Risk to Personal Safety
<input type="checkbox"/> Undesirable Development Density	<input type="checkbox"/> Undue Strain on Enforcement	<input type="checkbox"/> Undesirable Aesthetic Appeal	<input type="checkbox"/> Increased Population

Other Concern (describe) Residents must provide adequate drainage if garages and driveways are constructed after tree removal

Will you be attending meeting to answer questions from Committee: Yes No

If yes in person or remotely

Email form to zoning@townofclearlake.org or drop off at town hall

Town of Clear Lake Board Plan Commission (PC)

Minor Subdivision Public Feedback Form

Name: Joe and Kathy Schentel Email: jjsehentel@hotmail.com
Optional

Address: 72 W Clear Lake Dr Phone: 260-450-1134
Lake Optional

Hearing # 2022-02

Description: Minor Subdivision of lots 57 & 59 WCLD

Finding of Facts:

1. Consistent with the Town of Clear Lake Comprehensive Plan. Agree Disagree

Comments: _____

2. Satisfies the standards of Article 06: Subdivision Types. Agree Disagree

Comments: _____

3. Satisfies the standards of Article 07: Design Standards. Agree Disagree

Comments: _____

4. Satisfies all other applicable provisions of this Unified Development Ordinance. Agree Disagree

Comments: _____

Recommendation: Support or Oppose

Area of Concern (check all that apply) *(optional)*: No Concerns

<input type="checkbox"/> Undesirable Viewshed Impact to Lake	<input type="checkbox"/> Harmful to Natural Resource	<input type="checkbox"/> Undue Strain on Infrastructure	<input type="checkbox"/> Risk to Personal Safety
<input type="checkbox"/> Undesirable Development Density	<input type="checkbox"/> Undue Strain on Enforcement	<input type="checkbox"/> Undesirable Aesthetic Appeal	<input type="checkbox"/> Increased Population

Other Concern (describe) _____

Will you be attending meeting to answer questions from Committee: Yes No

If yes in person or remotely

Email form to zoning@townofclearlake.org or drop off at town hall

Town of Clear Lake Board Plan Commission (PC)

Minor Subdivision Public Feedback Form

Name: Jim Karo Bushey

Email: Jim.bushey@gmail.com
Optional

Address: 74 W. Clear
Lake

Phone: 260-740-2745
Optional

Hearing # 2022-02

Description: Minor Subdivision of lots 57 & 59 WCLD

Finding of Facts:

1. Consistent with the Town of Clear Lake Comprehensive Plan. Agree Disagree

Comments: _____

2. Satisfies the standards of Article 06: Subdivision Types. Agree Disagree

Comments: _____

3. Satisfies the standards of Article 07: Design Standards. Agree Disagree

Comments: _____

4. Satisfies all other applicable provisions of this Unified Development Ordinance. Agree Disagree

Comments: _____

Recommendation: Support or Oppose

Area of Concern (check all that apply) (optional): No Concerns

<input type="checkbox"/> Undesirable Viewshed Impact to Lake	<input type="checkbox"/> Harmful to Natural Resource	<input type="checkbox"/> Undue Strain on Infrastructure	<input type="checkbox"/> Risk to Personal Safety
<input type="checkbox"/> Undesirable Development Density	<input type="checkbox"/> Undue Strain on Enforcement	<input type="checkbox"/> Undesirable Aesthetic Appeal	<input type="checkbox"/> Increased Population

Other Concern (describe) _____

Will you be attending meeting to answer questions from Committee: Yes No

If yes in person or remotely

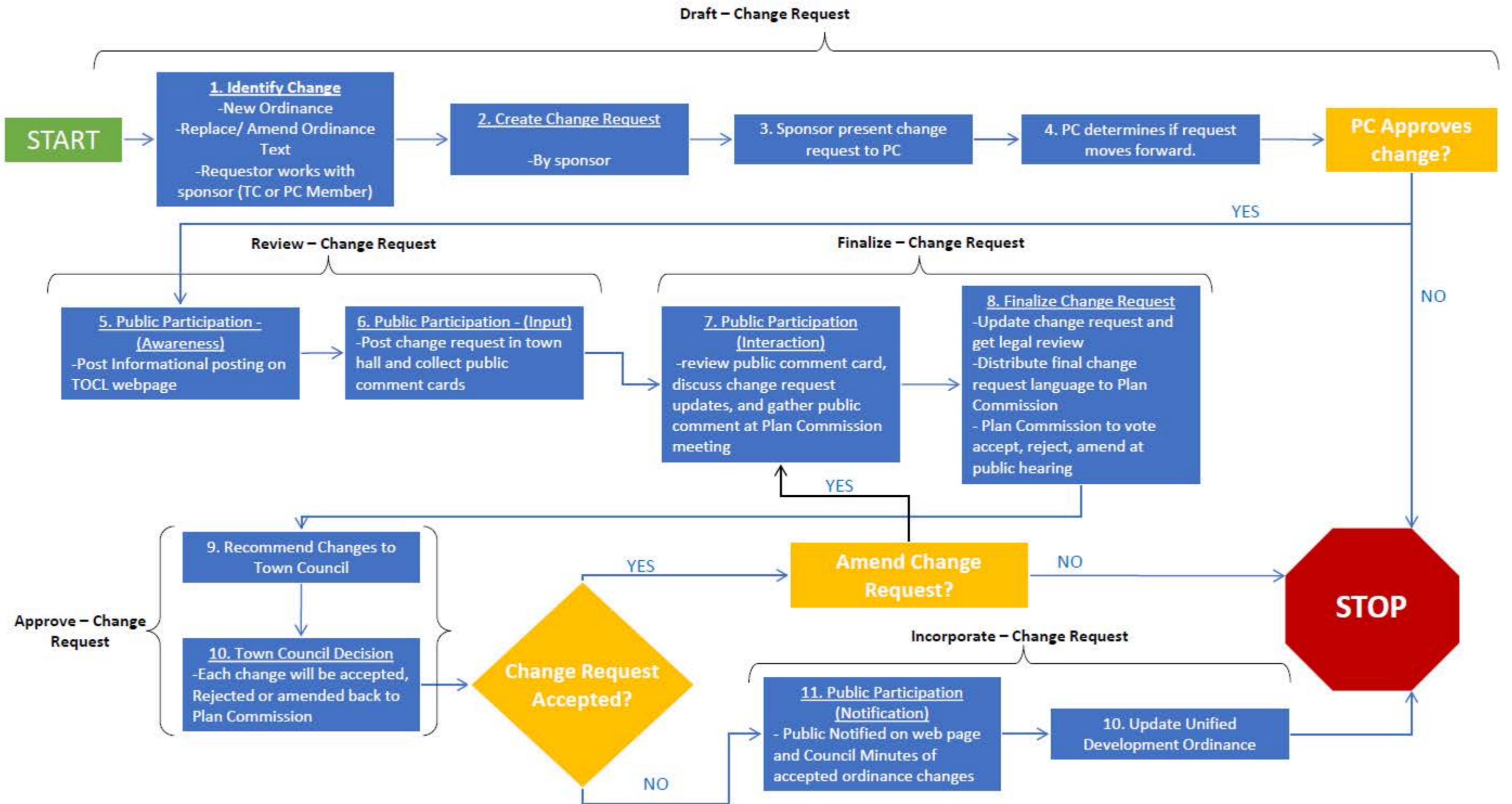
Email form to zoning@townofclearlake.org or drop off at town hall

UDO Change Initiation

A member of the Plan Commission and/or Town Council who will partner with the Zoning Administrator in championing the proposed UDO change through the UDO change process.

Responsibilities:

1. Participate with Zoning Administrator in completing each step of the UDO change process
2. Complete the UDO change form and submit to the Zoning Administrator
3. Document/Communicate why the change is necessary (see evidence categories below)
 - a. Provide supporting evidence the deficiency is impacting the realization of the comprehensive plan
 - b. Provide supporting evidence the deficiency is repeatedly a variance request
4. Assess and communicate how the proposed change addresses the deficiencies identified in #3
5. Present the change at the Plan Commission meetings, answer any questions, and support closure of any action items



Accessory Structures Water and Sewer Availability

- Change description:
Remove all references to Water and Sewer availability in all Accessory Structures to better understand the permitted use of Accessory Structure.
- Zoning: Lake Accessory (LA)
- The deficiency is impacting the realization of the comprehensive plan
 1. *Comprehensive Plan (Housing) Policy 2.2, Objective 2.2.1 & 2.2.2*
 2. *Comprehensive Plan (Land Use) Policy 7.4, Objective 7.4.1*
- The deficiency is repeatedly a variance request
 1. None, But current UDO adds confusion and uncertainty to the existing Ordinance.

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: George Schenkel

UDO Change Log Number: 2022-01

Date: July 21, 2022

UDO Revision Affected: _____

Change Status: _____

I. UDO Article Description: Lake Accessory; Accessory Structure Standard

UDO Article #: 5.09(A)

UDO Page #: 5-08

Change Category: Amendment

Comp Plan Objectives: Policy 2.2, Objective 2.2.1 and 2.2.2; Policy 7.4, Objective 7.4.1; and "Lake Accessory" classification per Comprehensive Plan (page 50)

II. Description of Change:

Remove all references to Water and Sewer availability in all Accessory Structures to clarify the permitted use of Accessory Structure.

III. Basis for Change:

Remove contradiction, add clarity, attain uniformity of language, and support the Comprehensive Plan per above

IV. Change Language (From, To):

From:

2. Occupiable Accessory Structure: Occupiable accessory structures may include a garage converted to an art studio, woodworking shop, guest quarters, or recreation room. Residential units, studio apartments, businesses, and the like shall not be permitted as an occupiable accessory structure. Occupiable accessory structures may have a full bathroom and/or utility sink if the owner is granted a variance allowing on-site sewer and interior water, but under no circumstances shall a kitchen be permitted.

To:

2. Occupiable Accessory Structure: Occupiable accessory structures may include a garage converted to an art studio, woodworking shop, or recreation room. Residential units, studio apartments, businesses, and the like shall not be permitted as an occupiable accessory structure. Occupiable accessory structures may not have on-site sewer or water. Under no circumstance are kitchens, bathrooms, or utility sinks permitted. An exterior water hydrant is permitted but may not ingress into the Accessory Structure.

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By: Larry Lillmars

Date Codified _____

Lake Accessory; Accessory Structure Standard (UDO Article #: 5.09A)

Comprehensive Plan:

- Housing
 - Policy 2.2: Discourage new residential development, particularly those with direct access to the lake, and prohibit new and existing channel developments.
 - Objective 2.2.1: Eliminate new second- and third-tier access to Clear Lake and subsequent larger pier construction in residential areas.
 - Objective 2.2.2: Enforce and strengthen the existing anti-funneling ordinance.
- Land Use
 - Policy 7.4: Prohibit any development that may endanger, obstruct, harm, or otherwise negatively impact the residential quality of the Town.
 - Objective 7.4.1: Preserve and enhance the residential quality of the Town.
- Land Use Classification (2013 Update to the Clear Lake Comprehensive Plan - page 50)
 - Lake Accessory – Area classified as “lake accessory” includes lots used in conjunction with adjacent lake residential uses, primarily for parking and storage.

Unified Development Ordinance:

- General Comment:
 - Throughout the Unified Development Ordinance (UDO), this is the only Article (5.09(A)(2)) that states you can ask for a variance for a build outside the parameters of the UDO. Request for any variance is addressed in the UDO.
 - UDO (1.26) Board of Zoning Appeals Summary of Duties
 - (A) Board of Zoning Appeals Duties:
 - (1) *Appeals*: Hear and determine appeals from, and review any order, requirement, decision, or determination made by an administrative official or commission (except the Plan Commission) charged with the enforcement of this Unified Development Ordinance.
 - (3) *Variances*: Authorize, on appeal in specific cases, variances from the terms of this Unified Development Ordinance.
- UDO (9.19) Variance
 - This section addresses every step from initial request for a variance to the formal procedure of a Board of Zoning Appeal’s final decision.

Unintended Consequence Assessment

Change Description: **Accessory Structures Water and Sewer Availability**

Date: 8-25-22

Increased Population	Natural Resource	Infrastructure	Personal Safety	Development Density	Enforcement	Aesthetic Appeal	Viewshed	Mitigation Approach
None								

Criteria Assessed

Accessory Structures Maximum Width

- Change description:
Add maximum accessory structure and primary structure width of 40 feet
- Zoning: Lake Accessory (LA)
- The deficiency is impacting the realization of the comprehensive plan:
 1. *Comprehensive Plan (Housing) Policy 2.1 Objective 2.1.3*
 2. *Comprehensive Plan (Environment and Natural Resources) Policy 6.1, Objective 6.1.1, and Policy 6.2 Objective 6.2.2 and 6.2.5*
 3. *Comprehensive Plan (Land Use) Policy 7.1, Policy 7.2, Objective 7.2.2 , and Policy 7.4, Objective 7.4.1 and 7.4.2*
- The deficiency is repeatedly a variance request:
 1. No, however with the recent UDO change for greater square footage of LA Accessory Structures there needs to be limits on the roadside of the structures. The greater size structure needs to be in its depth.

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: George Schenkel

UDO Change Log Number: 2022-02

Date: July 21, 2022

UDO Revision Affected: _____

Change Status: _____

I. UDO Article Description: Lake Accessory District Development Standards

UDO Article #: 2.16

UDO Page #: 2-7

Change Category: Amendment

Comp Plan Objectives: Policy 2.1, Objective 2.1.3; Policy 6.1, Objective 6.1.1; Policy 6.2, Objective 6.2.2 and 6.2.5; Policy 7.1; Policy 7.2, Objective 7.2.2; and Policy 7.4, Objective 7.4.1 and 7.4.2

II. Description of Change:

Add limits on building structure width

III. Basis for Change:

Maintain aesthetics with Lake Accessory building structures as stated in the Comprehensive Plan

IV. Change Language (From, To):

From:

To:

Maximum Structure Width

- 40 feet for primary and accessory structures

V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By: Larry Lillmars

Date Codified: _____

UDO Amendments to Conform to Comprehensive Plan
Narrative

Accessory Structure Maximum Width

Comprehensive Plan:

- Housing – Through the Unified Development Ordinance, the Town of Clear Lake is working to develop and implement regulations that preserve the existing cottage-style character of the areas around the lake while accommodating the desires of those wanting larger, year-round homes.
 - Policy 2.1: Balance the preservation of the lake environment with the needs of a growing year-round community.
 - Objective 2.1.3: Encourage homeowners and builders to utilize professional architectural services and landscape design to develop and maintain appropriate aesthetics.

- Environment and Natural Resources –
 - Policy 6.1: Encourage and assist with the preservation of natural areas around Clear Lake.
 - Objective 6.1.1: Preserve and enhance the lakeside, resort ambiance of Clear Lake and neighboring areas.
 - Policy 6.2: Preserve the high quality of water feeding Clear Lake
 - Objective 6.2.2: Require all developments proposed within Clear Lake to adhere to practices that will minimize negative impact on the lake.
 - Objective 6.2.5: To proactively identify existing conditions where runoff from roadways or development threatens the quality of water in Clear Lake.

- Land Use –
 - Policy 7.1: Ensure the Town’s land use regulations, actions, and related plans are consistent with the policies and objectives contained in the *2013 Update to the Comprehensive Plan*.
 - Policy 7.2: Ensure land use regulations have sufficient flexibility to allow property owners and the Town to propose measures to adapt development to unique and difficult site conditions, preserve open spaces, and avoid negative impacts on surrounding properties.
 - Objective 7.2.2: Ensure that reconstruction and rehabilitation of property in the Town of Clear Lake are consistent with a residential lake setting.
 - Policy 7.4: Prohibit any development that may endanger, obstruct, harm, or otherwise negatively impact the residential quality of the Town.
 - Objective 7.4.1: Preserve and enhance the residential quality of the Town.
 - Objective 7.4.2: Ensure that measures and activities taken to protect the quality of water in Clear Lake are not otherwise negated by any development in or neighboring the Town.

Unintended Consequence Assessment

Change Description: **Accessory Structures Maximum Width**

Date: 8-25-22

Increased Population	Natural Resource	Infrastructure	Personal Safety	Development Density	Enforcement	Aesthetic Appeal	Viewshed	Mitigation Approach
None								

Criteria Assessed