

ORDINANCE NO. 2000-56-CM

AN ORDINANCE AMENDING ALL CHAPTERS and APPENDIX B

OF ORDINANCE NO. 97-51-CM

BEING THE UNIFIED ZONING ORDINANCE

OF TIPPECANOE COUNTY.

Be it ordained by the County Commissioners of Tippecanoe County, Indiana, that Ordinance No. 97-51-CM, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change 1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS, by revising the definition of **NONCONFORMING LOT**, to read:

NONCONFORMING LOT. A *lot* which does not meet the minimum requirements in 4-2 below for *lot area* or 4-3 below for *lot width*, and which otherwise lawfully existed at the time those minimum requirements became effective.

Section 2: Change subsection (d) of 4-3-2, SUBSTANDARD LOTS, of 4-3 LOT AREA AND LOT WIDTH, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read.-

- (d) The legally created *lot* was either recorded in separate ownership or included in a recorded *subdivision* on or before January 2, 1998, the effective date of this ordinance.

Section 3: Change subsections (a) and (b)(1) of 5-1-5, NONCONFORMING LOTS, of 5-1, NONCONFORMING USES, MOBILE HOMES, MOBILE HOME PARKS / MANUFACTURED HOUSING COMMUNITIES, LOTS, STRUCTURES AND SIGNAGE, AND NONCOMPLYING USES, of CHAPTER 5, SUPPLEMENTARY REGULATIONS, to read as follows:

- (a) A *nonconforming lot* is a *lot* which does not meet the minimum requirements in 4-2 above for *lot area* or 4-3 above for *lot width*, and which otherwise lawfully existed at the time those minimum requirements became effective.
- (b) A *single-family dwelling* and its customary *accessory buildings* may always be erected on a *nonconforming lot* in any *zone* in which *single-family dwellings* are permitted, if:
- (1) The legally created *lot* was either recorded in separate ownership or included in a recorded *subdivision* on or before January 2, 1998, the effective date of this ordinance; and

Section 4: Change B-2-1, GENERAL, of APPENDIX B, SUPPLEMENTAL REQUIREMENTS OF PLANNED DEVELOPMENT SUBMISSIONS, to read:

When a petitioner files Final Detailed Plans under 2-26-10 above that include developer-installed public improvements as part of the planned development, his/her submission shall include a full set of Construction Plans for those improvements. These shall be prepared by a Registered Engineer or a Registered Land Surveyor. (By state statute, a Registered Land Surveyor cannot prepare and sign any parts of Construction Plans involving a water utility, a lift station or any other kind of pressurized situation.) Plans shall be drawn at a convenient scale not more than 50' to the inch. These include: public improvements intended to be accepted for public maintenance; public improvements not intended to be accepted for public maintenance consisting of plans that require approval by a public agency; and any sanitary sewer and water systems owned by a private utility company. If more than one sheet is used, all sheets shall be numbered in sequence. All sheets shall measure 24" x 36". The petitioner may phase construction plans to match phases in the approved PD, but should the APC require it, amenities located in other phases shall be made part of these Construction Plans as well.

Section 5: Change subsections 0) and (k), of B-2-2, FEATURES OF PD CONSTRUCTION PLANS, of APPENDIX B, SUPPLEMENTAL REQUIREMENTS OF PLANNED DEVELOPMENT SUBMISSIONS, to read:

- (j) an Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 approved by the Tippecanoe County Soil and Water Conservation District;
- (k) a storm water management (drainage) plan approved by the appropriate drainage board or jurisdictional engineer;

and reletter current subsections (k) and (l) as (l) and (m) respectively.

Section 6: Change 1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS, by revising the definition of **USE VARIANCE**, to read:

USE VARIANCE. The approval of a *primary use* other than that prescribed by the zoning ordinance for that *zone*, such as *density* capped in another *zone*, the granting of which is prohibited by law.

Section 7: Change 2-9-4, MAXIMUM DENSITY OF MULTI-FAMILY DWELLING UNITS PER ACRE, of 2-9, R3U, of CHAPTER 2, ZONE REGULATIONS, by adding to the end:

Higher *density* requires rezoning to R3.

Section 8: Change 2-10-4, MAXIMUM DENSITY OF MULTI-FAMILY DWELLING UNITS PER ACRE, of 2-10, R3W, of CHAPTER 2, ZONE REGULATIONS, by adding to the end:

Higher *density* requires rezoning to R4W.

Section 9: Change 3-2-1 RESIDENTIAL USES, of 3-2 PERMITTED USE TABLE, of CHAPTER 3 PERMITTED USE TABLE, by adding a superscript "56" to the "P"s for "multi-family dwellings" and "shared housing" in R3U and R3W zones, and by adding this footnote:

- 56 R3U and R3W *zones* are subject to *density* caps. These can be found in subsections 2-9-4 and 2-10-4 respectively. A *density* higher than the caps permit would constitute a *use variance*, prohibited by law. Recourse is to seek rezoning to R3 and R4W respectively, which are uncapped.

Section 10: Change subsection (c) of 4-5-1 EXCEPTIONS, of 4-5 HEIGHT, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

- (c) In any *zone*, except R3W and R4W, and as precluded by 5-3-4 below, a *building* may be erected to a height in excess of the limits shown in the table in 4-2-1 above, if its *setbacks* exceed minimum requirements: 2' of additional height for each 1' of additional *setback* over the minimum requirement on all sides.

Section 11: Change subsection (c) of 6-4-5, VARIANCES, of 6-4, BOARDS OF ZONING APPEALS, of CHAPTER 6, ADMINISTRATION, to read as follows:

- (c) The *ABZA* or *ABZA-LD* may grant a *variance* from the *Zone Regulations* and *Additional Use Restrictions* in Chapters 2 and 4 above (except subsections 2-9-4 and 2-10-4, the R3U and R3W *density* caps; 2-10-11 and 2-11 -11, the R3W and R4W maximum *building height*, 2-26, *Flood Plain Zones*; and 2-27 *Planned Development Zones*) if, after a public hearing, it makes findings of facts in writing, that:

Section 12: Change subsection 2-19-5, MINIMUM LOT WIDTH of 2-19, CBW, of CHAPTER 2, ZONE REGULATIONS, to read:

MINIMUM LOT WIDTH: none
See 4-3 for additional information

Section 13: Change CBW line in 4-2-1 SUMMARY OF STANDARD AREA, WIDTH, COVERAGE, AND HEIGHT REQUIREMENTS, of 4-2 STANDARD DIMENSIONAL REQUIREMENTS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

			MAXIMUM	MINIMUM
		LOT'		
MINIMUM LOT AREA¹	MINIMUM	COVERAGE	VEGE-	MAXIMUM
				(Amend 10)

ZONE	Width'	(sq.ft)	LOT	BY ALL	TATIVE	BLDG.
	PER USE	PER D.U. ²	BUILDINGS (ft.)	COVER (Pct.)	HEIGHT (Pct.)	(ft.)
CBW	none	none	none	100		35 ⁸
	UP: none	6	none	100		35 ⁸

Section 14: Change 1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS, by revising the definition of **BANNER**, to read:

BANNER. An *event oriented sign* of lightweight fabric or similar material including any pole-mounted fabric other than the official *flag* of a governmental entity, or any government authorized fabric strung over a public *right-of-way*. (Amend 5).

Section 15: Change 4-8-4, PERMITTED SIGNS BY TYPE AND ZONE, of 4-8, SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, by:

1. eliminating the line for "BANNER" under the "FREESTANDING" sign heading;
2. eliminating the line for "BANNER" under the "BUILDING" sign heading; and
3. adding "BANNER" under the "EVENT ORIENTED" sign heading, with the designations "N" for "not allowed" and "P" for "allowed with sign permit" assigned as follows:

ALL	ALL	INSTL:									II	
R1s	R3s	RSDTL/									I2	A, AA
R2s	R4W	RURAL	NB	NBU	OR	MR	GB	HB	CB	CBW	I3	AW, FP
N	N	N	P	P	P	N	P	P	P	P	P	N

Section 16: Change subsection (e)(6), and add subsection (f) to 4-8-9, EVENT ORIENTED SIGNS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

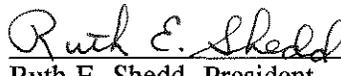
- (e) *Event oriented signs* consist of the following: (6) *banners* (Amend 5).
- (f) *Event oriented signs* shall incorporate no lights or arrows resembling traffic control *signs* or signals that confuse or interfere with the safe flow of traffic.

Section 17: This ordinance shall be in full force and effect from and after the date of passage.

(ADOPTED AND PASSED) (~~DENIED~~) BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA THIS 7th DAY OF AUGUST, 2000.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

Yes


Ruth E. Shedd, President

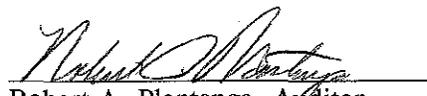
Yes


John L. Knochel, Vice President

Yes


Kathleen Hudson, Member

ATTEST:


Robert A. Plantenga, Auditor