

ORDINANCE NO. 2013-36-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Amend UZO Section 5-1-3 *Nonconforming Mobile Homes* by adding the underlined to Subsection (b) (1) as shown below:

- (b) An otherwise lawful *mobile home* made a *nonconforming mobile home* by this ordinance or an amendment to it, may be continued so long as it remains otherwise lawful, if:
 - (1) the land area of the *use* and/or the dimensions of the *mobile home* are not increased beyond what they were at the time this ordinance or its amendment became effective; however, within the incorporated limits of the Town of Clarks Hill, the owner of a *nonconforming mobile home* may replace said *nonconforming mobile home* with a larger *mobile home*, as long as the replacement *mobile home* is approved by a majority of the members of the Town Council prior to issuance of an Improvement Location Permit;

This ordinance shall be in full force and effect from and after its passage.

(Adopted And Passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 7th day of October, 2013.

VOTE:

Yes

Yes

Yes

David Byers
David Byers, President

John Knochel
John Knochel, Vice President

Thomas Murtaugh
Thomas Murtaugh, Member

ATTEST:

Jennifer Weston
Jennifer Weston, Auditor

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

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SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

September 19, 2013
Ref. No.: 13-292

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette IN 47901

CERTIFICATION

**RE: AMENDMENT #78--NONCONFORMING MOBILE HOMES –
CLARKS HILL**

An amendment requested by the Clarks Hill Town Board which would allow nonconforming mobile homes within the incorporated Town of Clarks Hill to be expanded or replaced with a larger mobile home meeting certain criteria

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 18, 2013, the Area Plan Commission of Tippecanoe County voted 8 yes - 1 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

UNIFIED ZONING ORDINANCE AMENDMENT #78

Nonconforming Mobile Homes in Clarks Hill

**STAFF REPORT
September 12, 2013**

**Unified Zoning Ordinance Amendment #78
Nonconforming mobile homes in Clarks Hill**

**Staff Report
September 12, 2013**

Currently the zoning ordinance does not permit mobile homes which are nonconforming uses (for example, located in an R1 zone) to be replaced with a larger mobile home. This basically holds true for all nonconformities: the use can be made smaller, but cannot be increased in cubic content.

The Town Board of Clarks Hill would like to amend this section of the UZO. There are no zoning districts in the town which permit mobile homes by right; therefore every mobile home within the town's boundaries is nonconforming. The amendment would allow these mobile homes which are currently located in Clarks Hill, to be replaced with a larger mobile home. The amendment, presented by Clarks Hill, would allow a bigger replacement "as long as the replacement mobile home is approved by a majority of the members of the Town Council prior to issuance of an Improvement Location Permit."

The Ordinance Committee, at its meeting on August 7th, voted to approve this amendment, but only for nonconforming mobile homes within Clarks Hill's jurisdiction.

RECOMMENDATION:

Approval