

ORDINANCE NO. 2014-10-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: Change UZO Section 5-1-11 IMPROVEMENTS WITHIN AN *FP ZONE* subsection (g) by amending it as shown below:

- (g) Elevation of Existing *Residences*
- 1) Elevation Standards: Until December 31, 2015, in all *FP zones* any existing *residence* (excluding *mobile homes*) that has been substantially damaged or suffered repetitive loss may be elevated such that the *lowest floor elevation* is at or above the *flood protection grade*.

Section 2: Change UZO Section 4-4-3 LOCATIONS WITH SPECIAL *SETBACKS* subsection (b) by adding a new ending sentence to the paragraph as shown below:

- (b) The *setback* from rivers, streams and other bodies of water for *primary use* and *accessory buildings* is 25', measured horizontally from the *Flood Plain zone* boundary and certified by a Registered Land Surveyor. This *setback* applies to all new construction begun after the adoption of this section, other than attached additions to existing structures either built in compliance with an *improvement location permit*, or built before 1965. This *setback* does not apply to uses and structures permitted in the *Floodway Fringe* (See UZO Section 2-27-3).

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

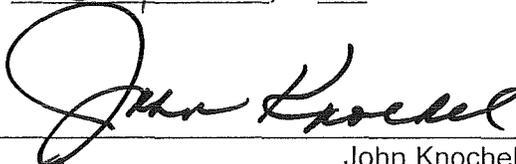
(Adopted And Passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 7th day of July, 20 14.

VOTE:

Yes

Yes

—



John Knochel, President

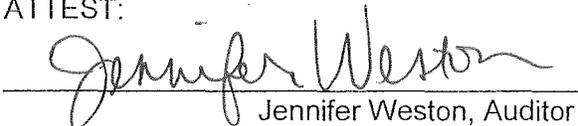


Thomas Murtaugh, Vice President

absent

David Byers, Member

ATTEST:


Jennifer Weston, Auditor

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

June 19, 2014
Ref. No.: 14-158

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

CERTIFICATION

RE: UZO AMENDMENT #82:

This amendment to the Unified Zoning Ordinance would allow the elevation of certain buildings in the FP zone and change what structures are permitted within the FP setback.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on June 18, 2014, the Area Plan Commission of Tippecanoe County voted 9 yes - 0 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

cc: Department of Natural Resources

UNIFIED ZONING ORDINANCE AMENDMENT 82

Elevating Non-Substantially Damaged and Non-Repetitive Loss
Single Family Homes in the Flood Plain

STAFF REPORT
June 12, 2014

Unified Zoning Ordinance Amendment 82

Elevating Non-Substantially Damaged & Non-Repetitive Loss Single Family Homes in the Flood Plain and UZO 4-4-3 Special Setbacks

Staff Report
June 12, 2014

Amendment Section 1:

Elevating qualifying (substantially damaged or repetitive loss) existing single-family homes located within the Flood Plain zone was first permitted by Amendment 63 with a sunset date of January 2013. That amendment was superseded by Amendment 65 at the request of IDNR and the 2-year clock was reset to July 2013. Then the Ordinance Committee, at its meeting on May 1, 2013, voted to extend that deadline until December 31, 2013 to give staff time to revisit and review this section of the ordinance, as well as to give the Ordinance Committee itself time to discuss the amendment's future. That recommendation resulted in Amendment 77 extending the elevation deadline to December 31, 2013.

At the September Ordinance Committee meeting property owner Robert Becker and Commissioner Dave Byers, asked the committee to look at expanding the elevation language to permit elevation of residences that have not had a determination of substantial damage or repetitive loss. Jay and Sallie met and decided that with all the other issues before the Ordinance Committee they would not be able to complete their work before the sunset date of December 31, 2013. They then recommended a second extension to July 1, 2014, sufficient time to work through the larger issue and the new request. The second extension (Amendment 79) was approved by APC in November 2013 and by the Board of County Commissioners on December 2, 2013.

In March, by a vote of 5 yes – 1 no, the Ordinance Committee directed legal counsel to draft an amendment that for a specified period of time would allow homes that have not been substantially damaged or that have not had repetitive loss to be elevated.

At the April Ordinance Committee meeting additional discussion involved the amount of time the amendment should be in effect before it sunsets. The consensus, which included input from Mr. Becker, was that most homeowners with properties that met the substantially damaged or repetitive loss criteria have already been elevated or owners would not elevate. Mr. Becker also indicated that, at least on Goldsberry Road, there would not likely be any more than himself who would elevate under the new provision. With a sunset date of December 31, 2015, owners will have 18 months to obtain an elevation permit and an additional 1 year in Lafayette and 2 years in all other jurisdictions to complete the work. The general opinion of the Ordinance Committee was that this should be sufficient time for anyone still wanting to elevate and that this should be the last amendment or extension to allow elevation of homes. The Committee is still considering whether it is worth the expense to send a letter to all owners with homes in the floodplain notifying them that this is their last opportunity to elevate their home. By a vote of 6 yes – 1 no, the Ordinance Committee voted to recommend this amendment to APC.

This amendment also needed IDNR approval prior to its hearing by APC. Staff sent it to the Floodplain Management Section which approved the proposed amendment on May 1.

Amendment Section 2:

Staff recently discovered a section of the Flood Plain requirements regarding special setbacks that does not cover all situations. After taking the issue and proposed solution to the Administrative Officers, the Ordinance Committee agreed to recommend it to APC and add it to this amendment.

RECOMMENDATION:

Approval

ORDINANCE NO. _____

AN ORDINANCE AMENDING
ORDINANCE NO. _____
BEING THE UNIFIED ZONING ORDINANCE
OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County, Indiana; the Common Council of the City of Lafayette, Indiana; the Common Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana; and the Town Council of Clarks Hill, Indiana), that Ordinance No. _____, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change UZO Section 5-1-11 IMPROVEMENTS WITHIN AN *FP ZONE* subsection (g) by amending it as shown below:

(g) Elevation of Existing *Residences*

- 1) Elevation Standards: Until December 31, 2015, in all *FP zones* any existing *residence* (excluding *mobile homes*) that has been substantially damaged or suffered repetitive loss may be elevated such that the *lowest floor elevation* is at or above the *flood protection grade*.

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