



Area Plan Commission of Tippecanoe County, Indiana

September 16, 2021
Ref. No.: 2021-209

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

CERTIFICATION

RE: USO AMENDMENT #12:

This amendment to the Unified Subdivision Ordinance removes outdated applications and forms and revises the definition of "lot" to match the definition of "lot" in the Unified Zoning Ordinance.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 15, 2021, the Area Plan Commission of Tippecanoe County voted 17 yes - 0 no on the motion to approve the enclosed amendment to the Unified Subdivision Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe Board of Commissioners that the proposed subdivision ordinance amendment be approved.

Sincerely,

David Hittle
Executive Director

DH/ksl

Enclosure: Staff Report and Ordinance

ORDINANCE NO. 2021-30-CM

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 79-31

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

Section 1. Replace Appendix A. A-1 with the following:

A.2 Following is a list of forms that are required by the provisions of this ordinance that are found in and are a part of the Bylaws of the Area Plan Commission of Tippecanoe County:

- Application for Major Sketch Plan, Review and Certificate
- Application for Primary Approval of a Major Preliminary Plat
- Application for Major Construction Plan Approval
- Application for Secondary Approval of a Major Final Plat
- Application for Minor Sketch Plan, Review, Primary Approval and Certificate
- Application for Secondary Approval of a Minor Final Plat
- Application for Rural Estate Sketch Plan, Review and Certificate
- Application for Primary Approval of a Rural Estate Preliminary Plat
- Application for Rural Estate Construction Plan Approval
- Application for Secondary Approval of a Rural Estate Final Plat
- Application for a Two-Year Primary Approval Extension
- Request to Authorize a Belated Two-Year Primary Approval Extension Application
- Request for Variance from the Unified Subdivision Ordinance
- Notice of Public Hearing on Subdivision Plat
- Notice of Public Hearing Release Form
- Sign Posting Affidavit
- Notice to Interested Parties
- Affidavit of Notice to Interested Parties for Subdivision Approval

Following is a list of the certificates and forms found in this appendix that are required by the provisions of this ordinance:

- (10) Certificate of Approval;
- (11) Parcelization Certificate;
- (12) Land Surveyor's Certificate;
- (13) Dedication Certificate;
- (14) Subdivision Performance Bond;
- (15) Performance Bond Secured by Deposit;

- (16) Irrevocable Letter of Credit; and
- (17) Maintenance Bond.

Section 2. In Section 2.2 Words and Terms Defined, replace the definition of LOT with the following:

LOT (WEST LAFAYETTE, TIPPECANOE COUNTY, DAYTON, BATTLE GROUND, CLARKS HILL). Either:

- (1) (a) a piece of land, the location, shape and size of which have been established by a recorded plat, subdivision or planned development; or
- (b) any part of that piece of land where a division has been made by a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or
- (c) an area of land exclusive of platted streets that includes platted lots, or parts of platted lots that are used as one, in single ownership, that is in a plat recorded prior to July 1, 1978, having access from a public street approved by the Administrative Officer.

and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Unified Subdivision Ordinance, or a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or

- (2) a piece of land, not in a recorded plat, subdivision or planned development, the location, shape and size of which are determined by:
 - (a) the legal description in the last recorded document prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or thereafter by
 - (b) the legal description in the last recorded document made as an exempt division or parcelization under the then applicable Subdivision Ordinance;

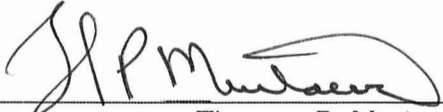
and which shall include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Unified Subdivision Ordinance. (This does not include the term mobile home park/manufactured home community lot which is defined separately.)

LOT (LAFAYETTE). An area of land exclusive of street areas but including adjacent areas that are used as one, having an access from a public street approved by the Administrative Officer.

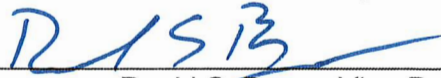
(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this 4th day of October, 2021.

VOTE:

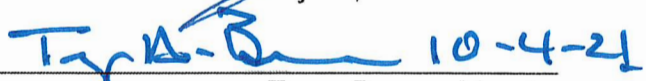
yes


Thomas P. Murtaugh, President

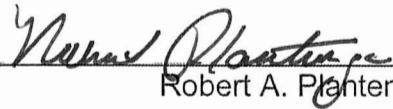
yes


David S. Byers, Vice President

yes

 10-4-21
Tracy Brown, Member

ATTEST:


Robert A. Plantenga, Auditor

Unified Subdivision Ordinance Amendment #12 UPDATED APPLICATIONS, FORMS AND DEFINITION OF LOT

Staff Report
September 9, 2021

NEW AND UPDATED USO APPLICATION FORMS:

Most of our required subdivision forms reside in Appendix A of the Unified Subdivision Ordinance (USO), including public hearing forms for legal ads, notices to interested parties and sign posting. Over the years we have added subdivision replacement public hearing forms to the APC Bylaws without removing the old ones in the USO. This has caused some confusion even though Section A2 states at the end of Appendix A ...

The Commission shall determine the need for, and the form of any additional or amended applications, requests for plat approval, notices, affidavits, certificates, endorsements and instruments as may be required in the enforcement of the regulations of this ordinance.

All the current required forms are on our website. However, we have needed to revise and add to the subdivision application forms for some time. Specifically, construction plan forms are needed, as well as Rural Estate, primary approval extension, and variance application forms. Staff has now updated and created new application forms in keeping with the revisions to the USO over the years. These thirteen new forms are listed in the attached ordinance amendment. All are fillable PDF documents that can be edited, saved and printed for submission. As of last month's amendment, these new forms are now part of the APC Bylaws. This USO amendment will remove the old forms from Appendix A in the subdivision ordinance and point to the new forms in the Bylaws.

USO LOT DEFINITION SYNCED WITH THE UZO

For many years the vague definition of LOT* in the Unified Subdivision Ordinance has not been synchronized with the Unified Zoning Ordinance (UZO). Technically, this has not been a problem since the UZO provisions always control over the USO (see USO Section 1.7-2-a). However, because the definition of LOT has recently been amended in the UZO and because the USO required the application forms amendment, staff felt it appropriate to finally bring this crucial definition in the USO up to date and avoid any future misunderstanding.

STAFF RECOMMENDATION:

Approval

* LOT. A tract, plot, portion of a subdivision, parcel, or other piece of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER _____
OF ORDINANCE NO. _____
BEING THE UNIFIED SUBDIVISION 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 Subdivision Ordinance of Tippecanoe County is hereby amended as follows:

Section 1. Replace Appendix A. A-1 with the following:

A.1 Following is a list of forms that are required by the provisions of this ordinance that are found in and are a part of the Bylaws of the Area Plan Commission of Tippecanoe County:

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- (16) Irrevocable Letter of Credit; and
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Section 2. In Section 2.2 Words and Terms Defined, replace the definition of LOT with the following:

LOT (WEST LAFAYETTE, TIPPECANOE COUNTY, DAYTON, BATTLE GROUND, CLARKS HILL). Either:

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- (b) any part of that piece of land where a division has been made by a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or
- (c) an area of land exclusive of platted streets that includes platted lots, or parts of platted lots that are used as one, in single ownership, that is in a plat recorded prior to July 1, 1978, having access from a public street approved by the Administrative Officer.

and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Unified Subdivision Ordinance, or a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or

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 - (a) the legal description in the last recorded document prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or thereafter by
 - (b) the legal description in the last recorded document made as an exempt division or parcelization under the then applicable Subdivision Ordinance;
 and which shall include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Unified Subdivision Ordinance. (This does not include the term mobile home park/manufactured home community lot which is defined separately.)

LOT (LAFAYETTE). An area of land exclusive of street areas but including adjacent areas that are used as one, having an access from a public street approved by the Administrative Officer.

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