
**RESOLUTION #2019-02 BYLAW AMENDMENT
CHANGING THE "NOTICE TO INTERESTED PARTIES"
FORMS**

**STAFF REPORT
October 9, 2019**

Resolution #2019-02
Bylaw Amendment

CHANGING THE "NOTICE TO INTERESTED PARTIES" FORMS

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BACKGROUND:

Members of the public have expressed confusion over our “notice to interested parties” forms regarding minor and major subdivision requests. These forms state, “The land in this subdivision request is already appropriately zoned for the intended use (houses or apartments or businesses). The owner has the right to subdivide the property provided the overall design, lot sizes, street and drainage improvements, and all other standard and conditions of the USO are met.”

Staff has always believed we were conveying that fact that at the subdivision stage of development, the zoning, and therefore the permitted land use, has already been decided. Some people have unfortunately taken this statement to mean the proposed subdivision could have either houses, apartments, or businesses, like a soup or salad decision at a restaurant.

The simple remedy for this in staff’s opinion, is simply to take out the parenthetical statement shown above so that the first sentence becomes: “The land in this subdivision request is already appropriately zoned for the intended use. The owner has the right to subdivide...”

The APC Bylaws Committee was contacted by email and we received responses from a quorum agreeing with this minor change. Attached copies of the “notice to interested parties” forms show the proposed deleted phrase with a strike-through.

RECOMMENDATION:

Approval

The Area Plan Commission of Tippecanoe County
County Office Building
20 N. 3rd Street
Lafayette, IN 47901
(765) 423-9242

NOTICE TO INTERESTED PARTIES

Notice is hereby given that the Area Plan Commission of Tippecanoe County, on the _____ day of _____, 20 ____ at **6:00 p.m.** in the COUNTY OFFICE BUILDING at 20 N. 3rd. Street, Lafayette, Indiana, will hold a public

hearing on _____ SUBDIVISION
(Name of Subdivision)

The proposed subdivision involves _____ Lots on _____
acres located on _____
(Street or Road)

between _____ and _____
(Street or Road) (Street or Road)

in _____ TOWNSHIP, SECTION _____ T _____ N, R _____ W.

(Petitioner)

IMPORTANT INFORMATION FROM THE AREA PLAN COMMISSION

The land in this subdivision request is already appropriately zoned for the intended use (~~houses or apartments or businesses~~). The owner has the right to subdivide the property provided the overall design, lot sizes, street and drainage improvements, and all other standards and conditions of the Unified Subdivision Ordinance (USO) are met. Based on Indiana Law and court rulings, the only issue that the plan commission may address is whether this proposed subdivision meets the requirements of the subdivision ordinance.

Public input is allowed at the hearing; however the plan commission can not deny the request based on concerns, for example, that the property should not be developed, it should be developed for some other use, streets should not connect with those in the next subdivision, or there is already too much traffic on the roads. Additionally, the plan commission may not impose conditions concerning style, size, or cost of homes, commercial buildings, or other structures to be built in the subdivision. If the proposed subdivision meets all the requirements of the Unified Subdivision Ordinance, the plan commission must approve the subdivision.

If you believe that the proposed subdivision is in violation of any standard of the subdivision ordinance, or there are standards not addressed in the request, please notify the Area Plan Commission staff as soon as possible or provide your information at the hearing. Storm drainage issues will be reviewed by the County Drainage Board or the applicable city engineer depending on the location of the subdivision. You may review both the proposed subdivision and the subdivision ordinance at the office of the Area Plan Commission; the subdivision ordinance is also available at this website address: www.tippecanoe.in.gov/apc Please check this website (or call) to see if a case has been continued.

The Area Plan Commission of Tippecanoe County
County Office Building
20 N. 3rd Street
Lafayette, IN 47901
(765) 423-9242

NOTICE TO INTERESTED PARTIES

Notice is hereby given that the **Executive Committee** of the Area Plan Commission of Tippecanoe County, on the _____ day of _____, 20 ____ at **4:30 p.m.** in the COUNTY OFFICE BUILDING at 20 N. 3rd. Street, Lafayette, Indiana, will hold a public hearing on _____ SUBDIVISION
(Name of Subdivision)

The proposed subdivision involves _____ Lots on _____
acres located on _____
(Street or Road)

between _____ and _____
(Street or Road) (Street or Road)

in _____ TOWNSHIP, SECTION _____ T _____ N, R _____ W.

(Petitioner)

IMPORTANT INFORMATION FROM THE AREA PLAN COMMISSION

The land in this subdivision request is already appropriately zoned for the intended use (~~houses or apartments or businesses~~). The owner has the right to subdivide the property provided the overall design, lot sizes, street and drainage improvements, and all other standards and conditions of the Unified Subdivision Ordinance (USO) are met. Based on Indiana Law and court rulings, the only issue that the plan commission may address is whether this proposed subdivision meets the requirements of the subdivision ordinance.

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**APC RESOLUTION
2019-02**

**RESOLUTION AMENDING THE BYLAWS
OF THE
AREA PLAN COMMISSION OF TIPPECANOE COUNTY**

Be it resolved that the Area Plan Commission of Tippecanoe County hereby amends its Bylaws as follows:

By changing the bylaw attachments titled **Notice to Interested Parties on Major Subdivision Plat** and **Notice to Interested Parties on Minor Subdivision Plat** to amend the forms by deleting the parenthetical phrase (houses or apartments or businesses).

Adopted this 16th day of October 2019.

Thomas P. Murtaugh
President

Sallie Dell Fahey
Secretary