

ORDINANCE NO. 2017-03-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 Chapter 4 Additional Use Restrictions by adding the following UZO Section 4-1 (b)(9)(C):

(9) fences and hedges:

- (A) not exceeding 42" in height (none); and
- (B) exceeding 42" in height (**street frontage** only);
- (C) exceeding 42" in height on **side** and **rear lot lines** of **corner** and **through lots** can be allowed within the **setback** with **Administrative Officer** approval and verification of **vision setback** compliance as long as platted utility and drainage easements remain unobstructed.

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 3 day of April, 2017.

VOTE:

Aye

Aye

Aye

David Byers
David Byers, President

Tracy Brown
Tracy Brown, Vice President

Thomas Murtaugh
Thomas Murtaugh, Member

ATTEST:

Robert Plantenga
Robert Plantenga, 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

March 16, 2017
Ref. No.: 17-042

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

CERTIFICATION

RE: UZO AMENDMENT #89:

This amendment would allow fencing on corner or through lots to have a height greater than 42" within the street setback with the approval of the Administrative Officer.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 15, 2017, the Area Plan Commission of Tippecanoe County voted 16 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

**UZO AMENDMENT #89
FENCING ON CORNER AND/OR THROUGH LOTS**

STAFF REPORT
March 9, 2017

**REVISED UZO AMENDMENT #89
FENCING ON CORNER AND/OR THROUGH LOTS**

**Staff Report
MARCH 9, 2017**

West Lafayette has proposed a change in the fence regulations. Currently the ordinance states that fences and hedges can be no taller than 42" (3' 6") unless they are setback equal to the standard street building setback. This keeps 6' privacy fences outside of a lot's front yard. Generally these types of high fences extend out from either side of a house, flush with the front of the house. These fences generally continue along the side and rear property lines, hopefully outside of platted utility and drainage easements.

The problem is for corner lots and "through" lots (Through lots are lots that have two road frontages: one along the front lot line and one at the rear lot line.) that back on to busy secondary or primary arterials. A property owner who wants to have a 6' tall privacy fence enclosing his backyard is required to build the fence 40' or 60' from the right-of-way line (aka property line). In some instances, this makes the majority of a through lot's backyard unusable to the property owner.

We currently have fencing violations all over both cities and in unincorporated Tippecanoe County. Homeowners generally want to build privacy fences on their property line when they abut a heavily travelled road. Backyard fences built with the required 40' or 60' setback are nearly nonexistent. (Though there are some subdivisions, like Waterstone adjacent to Veterans Memorial Parkway, which comply because their fence is 42" or less. Other complying subdivisions use landscaping and berming.) But, clearly, none of our jurisdictions have been enforcing this fencing regulation for many years. Privacy fences line our secondary and primary arterials: Kalbarer, S. 9th Street, North Creasy Lane, etc.

West Lafayette would like to loosen this regulation so that as long as it has AO (Administrative Officer) approval and is not in violation of the vision setback, privacy fences would be allowed on corner and through lots without the 40' or 60' setback. This would also benefit current property owners who, likely without realizing it, are currently in violation with the ordinance.

The current UZO states:

4-1 (b)... Each {accessory structure} is followed by a designation in parentheses indicating its **setback** requirements: 'standard,' '**street frontage** only,' 'as otherwise noted,' or 'none.' Standard **setbacks** by **zone** can be found in 4-2-2 below. Additional information regarding **setbacks** is noted in 4-4-1 through 4-4-7 below.

(9) fences and hedges:

(A) not exceeding 42" in height (none); and

(B) exceeding 42" in height (**street frontage** only);

The proposed amendment would add the following:

- (C) exceeding 42" in height on **side** and **rear lot lines** of **corner** and **through lots** can be allowed within the **setback** with AO approval and verification of **vision setback** compliance as long as platted utility and drainage easements remain unobstructed.

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 Chapter 4 Additional Use Restrictions** by adding the following UZO Section 4-1 (b)(9)(C):

(9) fences and hedges:

- (A) not exceeding 42" in height (none); and
- (B) exceeding 42" in height (***street frontage*** only);
- (C) exceeding 42" in height on ***side*** and ***rear lot lines*** of ***corner*** and ***through lots*** can be allowed within the ***setback*** with AO approval and verification of ***vision setback*** compliance as long as platted utility and drainage easements remain unobstructed.

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