

ORDINANCE NO. 2017-07-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 the first sentence under **UZO Section 1-5-1 ESTABLISHMENT**, by deleting the obsolete URL for zoning on the county website (<http://gis2.tippecanoe.in.gov/PublicSLViewer.html?Viewer=Zoning>) and adding the new correct URL for zoning as shown:

1-5-1 ESTABLISHMENT:

Boundaries of the **zones** established in 1-4 above are as shown on the zoning maps which are located at <http://www.tippecanoe.in.gov/zoning> which is a part of the website for Tippecanoe County, Indiana www.tippecanoe.in.gov, and made a part of this ordinance.

Section 2: Delete the prohibition on height variances in R3W and R4W zones in **UZO Section 6-4-5 VARIANCES** as follows:

The **ABZA** or **ABZA-LD** may grant a **variance** from the *Zone Regulations* and *Additional Use Restrictions* in Chapters 2 and 4 above (except subsections 2-9-4 and 2-10-4, the R3U and R3W **density** caps; ~~2-10-11 and 2-11-11~~, the R3W and R4W maximum ~~building height~~; 2-27, **Flood Plain Zones**; 2-28 **Planned Development Zones**; and 2-29-14 **Rural Estate Zones, Additional Requirements**)...

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 7 day of May, 2017.

VOTE:

yes

yes

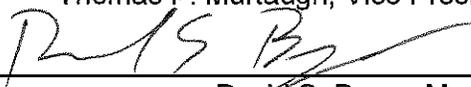
yes



Tracy A. Brown, President



Thomas P. Murtaugh, Vice President



David S. Byers, Member

ATTEST:



Robert Pfantenga, 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

April 20, 2017
Ref. No.: 17-105

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

CERTIFICATION

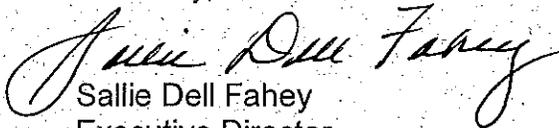
RE: UZO AMENDMENT #91:

This amendment would make two corrections to the UZO: the first would update the URL for the digital zoning maps on the county website in Chapter 1, and the second would eliminate the prohibition on height variances in the R3W and R4W zones in Chapter 6.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on April 19, 2017, the Area Plan Commission of Tippecanoe County voted 15 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 #91
ZONING MAPS URL CHANGE AND
R3W HEIGHT VARIANCES**

**STAFF REPORT
April 13, 2017**

**UZO Amendment #91
ZONING MAPS URL CHANGE AND
R3W HEIGHT VARIANCES**

**Staff Report
April 13, 2017**

Most residents of Tippecanoe County know that to discover the zoning of a property, one simply clicks on the GIS button on the county website. But officially, Section 1-5-1 of the Unified Zoning Ordinance, gives the URL for where the zoning can be found online. Unfortunately, the URL shown in the current ordinance is obsolete. The new address, <http://www.tippecanoe.in.gov/zoning> was created with the help of the county's MITS Department and can be used indefinitely even with future computer operating system changes.

The second part of this amendment involves a change in a section of the Unified Zoning Ordinance that has been overlooked for some time. Section 6-4-5: Variances, gives the sections of the UZO which can be varied and which cannot. Staff was surprised to read Section 2-11-11 which describes the maximum building height in the R3W and R4W zones, was listed as one of the sections that may not be varied. Height variances, particularly in the R3W zone, have been requested and granted several times over the years since the adoption of NUZO in 1998.

Staff is currently working on an overhaul of all of the R3/R4 zones, including the R3W and R4W zones. The new height restriction being proposed would be much closer to the height variances the ABZA has been granting over the years and would, staff hopes, remove the need for height variances in the future. (The overhaul would also likely remove the density cap in R3W that Section 6-4-5 also prohibits varying.) But until the R3/R4 ordinance amendment is completed, this amendment would allow future height variances in the R3W and R4W zones to be legitimately filed and heard by the ABZA.

RECOMMENDATION:

Approval