# UNIFIED SUBDIVISION ORDINANCE
# AMENDMENT #6
## Primary Approval Effective Periods & Extensions

## STAFF REPORT
## December 13, 2012

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## BACKGROUND:

If adopted, this amendment will increase the current primary approval effective period from five (5) to ten (10) years for major, nonresidential minor, and rural estate subdivisions. In addition, the amendment includes necessary revisions and additions to the primary approval extension process to better reflect our current policies.

This amendment has come about partly from the substantial increase in the number of primary approval extension requests in the last few years, but also from the realization that for many subdivisions it simply takes longer than five years to complete a development, especially in today's economic environment. For example, in the last six years the number of extension requests heard by the Commission have nearly doubled from an average of 4.4 in the ten years prior to 2007 to an average 8.2 requests per year since then. Also, in those many years, the Commission approved all primary approval extension requests. The amendment includes a retroactive provision for the new ten year effective period to include major, nonresidential minor and rural estate subdivisions approved since January 1, 2003.

New sections are added to the minor subdivision chapter to clarify all minor sketch plan primary approvals and extensions. The effective period of a residential minor primary approval will remain at five (5) years. In the past fifteen years, based on staff records, there have been no extension requests for residential minor primary approvals. However, a subdivider will still have the right to make such a request.

The two (2) year primary approval extension request process has been expanded to include belated requests, to formally recognize this type of appeal that the Commission and Executive Committee have been hearing for some time now.

Staff drafted this amendment in August, fine-tuning it with the Ordinance Committee at its September and October meetings. On November 7th the Ordinance Committee voted to recommend approval of USO Amendment #6.

## STAFF RECOMMENDATION:

Approval

# 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:** Change **USO Section 3.3-4-g** to read as follows:

Effective Period of Primary Approval.

Unless extended, the primary approval of a major subdivision preliminary plat shall be effective for a period of ~~five~~ ten (~~5~~10) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any major subdivision final plat~~s~~ not receiving secondary approval within the period of time set forth herein shall be null and void.~~,~~ ~~and the developer~~ To restart the process the subdivider shall be required to ~~r~~esubmit a new application for major sketch plan review and certificate subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission. The 10-year effective period shall be applied retroactively to all major subdivision primary approvals granted from January 1, 2003 forward.

**Section 2:** Add new **USO Section 3.3-4-h** to read as follows:

Primary Approval Extensions.

Prior to the end of the ten (10) year effective period of the primary approval and upon request of the subdivider the Commission or Executive Committee may extend the primary approval of a major subdivision preliminary plat in increments of two (2) years beyond an expiration date without further notice and public hearing. Additional two (2) year extensions may be granted by the Commission or Executive Committee prior to an expiration date.

**Section 3:** Add new **USO Section 3.3-4-I** to read as follows:

Belated Primary Approval Extensions

Within two (2) years after the expiration date of a major subdivision primary approval effective period (original or extended), the subdivider may submit an application to

request authorization from the Commission or Executive Committee for a belated primary approval extension of two (2) years. The application to authorize and to hear such a belated request shall be made on forms available at the office of the Commission and be submitted with a fee specified in the *Bylaws of the Tippecanoe County Area Plan Commission*. No belated primary approval extension applications can be submitted more than two (2) years after the expiration date of a major subdivision primary approval effective period (original or extended).

**Section 4:** Change the first sentence in **USO Section 3.3-6-c** to read as follows:

Prior to granting secondary approval of a major subdivision final plat, the Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat.

**Section 5:** Change the last sentence in **USO Section 3.3-6-c** to read as follows:

The approval of all remaining sections not filed with the Staff shall automatically expire after ~~five~~ ten (~~5~~10) years of the date of primary subdivision approval of the subdivision plat, unless the expiration date has been extended.

**Section 6:** Change the first sentence in **USO Section 4.1-6** to read as follows:

For subdivisions for which no performance bond has been posted, if the public improvements are not completed within ~~five~~ ten (~~5~~10) years of the date of primary approval, that approval shall be deemed to have expired, unless the expiration date has been extended.

**Section 7:** Add new **USO Section 3.4-6-a** to read as follows:

Effective Period of Primary Approval – Residential Minor Subdivision Sketch Plan.

Unless extended, the primary approval of a residential minor subdivision sketch plan shall be effective for a period of five (5) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any residential minor subdivision final plat not receiving secondary approval within the period of time set forth herein shall be null and void. To restart the process, the subdivider shall be required to submit a new application for minor sketch plan review subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission.

**Section 8:** Add new **USO Section 3.4-6-b** to read as follows:

Primary Approval Extensions.

Prior to the end of the five (5) year effective period of the primary approval and upon

request of the subdivider the Commission or Executive Committee may extend the primary approval of a residential minor subdivision sketch plan in increments of two (2) years beyond an expiration date without further notice and public hearing. Additional two (2) year extensions may be granted by the Commission or Executive Committee prior to an expiration date.

**Section 9:** Add new **USO Section 3.4-6-c** to read as follows:

Effective Period of Primary Approval – Nonresidential Minor Subdivision Sketch Plan.

Unless extended, the primary approval of a nonresidential minor subdivision sketch plan shall be effective for a period of ten (10) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any nonresidential minor subdivision final plat not receiving secondary approval within the period of time set forth herein shall be null and void. To restart the process, the subdivider shall be required to submit a new application for minor sketch plan review subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission. The 10-year effective period shall be applied retroactively to all nonresidential minor subdivision primary approvals granted from January 1, 2003 forward.

**Section 10:** Add new **USO Section 3.4-6-d** to read as follows:

Primary Approval Extensions.

Prior to the end of the ten (10) year effective period of the primary approval and upon request of the subdivider the Commission or Executive Committee may extend the primary approval of a nonresidential minor subdivision sketch plan in increments of two (2) years beyond an expiration date without further notice and public hearing. Additional two (2) year extensions may be granted by the Commission or Executive Committee prior to an expiration date.

**Section 11:** Change **USO Section 3.6-8-g** to read as follows:

Effective Period of Primary Approval.

Unless extended, the primary approval of a rural estate subdivision preliminary plat shall be effective for a period of ~~five~~ ten (~~5~~10) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any rural estate subdivision final plat~~s~~ not receiving secondary approval within the period of time set forth herein shall be null and void.~~,~~ ~~and the developer~~To restart the process the subdivider shall be required to ~~r~~esubmit a new application for rural estate sketch plan review subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission. The 10-year effective period shall be applied retroactively to all

rural estate primary approvals granted from January 1, 2003 forward.

**Section 12:** Add new **USO Section 3.6-8-h** to read as follows:

Primary Approval Extensions.

Prior to the end of the ten (10) year effective period of the primary approval and upon request of the subdivider the Commission or Executive Committee may extend the primary approval of a rural estate subdivision preliminary plat in increments of two (2) years beyond an expiration date without further notice and public hearing. Additional two (2) year extensions may be granted by the Commission or Executive Committee prior to an expiration date.

**Section 13:** Add new **USO Section 3.6-8-I** to read as follows:

Belated Primary Approval Extensions

Within two (2) years after the expiration date of a rural estate subdivision primary approval effective period (original or extended), the subdivider may submit an application to request authorization from the Commission or Executive Committee for a belated primary approval extension of two (2) years. The application to authorize and to hear such a belated request shall be made on forms available at the office of the Commission and be submitted with a fee specified in the *Bylaws of the Tippecanoe County Area Plan Commission*. No belated primary approval extension applications can be submitted more than two (2) years after the expiration date of a rural estate subdivision primary approval effective period (original or extended).

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