

ORDINANCE NO. 08-10

**TO AMEND CERTAIN PORTIONS OF THE
UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA,
DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **UZO Section 4-4-6 SETBACKS FOR PARKING**, to read as follows:

- (a) Except in 4-4-6-b through 4-4-6-d below, required parking, either open or under cover, is not permitted in the minimum standard **front setback** of any residential **use**, or any residential **zone** (Amend 8). Optional parking is also not permitted in the minimum standard **front setback** of any residential **use**, except in driveways and turnarounds.

Section 2: Replace the number formatting in **UZO Section 1-10-2 WORDS AND TERMS DEFINED, "MICRO WIND SYSTEM"**, to letter formatting as follows:

MICRO WIND SYSTEM. A building-mounted wind system that has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than 15' above the highest point of the roof; such building-mounted wind systems shall not be considered a **wind energy conversion system**. **Micro wind systems** are subject to UZO section 4-11-11 but only subsections (a), (k), (q) and (r). (Amend 55)

Section 3: Change **UZO Section 6-2-6 FILING FEE**, to read as follows:

6-2-6 FILING FEE:

- (a) The filing fee for an **improvement location permit** is \$20. It is not refundable. The filing fee for an **improvement location permit** for demolition is \$20. (Amend 2)
- (b) Member jurisdictions may each, by separate ordinance, establish a schedule of other permit, inspection and similar fees to be collected at the beginning of, during or at the completion of the permitting process.
- (c) If work has been started on a type of project listed in 6-2-1-a above without benefit of an **improvement location permit**, the filing fee for that **improvement location permit** is \$70. (Amend 2)

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

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Thank you.

CLERK - TREASURER

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

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SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

March 17, 2010
Ref. No.: 10-062

West Lafayette City Council
609 W. Navajo Street
West Lafayette IN 47906

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CLERK - TREASURER

CERTIFICATION

RE: UZO AMENDMENT #64

An omnibus amendment to Chapter 1: Words and Terms Defined regarding the definition of micro wind system, Chapter 4: setbacks for parking, and Chapter 6: Increasing the filing fee for Improvement Location Permits.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 17, 2010, the Area Plan Commission of Tippecanoe County voted 11 yes - 1 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 West Lafayette Common Council that the proposed zoning ordinance amendment be approved.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

**UZO AMENDMENT #64
OMNIBUS AMENDMENT**

**STAFF REPORT
March 11, 2010**

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CLERK - TREASURER

UZO AMENDMENT 64 OMNIBUS AMENDMENT

Staff Report
March 11, 2010

STAFF COMMENTS:

1. Setbacks for parking:

This change would help clarify where required parking is permitted on a lot in a residential zone. Currently, the UZO does not permit parking within the front setback, which staff has always interpreted to mean, the two required parking spaces for a single-family home, must be outside of the minimum setback (typically 25') from the front property line. However, the definition of "front setback" is the space between the front lot line and "the nearest exterior wall" of the primary use on the lot. This would have the effect that a long narrow lot with a house built near the back of the property would not be able to have required parking spaces anywhere between the street and the front of the house. This amendment would add the words "minimum standard" to the term "front setback" so that the ordinance agrees with how staff and the A.O.s have long been interpreting it. This was approved at the August 2009 Ordinance Committee meeting.

2. Correcting a formatting error in the definition of "Micro Wind System":

Currently, the definition of "micro wind system" in the ordinance states that they are subject to UZO Section 4-11-11 numbers 1, 11, 17, and 18. Unfortunately, Section 4-11-11 does not have "numbers" but letters a, k, q, and r. This amendment would clear up this error caused by differences in formatting. This was approved at the January 2010 Ordinance Committee meeting.

3. Increasing the Filing Fee for Improvement Location Permits (ILP):

Each jurisdiction has their own fees for building permits; the ordinance stipulates the fees for when an ILP is initially filed. At the request of our Administrative Officers, the proposed amendment would increase the filing fee from the current \$10.00 to \$20.00. Staff and the Administrative Officers originally proposed to increase the filing fee for permits for work begun before a permit is issued, to \$40.00 from the current \$20.00. The Ordinance Committee decided the proposed \$40.00 fee was not enough of a deterrent, and voted to increase the after-the-fact permit fees from \$20.00 to \$70.00. This was approved at the February 2010 Ordinance Committee meeting.

STAFF RECOMMENDATION:

Approval