ORDINANCE NO. 23-10

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: Amend **UZO Section 1-10-2 Words and Terms Defined**, by changing the definition of **LOWEST FLOOR ELVEATION** to read as follows:

LOWEST FLOOR ELEVATION. The lowest level of a building, including garage floor, basement or crawl space; except for those residences which have qualified to be elevated, the lowest floor elevation is the bottom of the lowest floor joist of the first floor.

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

INTRODUCED ON FIRST READING ON THE _____ DAY OF _____, 2010.

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

August 19, 2010
Ref. No.: 10-248

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

CERTIFICATION

RE: **UZO ORDINANCE AMENDMENT #70:**
An amendment to Section 1-10-2 Definitions and Terms Defined that would change the definition of the term, "Lowest Floor Elevation".

Dear West Lafayette Common Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 18, 2010, the Area Plan Commission of Tippecanoe County voted 13 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 West Lafayette Common Council that the proposed zoning ordinance amendment be approved.

Sincerely,

Sallie Dell Fahey

Sallie Dell Fahey
Executive Director

RECEIVED
AUG 20 2010
CLERK - TREASURER

SDF/lmu

Enclosure: Staff Report and Ordinance

Unified Zoning Ordinance Amendment #70
Lowest Floor Elevation Definition

Staff Report
August 12, 2010

Amendment 70 fine-tunes the definition of ***lowest floor elevation*** to work in concert with the new provisions for elevating repetitive loss and substantially damaged residences.

Existing Definition

> **LOWEST FLOOR ELEVATION**. Lowest level of a building, including basement and crawl space.

Amendment 65 was approved in June by the County Commissioners and other member jurisdictions. That amendment permits qualifying single-family homes in the Flood Plain Zone to be elevated. Qualifying homes may be elevated in a number of ways, one of which is on solid walls if they are properly vented. Additionally, the lowest floor elevation, as defined, has to meet the flood protection grade. Staff doesn't want the existing definition to be interpreted in a way that considers the floor of the new foundation to be a crawl space floor and subject to the flood protection grade requirement. It would likely be onerous to fill the entire cubic content of the elevating foundation to create a lowest floor 2' above the regulatory flood. The proposed definition removes that additional expense and still keeps the elevated floor joists out of flood water.

Although APC legal counsel gave staff a legal opinion that would allow continued use of the existing definition, he also believes that the proposed definition provides clarity and recommends its adoption.

Proposed Definition

> **LOWEST FLOOR ELEVATION**. The lowest level of a building, including garage floor, basement or crawl space; except for those residences which meet all Unified Zoning Ordinance requirements to be elevated, the lowest floor elevation is the bottom of the lowest floor joist of the first floor.

The definition remains the same for all applications except elevated homes (the portion before the semicolon). It adds a new section that only applies to homes being elevated above the regulatory flood (the portion following the semicolon).

Staff received approval by email for the proposed definition from DNR on July 28, 2010. On August 4, 2010, the Ordinance Committee recommended the amendment be passed on to the Area Plan Commission for hearing at the August meeting.

STAFF RECOMMENDATION:
Approval

Unified Zoning Ordinance Amendment #70
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