

ORDINANCE NO. 2014-1

ORIGINAL

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, THAT ORDINANCE NO. 97-11, BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change UZO Section 1-10-2 Words and Terms Defined by amending the following two definitions as shown below:

**MULTI-FAMILY DWELLING.** A *dwelling* on a separate *lot* containing more than two *dwelling units*, or a *dwelling* containing two or more *dwelling units* when that *dwelling* is part of a project approved as a multi-family subdivision as regulated by Section 5.12 of the Unified Subdivision Ordinance.

**PRIMARY USE BUILDING.** A *building* (including any other *building* attached in a substantial way, such as by a roof) in which the *primary use* of the *lot* or *parcel* is conducted. Except as otherwise provided in this definition, only one **PRIMARY USE BUILDING** is permitted per *lot* or *parcel*.

A *single-family dwelling* is a **PRIMARY USE BUILDING**.

A *two-family dwelling* is a **PRIMARY USE BUILDING**.

A *building* containing *multi-family dwelling units* is a **PRIMARY USE BUILDING**. With respect to *multi-family* and *two-family dwellings*, multiple **PRIMARY USE BUILDINGS** may occupy the same *lot*, if all such **PRIMARY USE BUILDINGS** are in single ownership and the operating or managing office for such *use* is located on the same *lot*, and the *lot* has been approved and recorded as a multi-family subdivision.

If multiple *buildings* (other than those containing *dwelling units*) on a *lot* or *parcel* are engaged in the same *primary use*, the *building* housing that *use's* operating or managing office is considered the **PRIMARY USE BUILDING**; all other buildings are considered *accessory buildings*.

Where multiple *buildings* (other than those containing *dwelling units*) occupy the same lot or parcel, but are all operated or managed from the same *building*, the *building* housing the managing office(s) shall be the **PRIMARY USE BUILDING**, and all other *buildings* shall be accessory to

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the PRIMARY USE BUILDING, but only if all *buildings* containing multiple uses on such *lot* or *parcel* are in single ownership.

An *integrated center* is a PRIMARY USE BUILDING.

The PRIMARY USE BUILDING constructed on any qualifying *lot, parcel* or tract to which land has been added by Exemption B or E pursuant to the definition of *subdivision*, shall be located in whole or in part on the portion of that *lot, parcel* or tract from which it acquired its building site as defined in the *Unified Subdivision Ordinance*.

No PRIMARY USE BUILDING shall be located wholly on land included in an Exemption B or E transfer unless that transfer was recorded prior to July 1, 2002.

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

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS 3 DAY OF FEB, 2014.

  
\_\_\_\_\_  
Presiding Officer

ATTEST:  
  
\_\_\_\_\_  
Clerk-Treasurer

ORIGINAL

ORDINANCE NO. 2014-2

AN ORDINANCE AMENDING THE UNIFIED SUBDIVISION ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, THAT ORDINANCE NO. 79-9, BEING THE UNIFIED SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **USO Section 5.12(2)(a)** to read as follows:

Multi-family subdivisions must be zoned R3, R3W or R4W prior to the proposal for a subdivision under this section. However, if a multi-family subdivision is comprised solely of buildings containing only two dwelling units, the multi-family subdivision may be zoned R2, R3, R3W or R4W.

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

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS 3 DAY OF FEBRUARY, 2014.

Ronald M. Meckel  
Presiding Officer

ATTEST:  
Ron Koehler  
Clerk-Treasurer

ORIGINAL

ORDINANCE NO. 2014-3

AN ORDINANCE AMENDING ZONING ORDINANCE

WHEREAS, the following described real estate is within the corporate boundaries of the Town of Dayton.

WHEREAS, the following described real estate has been approved for rezoning from R1, NB to I3 by the Tippecanoe County Area Plan Commission after notice at its regularly scheduled meeting on December 18, 2013.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THAT ORDINANCE NO. 97-11 BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, IS HEREBY AMENDED AS FOLLOWS:

Section 1. That the boundaries of the Official Zoning Map of Section 1-5 is hereby amended to rezone the following described real estate, to-wit:

INSERT LEGAL DESCRIPTION

Section 2. That the above described real estate should be and is hereby rezoned from R1, NB to I3.

Section 3. This Ordinance shall be effective from and after its passage.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS 7<sup>th</sup> DAY OF April, 2014.

Michael W. Brown  
Presiding Officer

ATTEST: Ron Kaehle  
Clerk-Treasurer

Land Description

Part of the Southeast Quarter of Section 5, Township 22 North, Range 3 West, Sheffield Township, Tippecanoe County, Indiana, described as follows:

Commencing at an aluminum disk at the the southwest corner of the Southeast Quarter of said Section 5; thence North 00 degrees 20 minutes 11 seconds West along the west line of said Southeast Quarter a distance of 513.39 feet to the north line of the land tract deeded to the State of Indiana as recorded in Deed Record 87, page 18725 in the Tippecanoe County Recorder's Office; thence South 89 degrees 05 minutes 26 seconds East along said north line a distance of 801.32 feet to the southwest corner of the MaCallister Realty, LLC land tract, recorded as Instrument number 9920827; thence North 00 degrees 09 minutes 52 seconds West along the west line of said land tract and the extension thereof a distance of 851.00 feet to to the northwest corner of the MaCallister Realty, LLC land tract recorded as Instrument number 02012259, being the Point of Beginning; thence continue North 00 degrees 09 minutes 52 seconds West along said extension a distance of 786.02 feet to the southern line of the Ronald E. and Harriett S. Berry real estate as recorded in Document Number 87-04093 in the Tippecanoe County Recorder's Office; thence South 89 degrees 05 minutes 40 seconds East along said southern line a distance of 534.44 feet to the East line of the West Half of the Southeast Quarter; thence South 00 degrees 43 minutes 58 seconds East along said East line a distance of 1637.44 feet; thence North 89 degrees 05 minutes 26 seconds West a distance of 70.64 feet to the southeast corner of the MaCallister land tract (Instrument number 02012259); thence North 00 degrees 09 minutes 52 seconds West along the east line of said land tract a distance of 851.00 feet; thence North 89 degrees 05 minutes 26 seconds West along the north line of said land tract a distance of 480.05 feet to the Point of Beginning. Containing 11.010 acres, more or less.

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BB

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

February 20, 2014  
Ref. No.: 14-046

Town Council of Dayton  
PO Box 557  
Dayton IN 47941

## CERTIFICATION

RE: **Z-2560--TARBERT PROPERTIES, LLC (R1 & NB to I3):**  
Petitioner is requesting rezoning of 11.01 acres located north of the stub end of Hine Drive, north and east of MacAllister Machinery, 6740 SR 38 E, Dayton, Sheffield 5 (SE) 22-3. CONTINUED FROM THE JANUARY 2014 APC MEETING AT PETITIONER'S REQUEST

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 19, 2014, 2014 the Area Plan Commission of Tippecanoe County voted 11 yes - 1 no on the motion to rezone the subject real estate from R1 & NB to I3. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Town Council of Dayton that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Town Council of Dayton at its March 3, 2014 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

  
Sallie Dell Fahey  
Executive Director

SDF/lmu

Enclosures: Staff Report & Ordinances

cc: David Baldwin, Talbert Properties  
Frederick Shorter  
Ross Nixon  
John Deckard  
Area Plan Commission



ORIGINAL

ORDINANCE 14- 4

An Ordinance Adopting the Tippecanoe County Permit and Inspection Fee Schedule

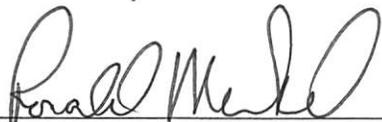
WHEREAS, the Town of Dayton, Indiana relies upon the services of Tippecanoe County with respect to Building Permits and Inspections;

WHEREAS, the Town of Dayton, Indiana, desires to set the following fee schedule for permits and inspections

NOW THEREOFRE BE IT ORDAINED THAT:

The Town of Dayton, Indiana hereby adopts the Building Permit and Inspection Fee Schedule in effect as of the enactment of this Ordinance, effective on the first day of the third month immediately following the enactment of this ordinance.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS 3 DAY OF FEBRUARY, 2014.

  
\_\_\_\_\_  
Presiding Officer

ATTEST.  
  
\_\_\_\_\_  
Ron Koehler, Clerk-Treasurer

   
 m/f

ORIGINAL

ORDINANCE 2014- 5

An Ordinance to Amend the Submittal, Review and Inspection Fees as set forth in Section 11 of Ordinance 99-6.

WHEREAS, the Town Council desires to set forth uniform construction and utility service requirements for development within the Town of Dayton service area, for such developments requesting municipal services and/or utilities from the Town, or for any proposed subdivision or site development within the Town Corporate limits excluding single lot, single family residence.

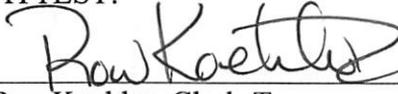
NOW THEREOFRE BE IT ORDAINED THAT:

1. The attached Exhibit A is interposed in the place of the original Section 11 of Ordinance 99-6.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS 5 DAY OF May, 2014.

  
\_\_\_\_\_  
Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Ron Koehler, Clerk-Treasurer

## **EXHIBIT A**

### **Section 11 – Submittal, Review, and Inspection Fees**

The Town of Dayton requires the following fees be paid by the owner/developer:

- A. "Development Guide" - \$50.00.
- B. Preliminary/Conceptual submittal fee is \$2,000.00. This fee will be used to pay for the review of the submittal. If the preliminary/conceptual plan is approved by the Town and the owner/developer proceeds with the project, the unused balance of the fee will be returned to the owner/developer. Should preliminary/conceptual review exceed \$2,000.00, the owner/developer will be responsible for making up the difference between the \$2,000.00 submitted and the actual review costs prior to the approval of the preliminary/conceptual plan.
- C. Final Construction Plan Review Fee is 3,000.00. If the final review fee is less than \$3,000.00, the unused balance will be returned to the owner/developer. Should final plan review fees exceed \$3,000.00, the owner/developer will be responsible for making up the difference between the \$3,000.00 submitted and the actual review costs prior to the final approval of the construction plans.
- D. All costs of the inspection shall be the responsibility of the owner/developer. Any costs for re-inspection due to deficiencies and inadequacies in the construction will also be the responsibility of the owner/developer. Inspection costs will be billed to the owner/developer monthly and shall be due within 30 days of receipt of the invoice. The Town of Dayton staff or an independent entity selected by the town will conduct the inspection requirements.

ORDINANCE NO. 2014-6

ORIGINAL

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, THAT ORDINANCE NO. 97-11, BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY IS HEREBY AMENDED AS FOLLOWS:

**Section 1:** Change **UZO Section 1-5-1 Establishment of Zones** by amending it as shown below:

**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://gis2.tippecanoe.in.gov/PublicSL/Viewer.html?Viewer=Zoning> which is a part of the website for Tippecanoe County, Indiana [www.tippecanoe.in.gov](http://www.tippecanoe.in.gov), and made a part of this ordinance. These zoning maps are entitled and are to be known as the Official Zoning Maps for:

The City of Lafayette	Randolph Township
The City of West Lafayette	Sheffield Township
The Town of Dayton	Shelby Township
The Town of Battle Ground	Tippecanoe Township
The Town of Clarks Hill	unincorporated Union Township
Fairfield Township	Wabash Township
Jackson Township	Washington Township
Lauramie Township	Wayne Township
Perry Township	Wea Township

including any map representing a part of the above (Americus, Buck Creek, Colburn, Montmorenci, Romney, Stockwell and West Point/Glenhall). These Official Zoning Maps shall be kept under the control of the **Executive Director** of the **APC**.

**Section 2:** Change **UZO Section 1-5-2 Zone Boundaries** by amending it as shown below:

**1-5-2 ZONE BOUNDARIES:**

On current and future Official Zoning Maps, all **zones** (except FP **zones**) depicted adjacent to the edge of road or railroad **rights-of-way**, shall be extended laterally to the centerlines of those **rights-of way**. **Zones** shall be depicted on Official Zoning Maps in any format(s) which clearly

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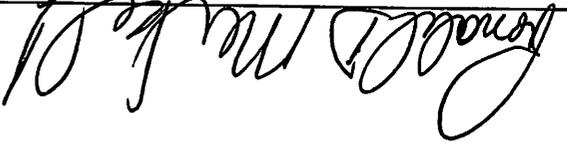
identifies the **zone** and the boundaries of the **zone** as determined by the **Executive Director**.

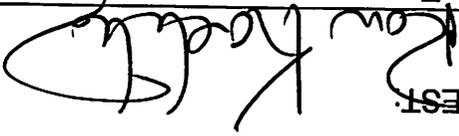
**Section 3: Change UZO Section 1-6-2 Changes to the Official Zoning Maps by amending it as shown below:**

- (f) Within 5 days of its passage by the legislative body, a copy of the duly adopted amendment to the Official Zoning Map shall be certified to the **Executive Director** by the member jurisdiction. Upon receiving the amendment, the **Executive Director** shall update the Official Zoning Map in accordance with the amendment. Records of each map update, its ordinance number and date of adoption shall be kept in the office of the Area Plan Commission. Maps shall be updated by the end of each calendar month in accordance with the amendments received from member jurisdictions. Any map changes resulting from an amendment shall be drawn to the center of all abutting **rights-of-way**.

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

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS 5 DAY OF May, 2014.

  
\_\_\_\_\_  
Presiding Officer

ATTEST:  
  
\_\_\_\_\_  
Clerk-Treasurer

ORDINANCE NO. 2014-17

ORIGINAL

AN ORDINANCE AMENDING THE UNIFIED SUBDIVISION ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, THAT ORDINANCE NO. 79-9, BEING THE UNIFIED SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change USO Section 3.5(3)(a) Parcelizations by adding the A and AW zones to the following table:

Zoning Classification of Land to be Parcelized	Maximum No. of Parcels	Minimum Area of Parcels, Exclusive of Right-of-Way*
A, AW, AA	2	2 acres

\*Unless Tippecanoe County Ordinance 99-30CM or its successors requires more.

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

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS 5 DAY OF May, 2014.

[Signature]  
Presiding Officer

ATTEST:  
[Signature]  
Clerk-Treasurer

[Handwritten initials]  
m/l  
[Handwritten initials]  
[Handwritten initials]

ORIGINAL

Dear Mr. [Name]

I have received your letter of the 15th and am glad to hear that you are well. I am also well and hope these few lines will find you all the same.

I have not much news to write at present. Everything is going on as usual here. I am still working hard and hope to finish up soon.

I have not heard from you for some time. I hope you are still in the same place. I would like to hear from you again soon.

I am sure you will be glad to hear from me. I am still the same old me. I hope you are all the same.

I am sure you will be glad to hear from me. I am still the same old me. I hope you are all the same.

I am sure you will be glad to hear from me. I am still the same old me. I hope you are all the same.

Yours truly,  
[Signature]

[Address]

ORIGINAL

ORDINANCE NO. 2014-8  
OF THE TOWN OF DAYTON,  
TIPPECANOE COUNTY, INDIANA

AN ORDINANCE ADOPTING THE APC ORDINANCE  
COMMITTEE'S RECOMMENDED FEE SCHEDULE UNDER  
SECTION 6-2-6(b) OF THE UNIFIED ZONING ORDINANCE

WHEREAS, the Town of Dayton, following the County of Tippecanoe, the Cities of Lafayette and West Lafayette, and the Towns of Battle Ground and Clarks Hill, adopted the Unified Zoning Ordinance (the "UZO") on December 2, 1997; and

WHEREAS, Subsection 6-2-6(b) of the UZO provides as follows:

"(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;"and

WHEREAS, the APC Ordinance Committee, in an attempt to make Improvement Location and Building Permit fees more uniform across jurisdictions, has recommended its adoption;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, THAT:

UNDER SECTION 6-2-6 (b) OF THE UZO, THE TOWN OF DAYTON NOW ADOPTS THE FOLLOWING IMPORVEMENT LOCATION AND BUILDING PERMIT FEE SCHEDULE:

PERMIT FEES

\$0.15/Square Foot

Single Family Residence  
Attached Garage  
Finished Basement  
Room Additions  
Remodel  
Minimum Permit = \$50.00  
Does not include Filing Fee (\$20.00)

\$0.12/Square Foot

Agricultural Building  
Deck  
Detached Garage  
Grain Bin  
Miscellaneous  
Pole Barn  
Pool  
Portable Signs  
Yard Barn  
Minimum Permit = \$50.00  
Does not include Filing Fee (\$20.00)

Commercial

\$0.22/square foot  
No Minimum Permit Fee  
Does not include Filing Fee (\$20.00)

Electrical

Mobile Home Parks \$40.00  
Upgrade to 200 AMPs \$75.00  
Upgrade over 200 to 400 AMPs \$100.00  
Upgrade over 400 to 1000 AMPs \$150.00  
Upgrade over 1000 AMPs \$250.00

Demolition \$75.00  
Land Fill \$150.00  
Reinspection Fee \$50.00  
Permit Filing Fee \$20.00

Penalty for Building Without a Permit

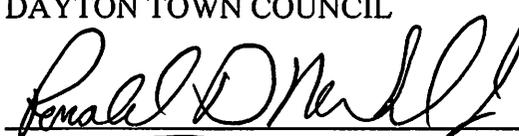
+ Actual Permit Fee  
+ 50% of Permit Fee  
+ \$70.00 Filing Fee

*pb*  
*RU*

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ADOPTED AND PASSED BY THE TOWN OF DAYTON, INDIANA, THIS 2<sup>nd</sup>  
DAY OF JUNE, 2014, BY A VOTE OF 3 IN FAVOR AND 0  
OPPOSED.

DAYTON TOWN COUNCIL

ATTEST:

