

ORDINANCE NO. 2021-15

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 definition of **LOT** to read as follows:

LOT (WEST LAFAYETTE, TIPPECANOE COUNTY, DAYTON, BATTLE GROUND, CLARKS HILL). Either:

- (1) (a) a piece of land, the location, shape and size of which have been established by a recorded plat, **subdivision** or planned development; or
- (b) any part of that piece of land where a division has been made by a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or
- (c) an area of land exclusive of platted **streets** that includes platted lots, or parts of platted lots that are used as one, in single ownership, that is in a plat recorded prior to July 1, 1978, having access from a **public street** approved by the **Administrative Officer**.

and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Unified Subdivision Ordinance, or a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or

- (2) a piece of land, not in a recorded plat, **subdivision** or planned development, the location, shape and size of which are determined by:
 - (a) the legal description in the last recorded document prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or thereafter by
 - (b) the legal description in the last recorded document made as an exempt division or **parcelization** under the then applicable Subdivision Ordinance;

and which shall include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Unified Subdivision Ordinance. (This does not include the term **mobile home park/manufactured home community lot** which is defined separately.)

Handwritten signatures and initials: "Jm", "Rk", "SM", "AS".

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF
DAYTON, INDIANA THIS 13th DAY OF September, 2021.

Jen Manago
Presiding Officer

ATTEST:

Michelle f [Signature]
Clerk-Treasurer

SM
CR AS.
SM



Area Plan Commission of Tippecanoe County, Indiana

August 19, 2021
Ref. No.: 2021-189

Town Council of Dayton
PO Box 557
Dayton IN 47941

CERTIFICATION

RE: UZO AMENDMENT #102

Changing the definition of the term, "Lot" in the Unified Zoning Ordinance so that older, adjacent platted lots in single ownership can be used as one.

Dear Town Council Member:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 18, 2021, the Area Plan Commission of Tippecanoe County voted 16 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 Dayton Town Council that the proposed zoning ordinance amendment be approved.

Sincerely,

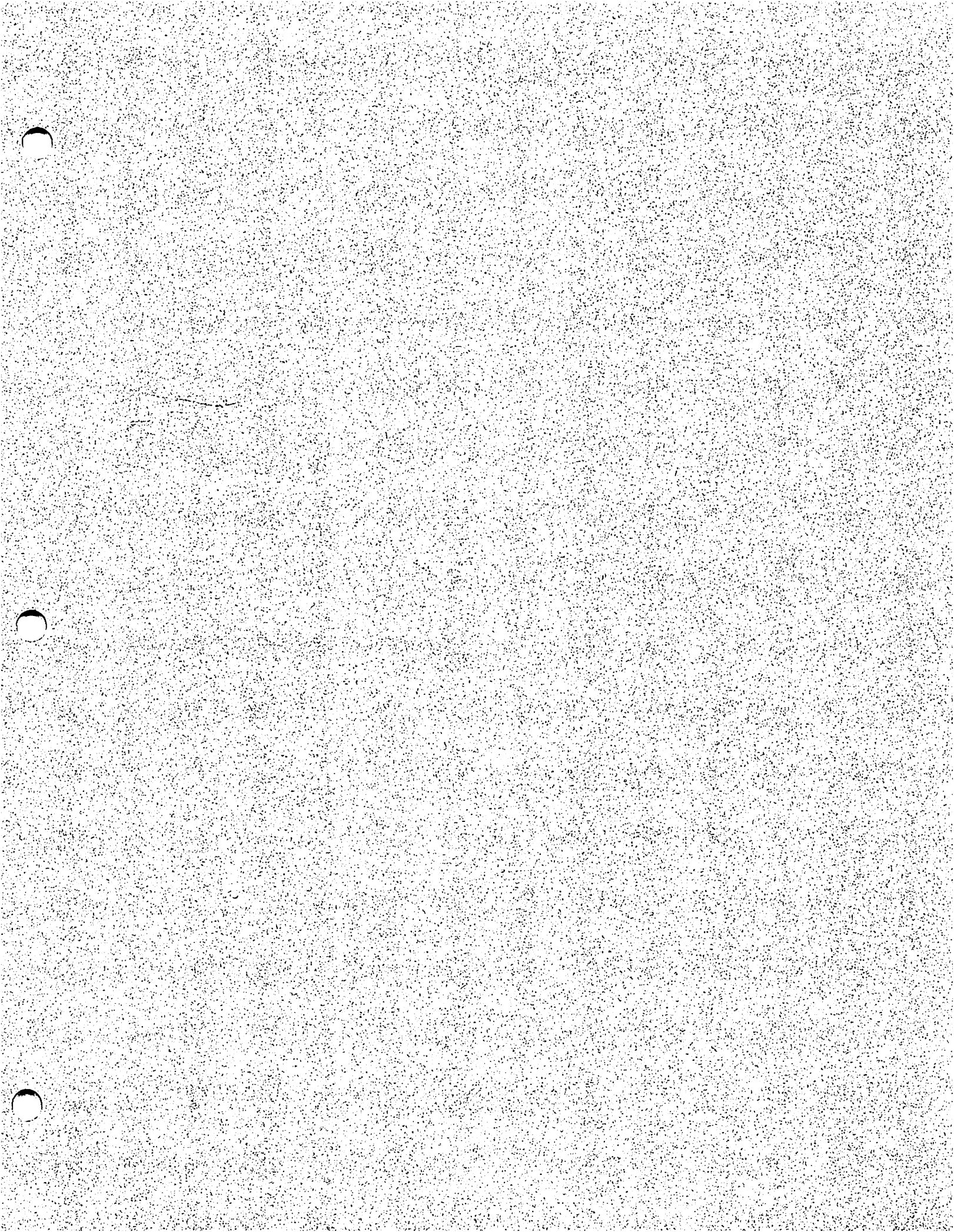
David Hittle
Executive Director

DH/ksl

Enclosure: Staff Report and Ordinance

Handwritten notes:
RUC CD
AB.
GM CR





**Unified Zoning Ordinance Amendment #102
CHANGING THE DEFINITION OF LOT**

**Staff Report
August 12, 2021**

STAFF COMMENTS:

This proposed ordinance change would eliminate a recurring problem that effects some property owners in Tippecanoe County. We have several "towns" that were platted in the 1800's that never fully developed as originally planned. These unincorporated towns can be a grouping of houses along a highway, such as Monroe, Petit, Monitor and Odell. There are also bigger unincorporated towns that are more established such as West Point, Montmorenci and Americus. The towns of Romney, Stockwell, and Buck Creek, while unincorporated, now have (or are planned to have) sewer systems which will no doubt encourage new residential and commercial growth.

Once these towns were platted, land was sold and buildings were constructed...often without surveyor's stakes marking lot corners. Houses were laid out in a haphazard fashion in relation to the old platted lot lines. Houses and other buildings built several decades ago were not sited as accurately as buildings constructed today. When a current property owner of these platted lots decides to get a permit to build an addition, a new porch, or tear down an existing garage and build a new one, that's when it is typically discovered his house or garage crosses a platted lot line. The remedy for this is either to file a vacation of the platted lots or to hire a land surveyor to replat, or essentially, minor subdivide his platted lots. (In certain cases, an "Exemption E" deed can be recorded to eliminate the lot line problem. This remedy requires hiring a lawyer and sometimes a surveyor to fix. With older platted lots, because of their small size, often an Exemption E deed is not possible.) Vacations vary in cost depending on the number of people who own lots within the plat. Hiring an attorney as your representative would cost considerably more. Replats generally cost thousands of dollars and take a minimum of two months to complete.

The City of Lafayette has long had its own, simpler definition of "lot" in the UZO, separate from every other jurisdiction. It reads:

LOT (LAFAYETTE). An area of land exclusive of *street* areas but including adjacent areas that are used as one, having an access from a *public street* approved by the **Administrative Officer**.

This definition is why so few replats are filed in Lafayette, unless they are dividing a larger lot into two or more smaller lots. Because a "lot" can include several adjacent areas "that are used as one," buildings are permitted to cross platted lot lines.

RK
AS.
SM
CR
9m


The attached amendment would allow buildings to cross platted lot lines in unincorporated towns, incorporated towns as well as the older platted areas of the City of West Lafayette. (After a brief discussion at the Ordinance Committee meeting in July, West Lafayette was added to the jurisdictions this amendment would include. No doubt the recent replat for West Lafayette Junior/Senior High School as well as the replat of several lots at the old Morton School needed for the recent city hall renovation came to mind.)

The only platted lots that would not be effected would be any lots within Otterbein or Shadeland (Union Township) which are not part of the APC, and lots created in the "modern era" after the adoption of the current Unified Subdivision Ordinance (USO). This amendment would also require a USO amendment so that the definitions of "lot" remain the same in both ordinances. (This will be part of a USO amendment filed next month.) This change was discussed at the Administrative Officer's meeting in May and was discussed and approved by the Ordinance Committee at its July meeting, with the wording finalized at its August meeting.

This proposal is not meant to, nor would it allow owners of newly platted lots to circumvent the regulations of the subdivision ordinance. It is simply a way to help property owners of older, often substandard-sized lots, to make improvements to their property, without having to spend money to erase or recreate old platted lines.

STAFF RECOMMENDATION:

Approval

Handwritten signatures in black ink, appearing to be initials or names, located in the bottom right area of the page.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 1
OF ORDINANCE NO. _____
BEING THE UNIFIED ZONING 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 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 definition of **LOT** to read as follows:

LOT (WEST LAFAYETTE, TIPPECANOE COUNTY, DAYTON, BATTLE GROUND, CLARKS HILL). Either:

- (1) (a) a piece of land, the location, shape and size of which have been established by a recorded plat, **subdivision** or planned development; or
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or
- (c) an area of land exclusive of platted streets that includes platted lots, or parts of platted lots that are used as one, in single ownership, that is in a plat recorded prior to July 1, 1978, having access from a public street approved by the Administrative Officer.

and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Unified Subdivision Ordinance, or a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or

- (2) a piece of land, not in a recorded plat, **subdivision** or planned development, the location, shape and size of which are determined by:
 - (a) the legal description in the last recorded document prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or thereafter by
 - (b) the legal description in the last recorded document made as an exempt division or **parcelization** under the then applicable Subdivision Ordinance;

and which shall include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Unified Subdivision Ordinance. (This does not include the term **mobile home park/manufactured home community lot** which is defined separately.)

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

Handwritten signatures and initials:
Jm
A.S.
RUC
CPS