

ORDINANCE NO. 2025-7

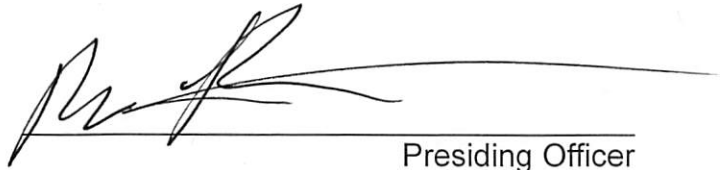
AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

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:

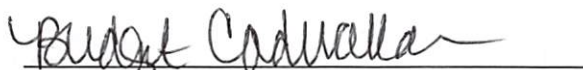
Section 1: Change UZO Section 6-4-4(j) SPECIAL EXCEPTIONS, by removing the language "an interested person, or a staff member or" to read "Administrative Officer" only.

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 15 DAY OF April, 2025.


Presiding Officer

ATTEST:


Clerk-Treasurer

ORIGINAL

APPROVED



Several handwritten signatures are present in the bottom right corner, likely representing the Town Council members who approved the ordinance.

ORDINANCE NO. 2025-7**AN ORDINANCE AMENDING CHAPTER 6
OF ORDINANCE NO. 97-11
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. 97-11, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change **UZO Section 6-4-4(j) SPECIAL EXCEPTIONS** by removing the language "an interested person, or a staff member or" to read "Administrative Officer" only.

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

APPROVED**ORIGINAL**

Handwritten signatures and initials: a large stylized 'A', a signature that appears to be 'RER', and initials 'MB' and 'CD'.

Unified Zoning Ordinance Amendment #117 SPECIAL EXCEPTION TERMINATION AMENDMENT

Staff Report
MARCH 13, 2025

BACKGROUND:

When presented with a proposed process and form for termination of a previously approved Special Exception, (SE), the Ordinance Committee, together with members of the ABZA, discussed amending the ordinance so that only an Administrative Officer would be allowed to file a petition to terminate a [previously approved] special exception. To the best of APC staff's knowledge, terminating an SE has never been attempted. Since the UZO provides a pathway for the BZA to do so, it was deemed prudent to clarify that process.

The proposed amendment would make changes to Chapter 6-4-4(j) of the UZO: (edits are shown in red)

"A *special exception* may be terminated by the **ABZA** if it finds a failure to comply with the terms of this ordinance or to conditions or commitments attached to its approval. An application to terminate may be filed by ~~an interested person, or a staff member or~~ an **Administrative Officer**. The **ABZA** may take this action only at a public hearing, having given notice of that hearing to the property owner."

The proposed amendment would remove the possibility of a member of the public filing an application to terminate, and place the responsibility entirely in the hands of an Administrative Officer (AO). The County has three such AO's: Lafayette, West Lafayette, and County. All have been involved in discussions with APC staff regarding the proposal, and all are in support.

The Ordinance Committee approved this amendment at its February 5, 2025 meeting.

STAFF RECOMMENDATION:

Approval

ORIGINAL

ORIGINAL

[Handwritten signatures and initials]

ORDINANCE NO. _____**AN ORDINANCE AMENDING CHAPTER 6
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 6-4-4(j) SPECIAL EXCEPTIONS** by removing the language "an interested person, or a staff member or" to read "Administrative Officer" only.

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

ORIGINAL
ORIGINAL



Area Plan Commission of Tippecanoe County, Indiana

March 20, 2025
Ref. No.: 2025-062

Town of Dayton
PO Box 557
Dayton, IN 47941

CERTIFICATION

RE: UZO AMENDMENT #117

The proposed amendment would create a procedure for terminating special exceptions previously approved by the Area Board of Zoning Appeals

Dear Council Members:

As Secretary Pro Tem to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 19, 2025, the Area Plan Commission of Tippecanoe County voted 14 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 Town of Dayton that the proposed zoning ordinance be approved.

Sincerely,

Amanda M. Esposito
Assistant Director

AE/kl

Enclosures: Staff Report and Ordinance

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