

2019 MAR 29 P 12:39

ORDINANCE NO. 2019-12

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THAT THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, BEING A SEPARATE ORDINANCE AND PART OF THE MUNICIPAL CODE OF LAFAYETTE, INDIANA, IS HEREBY AMENDED AS FOLLOWS:

Section 1. Insert a new UZO Section 6-3-4 ZONING ORDINANCE CITATION NOTIFICATION PROCESS as follows:

6-3-4 ZONING ORDINANCE CITATION NOTIFICATION PROCESS:

(a) For violations listed below in 6-3-4(b) and (c), the *Administrative Officer* may choose to issue a citation notification as outlined in this Section, before taking further action under 6-3-1. The purpose of this Section is to help protect the public health, safety, and general welfare of the community by allowing an alternative process to correct violations of this ordinance.

(b) Land use violations that are subject to the citation notification process include:

Junk yards
Child Care Home
Child Care Center
Home Businesses (not legal Home Occupations) such as but not limited to:

Lawn care
Vehicle repair
Building contractor
Small engine repair
Billboard/outdoor advertising sign

Transient guest house
Agricultural rental hall
Boarding kennel
Breeding kennel
Construction/demolition disposal site
Buildings in FP zones
Amusement and recreation (outdoor) SIC 7999

(c) Development standard violations that are subject to the citation notification process include:

Electronic signs/changeable copy signs changing more frequently than once per minute
On-premise signage
Fill in the Flood Plain
Signs in public right-of-way
Home occupation limitations

Clear vision triangle
Fences
Setbacks for porches, decks and accessory buildings
Event oriented signs

- (d) In the event of a violation under 6-3-4(b) or (c), the **Administrative Officer** may issue a citation notification, either in person or by certified letter, to the owner and/or possessor who violates, or who permits a violation of any provision of this ordinance. The person shall then have 15 days from the date of notice to contact the **Administrative Officer** and remedy the violation. If the violation is not corrected, or if no response is made within 15 days, the **Administrative Officer** may issue notice of a fine in an amount not to exceed \$250. If the violation is not corrected and no response is made to the **Administrative Officer** after 30 days, a second notice of fine may be issued in double the amount of the first fine. If the violation is not corrected and no response is made to the **Administrative Officer** after 45 days, a fine in triple the amount of the first fine may be issued, and the **Administrative Officer** may take further action under 6-3-1.
- (e) Nothing in this Section shall preclude or limit the Area Board of Zoning Appeals or any **Administrative Officer** from seeking any remedy under 6-3-1.

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

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THIS _____ DAY OF _____, 20__.

ATTEST:

Ronald Campbell, Presiding Officer

Cindy L. Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____ day of _____, 20__.

Cindy L. Murray, City Clerk

This Ordinance approved and signed by me on the _____ day of _____, 20__.

ATTEST:

Tony Roswarski, Mayor

Cindy L. Murray, City Clerk

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

March 21, 2019
Ref. No.: 2019-062

Lafayette City Council
20 N. 6th Street
Lafayette IN 47901

CERTIFICATION

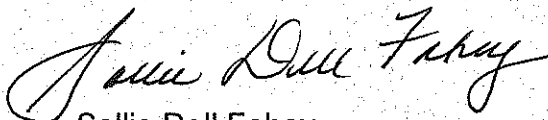
RE: UZO AMENDMENT #95

Dear City Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 20, 2019, the Area Plan Commission of Tippecanoe County voted 15 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 Lafayette Common Council that the proposed zoning ordinance amendment be approved.

The Area Plan Commission also voted by a vote of 14 yes -1 no that no fee will be charged to file an Appeal from a Decision of an Administrative Officer if the appeal is from a zoning ordinance violation citation. The APC Bylaws will be amended in the fee schedule to reflect that change.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/kl

Enclosure: Staff Report and Ordinance

**UZO AMENDMENT #95
ZONING ORDINANCE VIOLATION CITATIONS**

**STAFF REPORT
March 14, 2019**

UZO Amendment #95
ZONING ORDINANCE VIOLATION CITATIONS

Staff Report
March 14, 2019

For many months, staff has been working with the Administrative Officers (A.O.s) for the county, West Lafayette and the towns as well as with APC legal counsel, to create a way for the A.O.'s to enforce the UZO without sending every violation to the courts. This would be a way for the A.O. to have some power beyond the simple threat to take a violator to court.

This amendment (see attached) creates a procedure to follow after certain zoning ordinance violations become known and are investigated. It would allow the A.O. to issue a ticket or citation to an offender with a fee to be paid if the owner/operator takes no action after 15 days. The fee doubles after 30 days and triples after 45 days of no action, after which, the violator would be taken to court.

The amendment lists land use violations as well as development standard violations that would be eligible for these citations.

This amendment was discussed and debated during several meetings of the Ordinance Committee beginning at the November 2018 meeting, finally receiving the committee's approval at the February 2019 meeting.

RECOMMENDATION:

Approval

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
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. Insert a new **UZO Section 6-3-4 ZONING ORDINANCE CITATION NOTIFICATION PROCESS** as follows:

6-3-4 ZONING ORDINANCE CITATION NOTIFICATION PROCESS:

- (a) For violations listed below in 6-3-4(b) and (c), the **Administrative Officer** may choose to issue a citation notification as outlined in this Section, before taking further action under 6-3-1. The purpose of this Section is to help protect the public health, safety, and general welfare of the community by allowing an alternative process to correct violations of this ordinance.
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Agricultural rental hall

Boarding kennel

Breeding kennel

Construction/demolition disposal site

Buildings in FP zones

Amusement and recreation (outdoor) SIC 7999

- (c) Development standard violations that are subject to the citation notification process include:

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- On-premise signage
- Fill in the Flood Plain
- Signs in public rights-of-way
- Home occupation limitations
- Clear vision triangle
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- Setbacks for porches, decks and accessory buildings
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- (d) In the event of a violation under 6-3-4(b) or (c), the **Administrative Officer** may issue a citation notification, either in person or by certified letter, to the owner and/or possessor who violates, or who permits a violation of any provision of this ordinance. The person shall then have 15 days from the date the notice is mailed or personally delivered to contact the **Administrative Officer** and remedy the violation. If the violation is not corrected, or if no response is made within 15 days, the **Administrative Officer** may issue notice of a fine in an amount not to exceed \$250. If the violation is not corrected and no response is made to the **Administrative Officer** after 30 days, a second notice of fine may be issued in double the amount of the first fine. If the violation is not corrected and no response is made to the **Administrative Officer** after 45 days, a fine in triple the amount of the first fine may be issued, and the **Administrative Officer** may take further action under 6-3-1.

- (e) Nothing in this Section shall preclude or limit the Area Board of Zoning Appeals or any **Administrative Officer** from seeking any remedy under 6-3-1.

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