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CINDY MURRAY

ORDINANCE NO. 2009-16

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 HEREBYAMENDED AS FOLLOWS:

Section 1. Change **3-2-6, PERMITTED USE TABLE**, "Trash transfer stations" (SIC 4212) by adding the term "entirely enclosed" and listing UZO Section 4-4-13 under "Special Conditions" and by adding the following footnote:

Footnote 64: An entirely enclosed trash transfer station includes a station where all operations, other than transportation, are conducted in an enclosed building and those stations entirely enclosed but with doors open during operation.

Section 2. Change **3-2-6, PERMITTED USE TABLE**, by adding a new category: "Trash transfer stations – not entirely enclosed" (SIC 4212) making the use require a special exception (S) in the I3 zone. Also under "Special Conditions" change by adding UZO Section 4-4-13 and by adding the following footnote:

Footnote 65: 'Trash transfer stations – not entirely enclosed' includes but is not limited to, operations that have some component, out-building, or structure open on at least one side during operations or enclosed on four sides and unroofed."

Section 3. Add Section **4-4-13, TRASH TRANSFER STATIONS**, to read as follows:

4-4-13 *TRASH TRANSFER STATIONS* REQUIREMENTS:
All trash transfer stations shall comply with the following:
(a) Be totally and permanently encircled by a security fence at least 6' high. The fence shall be erected within the setback, in front of, within, or behind the required bufferyard.
(b) Be surrounded by a type "C" bufferyard on all sides.
(c) Have a 100' building and/or outdoor use area setback from the sides and rear property lines.
(d) Have a 300' separation measured from the property line of the trash transfer station to the nearest ***residence***, ***residential zone***, school, church, or other place of public assembly.
(e) In the presence of an existing ***trash transfer station***, a new ***dwelling***, new school, new church or other place of public assembly shall not be built within 300' of that ***trash transfer station***, measured from that ***primary use building*** to the property line of the ***trash transfer station***.

(f) Expansion of a ***trash transfer station*** which otherwise existed at the time this ordinance became effective or was amended shall still comply with the 300' separation from ***residential zones*** as set forth above.
(g) The separation standard described in (d), (e), and (f) above shall be 500' when the trash transfer station is entirely enclosed but with doors open during operation.
(h) The separation standard described in (d), (e), and (f) above shall be 1000' when the trash transfer station is not entirely enclosed, and has some component, out-building, or structure open on at least one side during operations or enclosed on four sides and unroofed.

Section 4. Change **1-10-2 WORDS AND TERMS DEFINED** by adding the following two definitions and modifying the definition of REPETITIVE LOSS as shown:

REPAIR COST. The current fair market value of the labor and materials used to restore a damaged use, structure, mobile home, or signage to its condition immediately prior to sustaining the damage in question.

REPLACEMENT COST. The current cost of recreating or reconstructing a damaged use, structure, mobile home, or signage to its condition immediately prior to sustaining the damage in question using new materials of the same or similar type.

REPETITIVE LOSS. Flood related damages sustained by a ***structure*** on at least two (2) separate occasions during a 10-year period for which the ***repair cost*** at the time of each such flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the ***structure*** immediately before the damage occurred.

Section 5. Change the following 8 sections of **5-1 SUPPLEMENTARY REGULATIONS** to read as follows:

5-1-2

(d) When a ***nonconforming use*** is damaged by any means to the extent that the ***repair cost*** exceeds 50% of the ***replacement cost*** of that ***use***, the ***nonconforming use*** shall no longer be permitted.
(1) When a ***nonconforming use*** in the FP ***zone*** is ***substantially damaged*** by any means to the extent that the ***repair cost*** exceeds 50% of the market value of that ***use***, the ***substantially damaged nonconforming use*** shall no longer be permitted in the FP ***zone***. (Amend 56)

5-1-3

(c) When a ***nonconforming mobile home*** is damaged by any means to the extent that the ***repair cost*** exceeds 50% of the ***replacement cost*** of that ***mobile home***, the ***nonconforming mobile home*** shall no longer be permitted.
(1) When a ***nonconforming mobile home*** in the FP ***zone*** is ***substantially damaged*** by any means to the extent that the ***repair cost*** exceeds 50% of the market value of that ***mobile home***, the ***substantially***

damaged nonconforming mobile home use shall no longer be permitted in the FP ***zone***. (Amend 56)

5-1-4

(b) When a ***nonconforming mobile home park / manufactured home community*** is damaged by any means to the extent that the ***repair cost*** exceeds 50% of the ***replacement cost*** of that ***use***, the ***nonconforming use*** shall no longer be permitted. Repairs to any individual mobile home / manufactured home located within a ***mobile home park / manufactured home community*** and owned by a person or entity other than the person or entity owning and/or operating the ***nonconforming mobile home park / manufactured home community*** shall not be considered in calculating the replacement costs of the ***nonconforming mobile home park / manufactured home community***. (Amend 52)

5-1-6

(d) When a ***nonconforming structure*** is damaged by any means to the extent that the ***repair cost*** exceeds 50% of the ***replacement cost*** of that ***structure***, it shall only be reconstructed in conformance with the requirements of this ordinance. If it had been occupied by a ***nonconforming use***, that ***use*** will no longer be permitted.

(1) When a ***nonconforming structure*** in the FP ***zone*** is ***substantially damaged*** by any means to the extent that the ***repair cost*** exceeds 50% of the market value of that ***structure***, the ***substantially damaged nonconforming structure*** shall no longer be permitted in the FP ***zone***. (Amend 56)

5-1-7

(c) When ***nonconforming signage*** is damaged by any means to the extent that the ***repair cost*** exceeds 50% of the ***replacement cost*** of that ***signage***, the ***nonconforming signage*** will no longer be permitted.

(1) When ***nonconforming signage*** in the FP ***zone*** is ***substantially damaged*** by any means to the extent that the ***repair cost*** exceeds 50% of the market value of that ***signage***, the ***substantially damaged nonconforming signage*** shall no longer be permitted in the FP ***zone***. (Amend 56)

5-1-8

(d) When a ***noncomplying use*** is damaged by any means to the extent that the ***repair cost*** exceeds 50% of the ***replacement cost*** of that ***use***, it shall only be reconstructed in compliance with the requirements of this ordinance. If it was also a ***nonconforming use***, that ***use*** will no longer be permitted.

(1) When a ***noncomplying use*** in the FP ***zone*** is ***substantially damaged*** by any means to the extent that the ***repair cost*** exceeds 50% of the market value of that ***use***, the ***substantially damaged noncomplying use*** shall no longer be permitted in the FP ***zone***. (Amend 56)

5-1-9

(a) Discretionary repair and maintenance may be done on any ***nonconforming use*** or ***nonconforming structure***, only if:

(1) the work consists of ordinary repairs, or of repair or replacement of non-bearing walls, fixtures, wiring or plumbing;

(2) the total cost of such discretionary repair and maintenance does not exceed 30% of the ***replacement cost*** of that ***use*** or ***structure*** in any 3-year period (Amend 7), or

(i) For properties in the FP ***zone***, the total cost of such discretionary repair and maintenance shall not exceed 10% of the market value of that ***use***, ***structure*** or ***mobile home*** in the FP ***zone*** in any 1-year period and cumulatively along with documented damage totals from previous events shall not equal or exceed 50% of the market value of that ***use***, ***structure*** or ***mobile home*** over the life of the ***use***, ***structure*** or ***mobile home*** in the FP ***zone***; (Amend 56) and

Section 6. Change **UZO Section 1-10-2 Words and Terms Defined**, to read as follows:

RURAL ESTATE SUBDIVISION. A unified rural residential ***development*** zoned RE, ***rural estate zone***, or RE and FP. (The FP-zoned portion may include tilled land, and may make up portions of residential ***lots***.) A ***rural estate subdivision*** shall not be located within an IURC approved service area (CTA) of a sanitary sewer provider or within the service area of a municipally owned sewer system unless it is farther than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of ***rural estate subdivisions*** may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system. More than 50% of its acreage is either:

(1) wooded and untilled,

(2) ***non-tillable***, or

(3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A ***rural estate subdivision*** has a maximum ***density*** of no more than 1 ***dwelling unit*** per 2 acres, and a minimum residential ***lot area*** of 1 acre, exclusive of any outlot containing drainage ***easements*** and/or ***rural estate roads***, and exclusive of any ***public street right-of-way***. (Amend 27)

RURAL ESTATE ZONE. A ***rural zone*** containing part or all of a ***rural estate subdivision.*** Proposed RE-zoned sites, or FP-zoned portions of ***rural estate subdivisions*** shall not be located within an IURC approved service area (CTA) of a sanitary sewer provider or within the service area of a municipally owned sewer system unless it is farther than ½ mile, measured radially, from the nearest

sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of ***rural estate subdivisions*** may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system. More than 50% of the acreage of the ***rural estate subdivision*** of which it is a part is either:

(1) wooded and untilled,
(2) ***non-tillable***, or
(3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A ***rural estate zone*** request includes no more than 12 residential ***lots***, and shall include no FP-zoned lands; FP-zoned land cannot be rezoned. (Amend 27)

Section 7. Change **UZO Section 2-28-14(a) Additional Requirements**, to read as follows:

(a) Proposed RE-zoned sites, or FP-zoned portions of ***rural estate subdivisions*** shall not be located within an IURC approved service area (CTA) of a sanitary sewer provider or within the service area of a municipally owned sewer system unless it is farther than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of ***rural estate subdivisions*** may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system.

Section 8. Change **UZO Section 4-4-8 Setbacks for *Open Uses*** by adding the following subsection (b):

(b) Setbacks for ***open uses*** must be within the legal description of the special exception.

Section 9. Change **UZO Section 4-9-7-c-1 (d) Bufferyard Requirements for Certain *Open Uses*** to read as follows:

(d) These ***open uses*** shall also be totally and permanently enclosed by a security fence at least 6' high. Mining operations (SIC 14) approved for fewer than 12 months (one year) may be totally and permanently enclosed by a typical woven-wire farm-field fence, (minimum height of 48"), which may be located either in front of or behind the required ***setback***. The fence shall be erected within the ***setback***, either in front of, within, or behind the required ***bufferyard***. For mining operations, the fence shall only be

removed in conformance with a Reclamation Plan approved by the ***ABZA*** under 4-11-4 (Amend 5) below.

Section 10. Add the following subsection (h) to **Section 4-9-7-c-1 Bufferyard Requirements for Certain *Open Uses***, to read as follows:

(h) No bufferyard is required for mining operations (SIC 14) lasting less than 12 months (one year).

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 14 DAY OF Sept 2009.

Steven P. Meyer, Presiding Officer

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the 14 day of Sept, 2009

Cindy Murray, City Clerk

This Ordinance approved and signed by me on the 14 day of Sept 2009.

Tony Roswarski, Mayor

ATTEST;

Cindy Murray, City Clerk

CITY OF
LAFAYETTE

CINDY MURRAY
CITY CLERK

Certificate

STATE OF INDIANA	)
	)
COUNTY OF TIPPECANOE	) SS:
	)
CITY OF LAFAYETTE	)

This is to certify that the Common Council of the City of Lafayette did pass Ordinance 2009-16 at their regular meeting on the 14th day of September 2009 The vote was 8 ayes and 0 nays.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LAFAYETTE, INDIANA ON THIS 14th DAY OF September 2009.

Cindy Murray
Cindy Murray
City Clerk, City of Lafayette

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