

ORDINANCE NO. 26-2023

**TO AMEND CERTAIN PORTIONS OF THE
UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA,
DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE,
INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:**

Section 1: Amend **UZO Section 1-10-2 Words and Terms Defined** by changing the term “manufactured home” to “modular home”. Also, amend the definition to read as follows:

~~**MANUFACTURED HOME.**~~ **MODULAR HOME.** A *single-family dwelling unit* designed and built in a factory, installed as a permanent *residence*, which bears a seal certifying that it meets or exceeds all standards established in *I.C. 36-7-4-1106(d)*, and which also complies with the following specifications:

- (1) shall have been constructed after January 1, 1981, and shall exceed 750 sq.ft. of occupied space;
- (2) is attached to a permanent foundation and has a permanent perimeter enclosure, built in accordance with the Indiana Residential Code (Amend 31);
- (3) has wheels, axles, towing chassis and tongue removed;
- (4) has a pitched roof with a minimum rise of 3/12; and,
- (5) consists of 2 or more sections which, when joined, have a minimum dimension of 23' in both length and width.

A *single-family dwelling unit* designed and built in a factory and installed as a permanent *residence*, which fails to meet any of the above criteria, shall be defined here as either a **MANUFACTURED HOME** or a **MOBILE HOME** (See also the definition section of the Indiana Residential Code 675 IAC 14-4.4). (Amend 15)

Section 2: Amend **UZO Section 1-10-2 Words and Terms Defined** by adding the term “manufactured home” to the definition of “mobile home” as follows:

MOBILE HOME/MANUFACTURED HOME. A single *dwelling* suitable for year-round occupancy, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a *permanent foundation* when connected to required utilities.

Section 3: In **UZO Section 3-2 the Permitted Use Table**, change the term “manufactured home” to “modular home” and change “mobile home” to “mobile home/manufactured home”.

Section 4: In **UZO Section 6-2-5 Site Plan Requirements (b) and (b)(7)** change the term “manufactured home” to “modular home” and amend the opening paragraph in **Section 6-2-5 (b)** as follows:

In addition to the requirements of 6-2-5-a above, a **site plan** involving a **single- or two-family residence** (including a **modular home, manufactured home** or a **mobile home**) shall, where applicable, include:

Section 5: Change **UZO Chapter 4** by adding the following opening sentence to **Section 4-11-18 AGRICULTURAL RENTAL HALLS:**

In any zone which requires a special exception from the Area Board of Zoning Appeals for the operation of an **agricultural rental hall**, the following conditions and requirements shall be met:

- (a) The primary use building of an **agricultural rental hall** shall be setback from the nearest dwelling not affiliated with the use at a distance of no less than 1000’.
- (b) Agricultural Rental Halls shall not have outdoor amplified music, other than brief ceremonial or processional music.
- (c) Hours of operation shall be from 8am until 10pm Sunday through Thursday and 8am through Midnight Friday and Saturday.
- (d) The guest capacity for any event shall be the lower of either the state review findings or petitioner’s application number, but not more than 300 persons.
- (e) Subject to **Administrative Officer’s** approval, a bufferyard shall be installed between the parking area and adjacent properties such that it shields the headlights from arriving and departing vehicles. The bufferyard may be chosen from one of the following:
 - (1) A 6’ solid wood (privacy) fence;
 - (2) A berm; or
 - (3) A double row of evergreen trees.


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

INTRODUCED ON FIRST READING ON THE 6 DAY OF November, 2023.

MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Thomas.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 6 DAY OF November, 2023, HAVING BEEN PASSED BY A VOTE OF 9 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown	✓			
Bunder	✓			
DeBoer	✓			
Lee	✓			
Leverenz	✓			
Parker	✓			
Sanders	✓			
Thomas	✓			


 Peter Bunder, Presiding Officer

Attest:

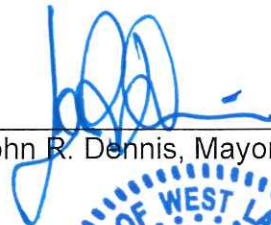

 Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA
 ON THE 7 DAY OF November, 2023.


 Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 8 DAY OF
November, 2023.


 John R. Dennis, Mayor

Attest:


 Sana G. Booker, Clerk



**Revised UZO Amendment #111
MODULAR HOMES
& AGRICULTURAL RENTAL HALLS**

Staff Report
September 28, 2023

Modular Homes:

Tippecanoe County Building Commissioner Mike Wolf has asked for a change to the definition section of the UZO. Currently, our definition of “manufactured home” is what the Indiana Building Code defines as a “modular home”. Manufactured homes, per building code, are what used to be called “mobile homes” and can be single-wide, double or triple in width. They are allowed in the rural zones and in what the UZO calls “mobile home park/manufactured home communities” by right. Modular homes, long misnamed in our zoning ordinance as “manufactured homes,” are similar to a stick-built house and require building inspections as would a standard house. This misnaming has understandably led to some confusion among the public. This amendment would simply replace the term “manufactured home” with the correct terminology “modular home” in the definition section and in the permitted use table. *The revision from the original amendment filed last month would correct the same term found twice in Section 6-2-5 of the UZO, add “manufactured home” to the mobile home definition as well as the Permitted Use Table entry, and change the last sentence in the definition of “modular home” to hopefully make the distinctions clearer.*

Agricultural Rental Halls – no change from last month:

When Amendment 109 was proposed and adopted earlier this year, it was the intent of staff to place restrictions only on those rental halls located in Agricultural zoning districts which require a special exception from the ABZA. At the time, our county only had rental halls in Agricultural zones. Language was inadvertently not included in the amendment to indicate such, and so the restrictions adopted earlier this year apply to all agricultural rental halls, even those allowed “by right” in GB zones. This oversight was discovered recently when the developers of a proposed rental hall in a GB zone in Montmorenci came in to speak with staff.

Staff is proposing amending section 4-11-18 so the special conditions only apply to those rental halls that require a special exception from the ABZA by adding a single sentence (shown in yellow highlighter on the attached ordinance) to the start of the requirements. The standards shown below the yellow highlighted area, items a through e, are already in the ordinance after adoption of Amendment 109 in February of this year.

STAFF RECOMMENDATION:

Both proposed changes were discussed, voted on and approved at the Ordinance Committee meeting on September 6th; the additional modular home language was approved at the October 4th Ordinance Committee meeting and staff is again recommending approval.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4 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: Amend UZO Section 1-10-2 Words and Terms Defined by changing the term “manufactured home” to “modular home”. Also, amend the definition to read as follows:

MANUFACTURED HOME. MODULAR HOME. A *single-family dwelling unit* designed and built in a factory, installed as a permanent *residence*, which bears a seal certifying that it meets or exceeds all standards established in *I.C. 36-7-4-1106(d)*, and which also complies with the following specifications:

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 - (2) A berm; or
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Area Plan Commission of Tippecanoe County, Indiana

October 19, 2023
Ref. No.: 2023-226

West Lafayette City Council
222 N. Chauncey Avenue
West Lafayette, IN 47906

CERTIFICATION

RE: UZO AMENDMENT #111, OMNIBUS AMENDMENT:

This revised amendment would make minor adjustments to the Ordinance regarding manufactured/modular homes and agricultural rental halls.

Dear West Lafayette City Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on October 18, 2023, 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 West Lafayette City Council that the proposed zoning ordinance be approved.

Sincerely,

David Hittle
Executive Director

DH/kl

Enclosures: Staff Report and Ordinance

cc: Chad Spitznagle, City of West Lafayette

