

ORDINANCE NO. 02-13

TO AMEND CERTAIN PORTIONS OF THE UNIFIED SUBDIVISION 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. 20-79 IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **USO Section 3.3-4-g** to read as follows:

Effective Period of Primary Approval.

Unless extended, the primary approval of a major subdivision preliminary plat shall be effective for a period of five-ten (510) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any major subdivision final plats not receiving secondary approval within the period of time set forth herein shall be null and void, ~~and the developer~~. To restart the process the subdivider shall be required to resubmit a new application for major sketch plan review and certificate subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission. The 10-year effective period shall be applied retroactively to all major subdivision primary approvals granted from January 1, 2003 forward.

Section 2: Add new **USO Section 3.3-4-h** to read as follows:

Primary Approval Extensions.

Prior to the end of the ten (10) year effective period of the primary approval and upon request of the subdivider the Commission or Executive Committee may extend the primary approval of a major subdivision preliminary plat in increments of two (2) years beyond an expiration date without further notice and public hearing. Additional two (2) year extensions may be granted by the Commission or Executive Committee prior to an expiration date.

Section 3: Add new **USO Section 3.3-4-I** to read as follows:

Belated Primary Approval Extensions

Within two (2) years after the expiration date of a major subdivision primary approval effective period (original or extended), the subdivider may submit an application to request authorization from the Commission or Executive Committee for a belated primary approval extension of two (2) years. The application to authorize and to hear such a belated request shall be made on forms available at the office of the Commission and be submitted with a fee specified in the *Bylaws of the Tippecanoe*

County Area Plan Commission. No belated primary approval extension applications can be submitted more than two (2) years after the expiration date of a major subdivision primary approval effective period (original or extended).

Section 4: Change the first sentence in **USO Section 3.3-6-c** to read as follows:

Prior to granting secondary approval of a major subdivision final plat, the Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat.

Section 5: Change the last sentence in **USO Section 3.3-6-c** to read as follows:

The approval of all remaining sections not filed with the Staff shall automatically expire after ~~five-ten~~ (510) years of the date of primary subdivision approval of the subdivision plat, unless the expiration date has been extended.

Section 6: Change the first sentence in **USO Section 4.1-6** to read as follows:

For subdivisions for which no performance bond has been posted, if the public improvements are not completed within ~~five-ten~~ (510) years of the date of primary approval, that approval shall be deemed to have expired, unless the expiration date has been extended.

Section 7: Add new **USO Section 3.4-6-a** to read as follows:

Effective Period of Primary Approval – Residential Minor Subdivision Sketch Plan.

Unless extended, the primary approval of a residential minor subdivision sketch plan shall be effective for a period of five (5) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any residential minor subdivision final plat not receiving secondary approval within the period of time set forth herein shall be null and void. To restart the process, the subdivider shall be required to submit a new application for minor sketch plan review subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission.

Section 8: Add new **USO Section 3.4-6-b** to read as follows:

Primary Approval Extensions.

Prior to the end of the five (5) year effective period of the primary approval and upon request of the subdivider the Commission or Executive Committee may extend the primary approval of a residential minor subdivision sketch plan in increments of two (2) years beyond an expiration date without further notice and public hearing.

Additional two (2) year extensions may be granted by the Commission or Executive Committee prior to an expiration date.

Section 9: Add new **USO Section 3.4-6-c** to read as follows:

Effective Period of Primary Approval – Nonresidential Minor Subdivision Sketch Plan.

Unless extended, the primary approval of a nonresidential minor subdivision sketch plan shall be effective for a period of ten (10) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any nonresidential minor subdivision final plat not receiving secondary approval within the period of time set forth herein shall be null and void. To restart the process, the subdivider shall be required to submit a new application for minor sketch plan review subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission. The 10-year effective period shall be applied retroactively to all nonresidential minor subdivision primary approvals granted from January 1, 2003 forward.

Section 10: Add new **USO Section 3.4-6-d** to read as follows:

Primary Approval Extensions.

Prior to the end of the ten (10) year effective period of the primary approval and upon request of the subdivider the Commission or Executive Committee may extend the primary approval of a nonresidential minor subdivision sketch plan in increments of two (2) years beyond an expiration date without further notice and public hearing. Additional two (2) year extensions may be granted by the Commission or Executive Committee prior to an expiration date.

Section 11: Change **USO Section 3.6-8-g** to read as follows:

Effective Period of Primary Approval.

Unless extended, the primary approval of a rural estate subdivision preliminary plat shall be effective for a period of five-ten (510) years at the end of which time secondary approval on the entire subdivision must have been obtained and certified by the Designated Officials of the Commission. Any rural estate subdivision final plats not receiving secondary approval within the period of time set forth herein shall be null and void, ~~and the developer~~To restart the process the subdivider shall be required to resubmit a new application for rural estate sketch plan review subject to all the zoning restrictions and subdivision regulations and procedures in effect at the time of resubmission. The 10-year effective period shall be applied retroactively to all rural estate primary approvals granted from January 1, 2003 forward.

Section 12: Add new **USO Section 3.6-8-h** to read as follows:

Primary Approval Extensions.

Prior to the end of the ten (10) year effective period of the primary approval and upon request of the subdivider the Commission or Executive Committee may extend the primary approval of a rural estate subdivision preliminary plat in increments of two (2) years beyond an expiration date without further notice and public hearing. Additional two (2) year extensions may be granted by the Commission or Executive Committee prior to an expiration date.

Section 13: Add new **USO Section 3.6-8-I** to read as follows:

Belated Primary Approval Extensions


Within two (2) years after the expiration date of a rural estate subdivision primary approval effective period (original or extended), the subdivider may submit an application to request authorization from the Commission or Executive Committee for a belated primary approval extension of two (2) years. The application to authorize and to hear such a belated request shall be made on forms available at the office of the Commission and be submitted with a fee specified in the *Bylaws of the Tippecanoe County Area Plan Commission*. No belated primary approval extension applications can be submitted more than two (2) years after the expiration date of a rural estate subdivision primary approval effective period (original or extended).

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

INTRODUCED ON FIRST READING ON THE 7 DAY OF January, 2013.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF January, 2013, HAVING BEEN PASSED BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			
VanBogaert	✓			



Presiding Officer

Attest:



Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 8 DAY OF January, 2013, AT THE HOUR OF 1:00 P.M.



Judith C. Rhodes, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 8 DAY OF January, 2013, AT THE HOUR OF 2:30 P.M.



John R. Dennis, Mayor

Attest:



Judith C. Rhodes, Clerk-Treasurer