

**ORDINANCE NO. 20-21**

**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:** Change **UZO Section 1-10-2 WORDS and TERMS DEFINED** by amending the definition of **LOT** to read as follows:

**LOT (WEST LAFAYETTE, TIPPECANOE COUNTY, DAYTON, BATTLE GROUND, CLARKS HILL).** Either:

- (1) (a) a piece of land, the location, shape and size of which have been established by a recorded plat, **subdivision** or planned development;
- (b) any part of that piece of land where a division has been made by a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or
- (c) an area of land exclusive of platted **streets** that includes platted lots, or parts of platted lots that are used as one, in single ownership, that is in a plat recorded prior to July 1, 1978, having access from a **public street** approved by the **Administrative Officer**.

and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Unified Subdivision Ordinance, or a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or

- (2) a piece of land, not in a recorded plat, **subdivision** or planned development, the location, shape and size of which are determined by:
  - (a) the legal description in the last recorded document prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or thereafter by
  - (b) the legal description in the last recorded document made as an exempt division or **parcelization** under the then applicable Subdivision Ordinance;

and which shall include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Unified Subdivision Ordinance. (This does not include the term **mobile home park/manufactured home community lot** which is defined separately.)

INTRODUCED ON FIRST READING ON THE 7 DAY OF September, 2021.

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

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF September, 2021, HAVING BEEN PASSED BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco			✓	
Brown	✓			
Bunder	✓			
DeBoer	✓			
Kang	✓			
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 8 DAY OF September, 2021.

  
 Sana G. Booker, Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 8 DAY OF  
September, 2021.

  
 John R. Dennis, Mayor

Attest:

  
 Sana G. Booker, Clerk



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## Unified Zoning Ordinance Amendment #102 CHANGING THE DEFINITION OF LOT

Staff Report  
August 12, 2021

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### STAFF COMMENTS:

This proposed ordinance change would eliminate a recurring problem that effects some property owners in Tippecanoe County. We have several “towns” that were platted in the 1800’s that never fully developed as originally planned. These unincorporated towns can be a grouping of houses along a highway, such as Monroe, Petit, Monitor and Odell. There are also bigger unincorporated towns that are more established such as West Point, Montmorenci and Americus. The towns of Romney, Stockwell, and Buck Creek, while unincorporated, now have (or are planned to have) sewer systems which will no doubt encourage new residential and commercial growth.

Once these towns were platted, land was sold and buildings were constructed...often without surveyor’s stakes marking lot corners. Houses were laid out in a haphazard fashion in relation to the old platted lot lines. Houses and other buildings built several decades ago were not sited as accurately as buildings constructed today. When a current property owner of these platted lots decides to get a permit to build an addition, a new porch, or tear down an existing garage and build a new one, that’s when it is typically discovered his house or garage crosses a platted lot line. The remedy for this is either to file a vacation of the platted lots or to hire a land surveyor to replat, or essentially, minor subdivide his platted lots. (In certain cases, an “Exemption E” deed can be recorded to eliminate the lot line problem. This remedy requires hiring a lawyer and sometimes a surveyor to fix. With older platted lots, because of their small size, often an Exemption E deed is not possible.) Vacations vary in cost depending on the number of people who own lots within the plat. Hiring an attorney as your representative would cost considerably more. Replats generally cost thousands of dollars and take a minimum of two months to complete.

The City of Lafayette has long had its own, simpler definition of “lot” in the UZO, separate from every other jurisdiction. It reads:

**LOT (LAFAYETTE).** An area of land exclusive of **street** areas but including adjacent areas that are used as one, having an access from a **public street** approved by the **Administrative Officer**.

This definition is why so few replats are filed in Lafayette, unless they are dividing a larger lot into two or more smaller lots. Because a “lot” can include several adjacent areas “that are used as one,” buildings are permitted to cross platted lot lines.

The attached amendment would allow buildings to cross platted lot lines in unincorporated towns, incorporated towns as well as the older platted areas of the City of West Lafayette. (After a brief discussion at the Ordinance Committee meeting in July, West Lafayette was added to the jurisdictions this amendment would include. No doubt the recent replat for West Lafayette Junior/Senior High School as well as the replat of several lots at the old Morton School needed for the recent city hall renovation came to mind.)

The only platted lots that would not be effected would be any lots within Otterbein or Shadeland (Union Township) which are not part of the APC, and lots created in the “modern era” after the adoption of the current Unified Subdivision Ordinance (USO). This amendment would also require a USO amendment so that the definitions of “lot” remain the same in both ordinances. (This will be part of a USO amendment filed next month.) This change was discussed at the Administrative Officer’s meeting in May and was discussed and approved by the Ordinance Committee at its July meeting, with the wording finalized at its August meeting.

This proposal is not meant to, nor would it allow owners of newly platted lots to circumvent the regulations of the subdivision ordinance. It is simply a way to help property owners of older, often substandard-sized lots, to make improvements to their property, without having to spend money to erase or recreate old platted lines.

**STAFF RECOMMENDATION:**

Approval

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 1  
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 1-10-2 WORDS and TERMS DEFINED** by amending the definition of **LOT** to read as follows:

**LOT (WEST LAFAYETTE, TIPPECANOE COUNTY, DAYTON, BATTLE GROUND, CLARKS HILL).** Either:

- (1) (a) a piece of land, the location, shape and size of which have been established by a recorded plat, **subdivision** or planned development; or
- (b) any part of that piece of land where a division has been made by a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or
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and which shall include any adjacent area of land added to that piece of land by either the vacation of a public way, or an exempt division as permitted by the Unified Subdivision Ordinance, or a document recorded prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or

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  - (a) the legal description in the last recorded document prior to July 1, 1978, and in Clarks Hill, April 1, 1996; or thereafter by
  - (b) the legal description in the last recorded document made as an exempt division or **parcelization** under the then applicable Subdivision Ordinance;

and which shall include any adjacent area of land added to that piece of land by either vacation of public way or an exempt division as permitted by the Unified Subdivision Ordinance. (This does not include the term **mobile home park/manufactured home community lot** which is defined separately.)

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





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Area Plan Commission of Tippecanoe County, Indiana

August 19, 2021  
Ref. No.: 2021-186

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

**CERTIFICATION**

**RE: UZO AMENDMENT #102**

Changing the definition of the term, "Lot" in the Unified Zoning Ordinance so that older, adjacent platted lots in single ownership can be used as one.

Dear City Council Member:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 18, 2021, the Area Plan Commission of Tippecanoe County voted 16 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 amendment be approved.

Sincerely,

David Hittle  
Executive Director

DH/ksl

Enclosure: Staff Report and Ordinance