

ORDINANCE NO. 2024-7

AN ORDINANCE AMENDING THE UNIFIED SUBDIVISION ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, THAT ORDINANCE NO. 79-9, BEING THE UNIFIED SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY IS HEREBY AMENDED AS FOLLOWS:

Section 1. In Section 2.2 Words and Terms Defined, amend the Minor Subdivision definition, and add the following new definitions:

MINOR SUBDIVISION. Any subdivision not classified as rural estate of not more than four (4) lots or one (1) Townhouse Group as a resubdivision, all with frontage on a perimeter street, or any further subdivision or resubdivision of a nonresidential development whose lots may or may not have frontage on a perimeter street which does not include any improvement to a public road, provided such subdivision activity involves neither the construction of any new street or road, nor the imposition of any adverse effect upon the use of the remainder of the land or adjoining property as determined by the Commission, and provided such activity conflicts with neither any provision or portion of the Comprehensive Plan, Official Map, or Unified Zoning Ordinance, nor any of the regulations set forth herein.

TOWNHOUSE. As regulated by the Indiana Residential Code, a single-family dwelling unit that is part of a row of two or more attached single-family dwelling units, where each unit is located on an individual lot under fee-simple ownership, served by public water and sewer, and shares at least one common wall with an adjacent single-family dwelling unit.

TOWNHOUSE GROUP. A single row of townhouses consisting of at least two but no more than ten attached single-family dwelling units.

Section 2. In Section 3.3 Major Subdivisions, add the following:

Figure 2. Major Subdivision Approval Process (amend chart, last bubble):

- Subdivider records plat (and later amends and records the plat for townhouse lots if applicable)

3.3(6) Final Subdivision Plat Procedure, add new subsection:

- (d) Townhouse Final Plats.

The final platting of townhouse projects occurs in two stages: the Final Plat and the Amended Final Plat.

- (i) At the Final Plat stage, a single lot is platted for each **Townhouse Group** along with all the other requirements for a Final Plat as specified in this section.

- (ii) Amended Final Plat stage: See Section 3.3(8).

3.3 Major Subdivisions, add new subsection:

- (8) Townhouse Amended Final Plats.

- (d) For any **townhouse** project, after the Final Plat is recorded, the property owners shall provide exact measurements locating **buildings** and common **lot lines** after foundations have been put in place for each **Townhouse Group**. The revised **plat** reflecting these exact locations shall be reviewed by staff as an amendment to the final plat and recorded prior to the issuance of a Certificate of Occupancy.

Section 3. In Section 3.4 Minor Subdivisions, add the following:

Figure 3. Minor Subdivision Approval Process (amend chart, last bubble):

- Subdivider records plat (and later records an amended final plat for townhouse lots if applicable)

3.4(7) Final Subdivision Plat Procedure, add new subsection:

- (e) Townhouse Final Plats.

The final platting of townhouse projects occurs in two stages: the Final Plat and the Amended Final Plat.

- (i) At the Final Plat stage, a single lot is platted for each **Townhouse Group** along with all the other requirements for a Final Plat as specified in this section.
- (ii) Amended Final Plat stage: See Section 3.3(9).

3.4 Minor Subdivisions, add new subsection:

- (9) Townhouse Amended Final Plats.

- (d) For any **townhouse** project, after the Final Plat is recorded, the property owners shall provide exact measurements locating **buildings** and common **lot lines** after foundations have been put in place for each **Townhouse Group**. The revised **plat** reflecting these exact locations shall be reviewed by staff as an amendment to the final plat and recorded prior to the issuance of a Certificate of Occupancy.

Section 4: In Section 6 “Specifications for Documents to be Submitted,” add the following:

6.5 Townhouse Amended Final Plat

- (1) The Townhouse Amended Final Plat shall include the exact measurements locating **buildings** and common **lot lines** after foundations have been put in place for each **Townhouse Group**.
- (2) All of the provisions of Section 6.4 shall be met except:
 - (a) Instead of the Certificate of Approval (A.1(10)), the Certificate of Approval for a Townhouse Amended Final Plat (A.1(10b)) shall be included; and
 - (b) Instead of the Dedication Certificate (A.1(13)), the Dedication Certificate for a Townhouse Amended Final Plat (A.1(13b)) shall be included.

Section 5: Add the following to the Appendix:

In **Appendix A, Required Forms and Certificates**, add the following:

A.1(10b) Certificate of Approval (for a Townhouse Amended Final Plat)

After having fulfilled all required public notice and after having received primary approval from either the Tippecanoe County Area Plan Commission or its Executive Committee, and after recording a Townhouse Final Plat, this Townhouse Amended Final Plat was reviewed by APC staff and found to be in compliance with the provisions of the Unified Subdivision Ordinance.

Tippecanoe County Area Plan Commission

By _____
Secretary

A.1 (13b) Dedication Certificate (for a Townhouse Amended final Plat)

We, the undersigned _____, owners of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the herein plat.

This subdivision, known and designated as _____, an addition to the (name of city, town, township), Tippecanoe County, State of Indiana, was created with the recordation of the original final plat, Document # _____, recorded on the _____ day of _____, 20___. The herein plat, a Townhouse Amended Final Plat, does not replace or supersede the original final plat. All public rights-of-way dedicated, and easements shown on the original final plat, remain unchanged whether shown herein or not.

The right to enforce these provisions by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained

in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our hand and seals this ____ day of _____, 20__.

(owner's signatures)

State of Indiana
County of Tippecanoe

Before me, the undersigned Notary Public, in and for the County and State, personally appeared _____ and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

WITNESS by hand and notarial seal this ____ day of _____, 20__.

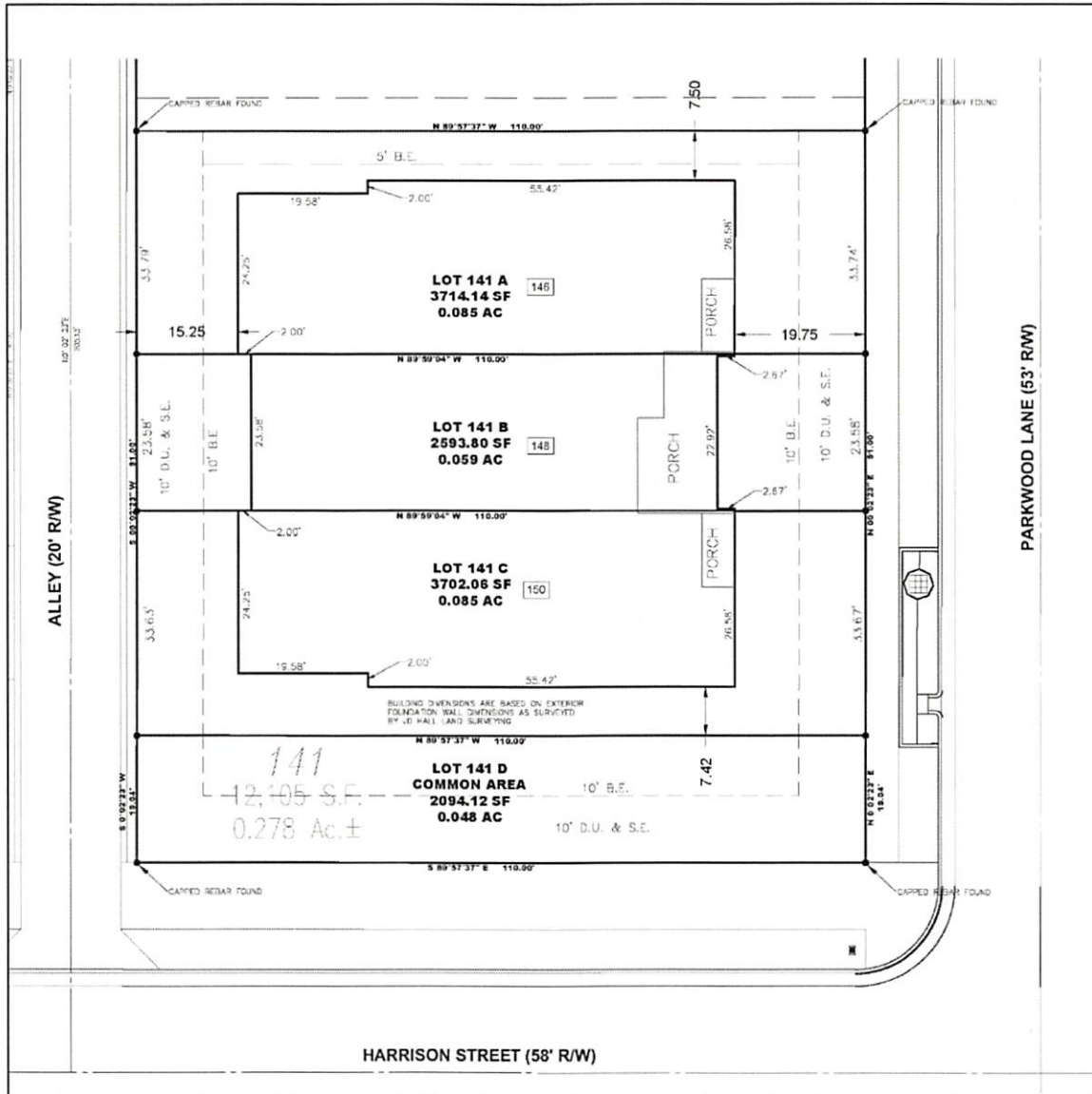
Notary Public

Residing in _____ County.

My Commission expires _____.

In **Appendix B**, Illustrative Examples, add the following text and images:

B.12 Townhouse Amended Final Plat



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

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA THIS 21 DAY OF May, 2024.

[Signature]
Presiding Officer

ATTEST:

[Signature]
Clerk-Treasurer