

**AREA PLAN COMMISSION
OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE**

NOTICE OF PUBLIC HEARING

DATE: FEBRUARY 1, 2017

TIME: 4:35 PM

PLACE: COUNTY OFFICE BUILDING

20 NORTH THIRD STREET

LAFAYETTE, INDIANA 47901

I. APPROVAL OF THE DRAFT MINUTES FROM THE JANUARY 4TH MEETING

Documents:

[ORD 01.04.2017.PDF](#)

II. AIRBNB:

Renewed discussion on single-family dwellings being used as transient rentals, following last month's APC meeting where the proposed amendment was tabled - Jay Seeger

Documents:

[AIRBNB TYPE USES.PDF](#)

III. MICRO WIRELESS POLES

Discussion on a proposed amendment regarding locating "repeater poles" within public road rights-of-way to improve wireless data capacity - Jay Seeger

IV. REGULATIONS FOR HORSE OWNERS IN DAYTON:

Continued discussion, at the town's request, regarding amending the UZO to create standards for resident horse-owners in the town - Sallie Fahey

Documents:

[DAYTON HORSES.PDF](#)

V. AMENDING FENCE SETBACKS:

Continued discussion regarding the UZO's largely unregulated fence setbacks on corner and through lots, particularly along major streets - Chad Spitznagle

Documents:

VI. CITIZEN COMMENTS

VII. ADJOURNMENT

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE
MINUTES OF PUBLIC MEETING**

DATE.....JANUARY 4, 2017
 TIME.....4:45PM
 PLACE.....COUNTY OFFICE BLDG.
 20 N. 3RD STREET
 LAFAYETTE, IN 47901

MEMBERS PRESENT

Larry Leverenz
 Jackson Bogan
 Carl Griffin
 Tim Shriner
 Gerry Keen
 Tom Murtaugh
 Gary Schroeder
 Greg Jones

MEMBERS ABSENT**STAFF PRESENT**

Sallie Fahey
 Kathy Lind
 Zach Williams, Atty.

OTHER APC MEMBERS PRESENT**OTHER ATTENDEES**

Erik Carlson
 Chad Spitznagle
 Bob Foley
 Tim Balensiefer
 Steve Clevenger
 Marcus Smith

Chair Tom Murtaugh called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroder moved to approve the minutes from the December 7, 2016 Ordinance Committee meeting. Greg Jones seconded and the motion passed by unanimous voice vote.

II. MICRO WIRELESS POLES:

A proposed amendment regarding locating "repeater poles" within public road rights-of-way to help cell phone reception

Zach Williams referred to the draft ordinance that was distributed at the December meeting and said he and Jay Seeger are looking for some input from the Committee on the proposal. The big issues are height, separation, lighting, and aesthetics. He believes we want to come up with a new zoning overlay just for the public right-of-way (ROW) that can be tweaked by jurisdiction. We have to do something because the state statute says we cannot discriminate against wireless cell tower providers in the permitting process.

Tom Murtaugh wants the ordinance to include something that states the towers have to be on the same pole as the storm sirens in the unincorporated areas of the county.

Sallie Fahey thinks that is so the provider will pay for the sirens.

Carl Griffin asked if the storm sirens are built higher than a typical residential light pole.

Tom Murtaugh said that is correct but he is not sure how much higher.

Sallie Fahey said we will have to figure that out. She went on to say that it is a concern in the unincorporated county, where there are virtually no street lights, that that is not a good trade-off. One of the providers told her that they have to run electricity to the poles anyway so in some places the micro-tower provider pays the electricity for the street light.

Tom Murtaugh asked if the poles will be in the rights-of-way or out in a field.

Sallie Fahey said we are only talking about public rights-of-way.

Zach Williams knows West Lafayette talked to the provider about providing the electricity because West Lafayette wants to locate the poles at road intersections and have the provider put the lights on the poles.

Sallie Fahey said the proposal sets a minimum distance of 600' apart.

Zach Williams said counsels for the jurisdictions discussed separation and came up with that number after West Lafayette suggested that distance because it is close to one city block.

Gerry Keen asked if there is a minimum for the pole to be functional and maximum height we are considering.

Sallie Fahey said right now we are proposing 40' from the ground. It is her understanding that the poles do not need to be very tall.

Zach Williams said one of the providers told him they have erected 90' towers and that height is a concern for a lot of communities. He thinks the lower the tower the more towers that are needed. We are proposing 40' because that is the approximate height of a light pole.

Jackson Bogan asked what the typical height of a stop light and street light in Lafayette and West Lafayette is. He also asked if the providers are hooking on to existing poles or building new ones.

Sallie Fahey said the providers will be erecting separate poles.

Zach Williams added that there is a preference for co-locating but we cannot force the providers to locate on an existing pole.

Jackson Bogan said they did a nice job on the Sagamore Parkway project and asked if these providers can put a pole up on that road without making the new pole look out of place.

Zach Williams said that is what we are trying to avoid. Eventually the providers will get impatient if we do not have restrictions in place and they will say no other public utility can locate in the public ROW if we cannot come up with ordinance provisions. The providers do not want to have to do that to be able to get their permits.

Jackson Bogan asked if any other jurisdictions have come up with ordinances.

Sallie Fahey said she gave the Fishers and Bloomington ordinances to Jay Seeger to use as a template.

Zach Williams said our proposal is based on the Fishers ordinance. Bloomington's was thrown together because they already had a bunch of permit applications filed. The Bloomington attorney told him they wish they had the time to do it the way they wanted to by putting more work in on the front end. The Fishers ordinance has an overlay and limits what the towers can be made of, color, and separation.

Tim Shriner said Lafayette has spent a lot of money on Sagamore Parkway and Veterans Memorial Parkway trying to make those thoroughfares beautiful.

Sallie Fahey assumes that we are not going to allow the poles in the medians where the fancy lights are located.

Tim Shriner pointed out that there aren't any poles in the right-of-way. He then asked if the power lines are underground or above ground on Veterans.

Bob Foley, 20 North 6th Street, Lafayette, IN 47901, Lafayette City Engineer's Office, said the utilities are overhead on Sagamore. He is not sure on Veterans. He added that he has denied multiple applications for these poles on Sagamore because of all the beautification that was just completed but he does not know if he will get away with that.

Tim Shriner asked if the providers come with a map of places where the poles can be placed or do they indicate the places the poles have to go.

Bob Foley said he has not heard back from the first provider he denied but the second provider he denied argues that the requested locations are the only places the poles can go. He believes there are other options. The providers come through with the backbone fiber first and then it is a foregone conclusion to the providers that they will be able to put the data poles along the fiber because the infrastructure is already there. He explained that one company runs the fiber and another company builds the poles to sell their service to the cell phone providers. He thinks we will have separate poles for every cell provider.

Sallie Fahey reminded the Committee that the providers are not doing the poles. The pole company is selling space on their pole to whoever wants to buy it.

Larry Leverenz asked if these poles become cell towers where several providers can co-locate on the pole.

Sallie Fahey thinks they might operate that way but she pointed out that these poles provide data and not voice. She thinks some sort of underground box is needed.

Bob Foley said Verizon's proposal was for some sort of refrigerator-sized cabinet and Lafayette told them absolutely not.

Tim Shriner asked if a cabinet is needed for every pole.

Bob Foley said every pole needs equipment but it can be underground.

Sallie Fahey said she has seen an advertisement for someone who is making underground vaults in Planning Magazine.

Bob Foley said underground vaults are more expensive because they have to be waterproofed. There is also an option to put the equipment in the air and that is what Lafayette made the provider do for the three data poles already in the ground.

Tim Shriner asked where the data poles are located.

Bob Foley replied that the poles are in front of the old Home Hospital site on South Street near the planned new pedestrian crossing into the park, at Five-Points on the 16th Street leg of the intersections, and next to the baseball stadium in Columbian Park.

Tom Murtaugh asked if the providers will have to move their poles at their expense if there is work being done in the right-of-way.

Sallie Fahey said if the providers did not purchase an exclusive easement they would have to pay to move their facility.

Zach Williams mentioned that there is a provision in the proposed ordinance that states that after a period of time the poles will have to be taken down if the pole has not been leased to a cell phone provider. Fishers ordinance states that the city will take it over rather than have the provider take the pole down.

Sallie Fahey said the Fisher ordinance uses 45 days.

Jackson Bogan asked how we can put an ordinance in place to protect the existing and the future road beautification.

Tom Murtaugh thinks the Administrative Officer (AO) would decide in those cases.

Zach Williams thinks compliance can be built in by stating that the poles have to match the aesthetics of the area. Fishers has some forest green poles so they blend in with the trees.

Tim Shriner asked if we are talking about location, height, and color.

Sallie Fahey said we also need to determine what we want in return like street light, siren, etc.

Tim Shriner said there are 12' black acorn light poles on Main Street. These new poles will not be compatible with those poles.

Sallie Fahey said we can write it into the ordinance that the new poles have to be compatible.

Bob Foley said the equipment cases can be put on a pole if it is smaller.

Tim Shriner pointed out that Lafayette put fiberglass, fluted poles on Main Street a couple of years ago. You cannot make a can or box look good on one of those poles. The providers will have to install new poles and he does not see how we can tell the providers what their poles have to look like. He asked if we will have to have a different standard for every neighborhood.

Sallie Fahey said the Committee is tasked with writing an ordinance that does just that. She said we can have different standards but the whole point is to have the ordinance say the aesthetic is up to the AO to suit the location.

Gerry Keen asked if it would be out of line to require the providers to house the equipment underground.

Bob Foley pointed out that underground is getting very full. Every provider has fiber everywhere.

Zach Williams thinks the proposal is requiring that all the wiring be buried but the box can touch the ground.

Sallie Fahey said the proposal is for all utility equipment at a single wireless facility, except the antennae, to be ground-mounted in a cabinet in an area not to exceed 40 cu.ft. and not taller than 48". We can write it into the ordinance that the cabinet be pole-mounted or allow the AO to make the decision on the cabinet location.

Gerry Keen said a 40 cu.ft. box is pretty large.

Jackson Bogan thinks we have to leave the decision to the AO because each permit will be different.

Sallie Fahey thinks Zach Williams and Jay Seeger need to deal with the legal aspects but we can list the options we are comfortable with and let the AO determine which option is used.

Zach Williams said allowing three options are good because that gives us a better defense if a permit is denied.

Gerry Keen asked if we can require a mini bufferyard around a box if it is located on the ground to make it blend in.

Sallie Fahey does not think we want an additional buffer because it will probably take up sidewalk space and run the risk of running afoul of ADA requirements.

Tom Murtaugh feels the providers should be required to maintain the areas around the boxes.

Larry Leverenz asked if we know or have an estimate on how dense these poles will be.

Bob Foley replied that Verizon showed him a map that had literally thousands of these poles in the City of Lafayette.

Zach Williams said this technology started on the east coast and is working its way west. You will not notice the poles in a city like Chicago or New York but he knows the poles are everywhere in New York with more to come in the next couple of years.

Sallie Fahey thinks there will be a lot of these poles where cell phone use is dense like on campus, stadiums, and arenas where a lot of people are using data at the same time.

Chad Spitznagle, 222 North Chauncey, West Lafayette, IN 47906, West Lafayette Engineer's Office, distributed a photo of one of the poles in Fishers. He thinks Mobilite's box is not on the pole and he agrees that we need a list of options of possible box locations. He thinks height, material, and separation need to be in the ordinance. Mobilite's was talking about 10-12 poles in West Lafayette.

Garry Keen asked if we can require the providers to put the poles on existing buildings in the downtown area provided the owners will lease them space.

Zach Williams thinks we can state a preference on co-location but he thinks we will run into legal problems if we force the providers to co-locate on something.

Larry Leverenz asked if co-locating on a building is an option.

Chad Spitznagle said no one has asked him if that is an option and thinks that is a good question.

Sallie Fahey said there is a forest of these types of things on top of the Life and Chase buildings in downtown Lafayette. She does not know if that will work for these data towers.

Larry Leverenz thinks that might be an option to consider.

Zach Williams pointed out that we have three different unique communities plus the towns and that makes it difficult to just base our ordinance on Fishers'. We will need specific minimums and maximums on a lot of these requirements but it will probably have to vary from jurisdiction to jurisdiction.

Carl Griffin said he did not come to the meeting as informed as he could have been to discuss this issue. He asked if enough feedback has been provided to fine tune the proposal for next month's meeting. He asked if three months is a reasonable timeframe to bring an ordinance amendment to the full APC.

Sallie Fahey thinks it is as long as we move quickly on this because the companies are chomping at the bit. She thinks she, Jay Seeger, and Zach Williams should include Chad Spitznagle, Opal Kuhl and Bob Foley in the discussion because ROWs are controlled by governmental units. The towns are also invited to send a representative.

Zach Williams knows there will be a lot in this ordinance because it affects regulations we already have. He thinks we should limit the discussion here to height, separation distance, and aesthetics to try to shorten the amount of information for the towns.

Sallie Fahey suggested making a chart of essentials and options along with language the statute or ordinance dictates.

Tom Murtaugh asked what happens to this equipment in ten years when it is obsolete.

Zach Williams said West Lafayette wants to take over the poles when the equipment is obsolete and he has heard other communities are trying to do that. You can either leave the poles up and hope new technology will be able to be attached to the tower or you can force the owner to take the tower down.

Tom Murtaugh thinks maybe a bond should be required.

Carl Griffin said there are instances where a company goes out of business and the equipment is just abandoned.

Gerry Keen asked if we can require bonding.

Zach Williams thinks Bloomington requires a bond but Fishers does not. If you plan to take over the pole there is no need for a bond. All of the companies will want to be first and if there is a block separator you will want to be the guy who has all 50 permits in a section. We need to limit the time you have to erect the pole once a permit is issued.

Sallie Fahey thinks we will have to make it a pretty quick turnaround on the build.

Jackson Bogan asked if the separation is by pole only or by pole by carrier.

Zach Williams said we tried to separate it as wireless support structure because that is what they are called at the state level. We cannot tell someone where they have to locate but we can tell them they have to co-locate on an existing pole.

Sallie Fahey said we can do that because the pole is not owned by a specific cell carrier. The pole owners are the ones pushing all this.

Larry Leverenz said that is the same as cell towers.

Sallie Fahey explained that originally cell towers were requested, erected, and maintained by the cell provider. They got out of the business and we then got a lot of independent tower owners.

Tim Shriner asked what a pole owner can do if a city wants to widen a long stretch of road and their poles are in the way.

Sallie Fahey said these are not utilities by our ordinance but they are utilities to some extent by the new state statute. The poles' owners get a free ride by going in the public right-of-way so if the governmental unit needs to improve the road, all utilities, including this one, will have to relocate at their expense.

Tim Shriner said they probably are not looking forward to that.

Sallie Fahey explained that the owners can buy an easement from a property owner and go through the special exception process if they do not want to face that.

Tim Shriner said if there is a condemnation lawsuit the ROW goes away.

Sallie Fahey said in either case it is a risk the pole owners take.

Zach Williams clarified by saying these are not really utilities but the state is treating them like utilities.

Sallie Fahey said she would like to hear more about height differences in the unincorporated county versus the cities and height maximums.

Carl Griffin wants the AOs to tell us what the heights need to be.

Tom Murtaugh said he would like to see taller poles in the county so there are fewer of them.

Gary Schroeder said it will be harder to get poles out in the county because of the low number of people using data.

Zach Williams pointed out that this is good technology that will help. We just need to figure out how to make it not look bad.

Sallie Fahey asked if the county would like the option of street light, sirens, or both.

Tom Murtaugh said he would like to include Smokey Anderson to attend the next meeting because there is a fund that was set up to fund new sirens. He would like to see the sirens incorporated.

Sallie Fahey asked if Smokey Anderson has a map that shows siren coverage deficiencies.

Tom Murtaugh replied that he has that map.

Gerry Keen asked if we can incorporate this technology into our Complete Streets program to where the technology would already be there when the right-of-way area is constructed.

Sallie Fahey said she will give that idea some thought.

Carl Griffin said a pole could be constructed.

Sallie Fahey said you can make the owner of a road and its right-of-way in a road reconstruction project design what the poles should look like.

Tim Shriner said we have always utilized alleys where there are alleys because most of the transmission and communication lines on poles in older parts of the cities are in the alleys. They would rather see that than have the poles constructed on the streets.

Gary Schroeder asked if Tim Shriner is allowing the owner to construct a tall pole as an incentive to locate in an alley.

Tim Shriner said that is what he is suggesting.

Bob Foley thinks that is a good idea.

Zach Williams thinks that is a possibility because you are offering an incentive.

Jackson Bogan suggested adding an option to locate on the top of buildings as well.

Zach Williams said you can do that but we cannot make them do that.

Tim Shriner feels having to rent space on a building will prevent an owner from planning his business model.

Sallie Fahey suspects that the direct providers will be making the contract with the building owner and not the pole company.

Zach Williams said we have to remember that we will be dealing with a bunch of private companies.

Larry Leverenz thinks we should make locating on an existing building an incentive because locating one of these poles on a 15 story building will save the company a lot of money even if they are paying rent to the building owner. Locating on a tall building might eliminate the need for five more units down the street to get the same coverage.

Zach Williams thinks maybe we should look into that and he asked Bob Foley and Chad Spitznagle to see if the owners would be receptive to that proposal.

Carl Griffin thinks Verizon might bypass Mobilite and erect their own poles on buildings. He thinks that might be a separate issue and not something we should be dealing with now.

III. OVERHAULING OUR R3 ZONING DISTRICTS

Continued discussion regarding amending the development standards in the R3 zones

Kathy Lind wants to make sure everyone has a copy with changes in with red ink because the paper copies distributed were done in black and white. Staff looked at existing PD apartment buildings that we liked to see how the ordinance should be changed to allow these buildings without going through the PD process and without a lot of variances. We can also pick apartment buildings throughout the cities to see what an apartment building would look like based on the proposed standards for next month's meeting.

Tom Murtaugh asked if staff is planning to create renderings.

Kathy Lind replied that we do not have that capability but she was hoping to get help from architect Rabita Foley. She plans to pick some R3, R3U, and R3W areas to see what things would look like based on the numbers. She could also go over the proposal.

Tom Murtaugh asked if this proposal is the result of the Ferry Street rezone.

Sallie Fahey said that is one of the things although we have been talking about this for several years. To get to this point we reverse engineered some PDs and projects. Now we would like to take the proposal to illustrate what it would produce new.

Carl Griffin thinks it will help to see some concrete things.

Kathy Lind said staff is looking at having an R3 zone for the suburban areas without really changing the R3 zone because it works as it is. We are proposing R3U zones in the urbanized areas of Lafayette and some areas of West Lafayette. R3W is being proposed for The Island area of West Lafayette and the area south of State Street.

Sallie Fahey added that we are also proposing to get rid of the R4W zone.

Kathy Lind said she will work on that for next month.

IV. AMENDING FENCE SETBACKS

Discussion regarding *UZO's* largely unregulated fence setbacks on corner and through lots, particularly along major streets

Chad Spitznagle displayed the photos that were distributed in the packet showing three fence violations in the City of West Lafayette. Currently, a home on a corner lot with two road frontages can have a fence not exceeding 42" in the right-of-way or setback area. There are owners who want privacy fences and West Lafayette would like the AO to be able to approve a fence higher than 42" for any rear or side setback profile. In order to approve a fence height waiver the AO would have to verify that there are no vision issues. To replace the existing fences that are currently in violation the property owners would have to go through the variance process for approval. West Lafayette also ran into issues with people who have fences that pre-date the zoning ordinance. He believes this is a simple change that will make hundreds of nonconforming fences conforming.

Carl Griffin asked Chad Spitznagle how tall he would like to allow the fence.

Chad Spitznagle replied that he is not proposing a height limitation be included in the amendment and added that the building code requires a permit for a fence over 6'.

Tim Shriner thinks the white vinyl fences at the corner of Kalberer and Soldiers Home Road are 8' tall. He asked if those fences are legal because they are not in the right-of-way.

Sallie Fahey said a fence cannot be located in the right-of-way.

Chad Spitznagle said the fences Tim Shriner is talking about are on a frontage road and should only be 42" tall.

Sallie Fahey pointed out that they are through lots so there are two street frontages.

Carl Griffin said he is not clear what West Lafayette wants to change.

Chad Spitznagle replied that he would like a fence in the rear or on the side profile of a home to be able to be higher than 42" with AO approval.

Sallie Fahey hopes there are cases where the AO would not allow a fence to go over 6'.

Chad Spitznagle said he has never had to restrict the height of a fence.

Tom Murtaugh asked what a homeowner does now if they want a fence over 42" tall.

Chad Spitznagle said a variance is needed to build a fence over 42" high or they build the taller fence illegally.

Tim Shriner explained the rule is that when you have a corner lot there are certain responsibilities and restrictions that come with it. There is twice the linear feet of sidewalk to maintain, corner lots cost more, and it costs more to build on a corner lot. People who own corner lots have been told they cannot have fences in the side yard.

Sallie Fahey said you can have a fence in the back yard on a corner lot but the fence cannot be over 42" high.

Tim Shriner said he thought West Lafayette enforced that. He asked if the ordinance is being enforced now.

Erik Carlson, 222 North Chauncey, West Lafayette, IN 47906, West Lafayette Director of Development, said the second phase of the Historic Preservation Ordinance is one thing that made this issue come to light. The first person to come in was someone wanting to replace a fence they already had on their corner lot and a garage door. After working with her for an hour and was about to approve her requests he learned the fence could not be over 42" high. The one she was replacing is taller than that. That ordinance requirement is pretty obscure and very few people are knowledgeable about it, especially the Historic Preservation Commission. He wants to make sure the Historic Preservation Ordinance does not come with extra punishments. He is confident the Board of Zoning Appeals would have approved a replacement fence higher than 42" but it would have cost the citizen \$100 and about 45 days. He does not want to make things harder or more restrictive for people who live in the Historic Preservation District to improve their properties.

Carl Griffin asked if this proposal will be part of the whole county ordinance.

Sallie Fahey said that is correct and added that each jurisdiction can opt to approve or not approve the amendment.

Tom Murtaugh asked if all the fences in the photos are 6' fences.

Chad Spitznagle said all the fences are higher than 42".

Carl Griffin wonders if this is really a great idea. He asked what the downsides might be.

Gary Schroeder thinks it is a good idea.

Chad Spitznagle thinks it is a great idea because it is hard to tell someone that their fence is nonconforming and they cannot replace it when there are a lot of other nonconforming fences. He does not have time to write everyone a letter telling them their fence is nonconforming.

Sallie Fahey said it is her personal opinion and the reason staff has kept these kinds of restrictions in the ordinance are specifically so we do not get something that looks like Kalberer. Kalberer looks like a tunnel with no personality. She likes the setback to allow a taller fence or a low fence in the setback. She would rather have fences with some style like three or four rail or brick or wrought iron. She does not want us to allow solid walls.

Erik Carlson noticed there is a series of fences in University Farms along Salisbury that even though they are not in the setback he would not have wanted to see that happen. He would rather see decorative walls or borders in new subdivisions so we do not have a patchwork quilt of 6' fences.

Tim Shriner said wood fences start to deteriorate as soon as they go up. Sometimes the owners keep them longer than they should and they are leaning or missing boards. All the fences in the examples provided are ugly but he realizes Chad Spitznagle and Erik Carlson are facing the citizens.

Erik Carlson said he wished his predecessors had been more stringent so he would not have to be here today making this request. He does not know how to work this situation so there is a level of parity and still ensure what goes in the Historic Preservation District is fitting of the neighborhood and its historic fabric. Fortunately he has the required architectural review. Fence permits are not required outside the Historic Preservation District and there is not much we can do outside the Historic Preservation District to enforce the ordinance unless we happen to drive by when a fence is being built. He would like to compromise by adding subparagraph "C" to 4-1 (b) (9) (9) because it will still be subject to AO approval.

Sallie Fahey said we also need to make sure fences are not in easements because many existing subdivision fences are. The AO will have to look at the plat to make sure that fences in the setback are not also in the easement. Every modern era subdivision has a 10' or 15' easement in back of the right-of-way line. The fences in new subdivisions will have to be put back.

Tim Shriner said a fence be in a utility easement is at risk but cannot block drainage.

Sallie Fahey disagreed because it cannot be in an easement the way the subdivision plat dedication certificate is written.

Tim Shriner said there are hundreds and hundreds of fences in the easements.

Sallie Fahey does not disagree but she expects West Lafayette to keep new fences out of the easements if we are going to loosen the restrictions. The fact is the utility companies will not jeopardize their relationship with their customer by ripping down a fence.

Zach Williams agreed with Sallie Fahey and when you turn enforcement over to the AO that is one more thing they can control with a little more diligence. He asked if APC staff is okay with the tweak to subsection "C".

Sallie Fahey thinks the proposal needs to be tweaked a little bit because there are terms in there we have never used. Staff can work with West Lafayette to bring back an ordinance amendment proposal.

The Committee nodded in agreement to Sallie Fahey's proposal.

Erik Carlson hopes we can get an ordinance amendment in place before building season starts in March or April.

V. REGULATIONS FOR OWNERS OF HORSES IN DAYTON

Discussion regarding amending the *UZO* to create standards for resident horse-owners in the town

Sallie Fahey said the Town of Dayton has about three properties that are farm or small farm sized and all three of those property owners have now or have had more horses than we normally permit in residential zones as accessory. Dayton has asked us to consider an ordinance amendment that would allow up to five horse and a 2-acre enclosed/fenced outdoor area requirement for each horse, along with an indoor enclosed structure with a minimum of one 12'x12' stall for each horse. That means for five horses you would need at least 10 acres and a 60'x60' barn with additional land for your home and any other buildings. She worked with Jay Seeger on this and after there was some email consensus from the Town Council for a maximum of 10 horses. Our horse person on staff provided us with the size for indoor stalls and she sent our proposal to Dayton and its counsel yesterday for review. We plan to bring this back to the Committee next month as an actual ordinance amendment with any changes proposed by Dayton. The proposal is being written for Dayton but any other jurisdiction can adopt this ordinance amendment.

VI. CITIZEN COMMENTS


None

VII. ADJOURNMENT:

Carl Griffin moved to adjourn the meeting. Greg Jones seconded.

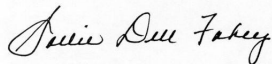
The meeting adjourned at 6:05p.m.

Respectfully submitted,



Linda Underwood
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director

MEMORANDUM

TO: APC Ordinance Committee
FROM: Kathy Lind, Senior Planner
SUBJECT: Existing Transient Rental in UZO
DATE: January 26, 2017

Staff realized at the last Area Plan Commission meeting, that there was a lack of common knowledge regarding what the Unified Zoning Ordinance currently allows regarding uses similar in nature to what AirBnB does.

The attached chart shows both existing uses (in gray) and the three different types of “AirBnb” (in blue) that was proposed by Ordinance Committee and tabled by APC.

Use	Definition	Parking	Zones	Notes
“Shared Housing”	Any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and the total number of occupants does not exceed 4 regardless of the number of bedrooms	.75 spaces per occupant at capacity	By Right: R3, R3U, R3W, R4W	
Hotels & Motels		1 per guest room and 1 per 100sq.ft. of eating/drinking establishment	By Right: GB, HB, CB, CBW By S.E.: A and AW	
Bed and Breakfast	A primary use consisting of an operator-occupied SFD within which limited transient accommodations of up to 7 guest rooms may be provided for rent, subject to UZO 4-11-6	1 per guest room and 2 for the residence	By Right: R3, R3U, R3W, R4W, NBU, CB, CBW, A, AA, AW By S.E.: R1, R1A, R1B, R1U, R1Z, R2, R2U, RE	UZO 4-11-6*
Rooming and Boarding Houses		1 per bed	By Right: R3, R3U, R3W, R4W, NBU, MR, CB, CBW	This is a carry-over from the '65 UZO
Fraternity, Sorority and Student Co-op		.75 per occupant at capacity	By Right: R3, R3U, R3W, R4W, A	
Transient Guest House	A primary use of a SF or TF dwelling which is not owner-occupied and can be rented for up to 30 days	2 spaces that would be normally used by residents	By Right: R3, NB, NBU, OR, MR, MRU, GB, HB, CB and CBW	UZO4-11-13
Transient Guest Rental	An accessory use of a dwelling which IS owner-occupied, but owner is not required to be present when rented. 14 days maximum and no more than 60 total calendar days	2 spaces that would be normally used by residents	By Right: R1, R1A, R1B, R1U, R1Z, R2, R2U, R3, R3U, R3W, R4W, A, AA, AW and RE	UZO 4-11-13
Transient Guest Room	An accessory use of an owner-occupied dwelling when a room (up to 2 rooms max) is rented; owner must be present	In addition to residence parking, one space per guest room is required	By Right: R1, R1A, R1B, R1U, R1Z, R2, R2U, R3, R3U, R3W, R4W, A, AA, AW and RE	UZO 4-11-13

***UZO 4-11-6 summary**

1. A form of transient guest accommodation within a SF home or on a farm. It must be owner-occupied if in a rural or residential zone.
2. Up to 7 rooms may be rented to guests, whether in a residence or a qualifying farm building.
3. Not a rooming house or a multi-family dwelling; guest can stay for no more than 14 days.
4. Not a restaurant; food service limited to breakfast to guest occupying rooms. One additional accessory type of food service (lunch, brunch or tea) is allowed but it must be prepared on-site and offered to the public. Seating is limited to 30, one day a week plus one weekend day between 11am and 4pm only. Subject to local and state Boards of Health. No cooking facilities in guest rooms.
5. To ensure compatibility with neighboring uses, the exterior of a B 7 B shall not be modified in a way that lessens its basic appearance as a single-family home or farm. Guest parking located in residential and RE zones shall be screened by a 5' high wood/masonry fence, or by sight-obscuring shrubs. Signage shall be limited to one sign no larger than the zonal base rate for that zoning district.
6. B&B's must maintain a separation of 200' at a minimum from other lots containing a B&B.

MEMORANDUM

TO: APC Ordinance Committee
FROM: Joe Bumbleburg, counsel for the Town of Dayton
SUBJECT: Horse Regulations in the Town of Dayton
DATE: January 26, 2017

The Town of Dayton is requesting the following change to the Unified Zoning Ordinance regarding owners of horses within its jurisdiction.

Adding a paragraph (g) to UZO 4-11-2 which reads:

(g) Within the incorporated limits of the Town of Dayton, the occupant of a residential property may keep horses as an accessory use thereon provided:

1. All horses kept on the property are owned by an occupant of the residential property,
2. The property shall include a fenced open area of at least two (2) acres per horse;
3. The property shall include a barn or other enclosed structure having a minimum of one 10' x 10' stall for each horse, and
4. No more than five (5) horses may be kept on the property.

MEMORANDUM

TO: APC Ordinance Committee
FROM: Kathy Lind and Chad Spitznagle, West Lafayette Building Commissioner
SUBJECT: Amending Fence Setbacks in West Lafayette
DATE: January 26, 2017

West Lafayette has proposed a change in the fence regulations. Currently the ordinance states that fences (and hedges for that matter) can be no taller than 42" (3' 6") unless they are setback equal to the standard street building setback. This keeps 6' privacy fences outside of a lot's front yard and generally these types of high fences extend out from either side of a house, flush with the front of the house. These fences generally continue along the side and rear property lines, hopefully outside of platted utility and drainage easements.

The problem is for corner lots and "through" lots (Through lots are lots that have two road frontages: one along the front lot line and one at the rear lot line.) that back on to busy secondary or primary arterials, the 6' tall privacy fence is required to be built 40' or 60' from the right-of-way line (aka property line). In some instances, this makes the majority of a through lot's backyard unusable to the property owner.

We currently have fencing violations all over both cities and in unincorporated Tippecanoe County. Homeowners generally want to build privacy fences on their property line when they abut a heavily travelled road. Backyard fences built with the required 40' or 60' setback are nearly nonexistent. (Though there are some subdivisions, like Waterstone adjacent to Veterans Memorial Parkway, which comply because their fence is 42" or less.) But, clearly, no one in any of our jurisdictions, is enforcing this fencing regulation.

West Lafayette would like to change the regulation so that as long as it has AO (Administrative Officer) approval and is not in violation of the vision setback, privacy fences would be allowed on corner and through lots without the 40' or 60' setback.

The current UZO states:

4-1 (b)... Each {accessory structure} is followed by a designation in parentheses indicating its **setback** requirements: 'standard,' '**street frontage** only,' 'as otherwise noted,' or 'none.' Standard **setbacks** by **zone** can be found in 4-2-2 below. Additional information regarding **setbacks** is noted in 4-4-1 through 4-4-7 below.

- (9) fences and hedges:
 - (A) not exceeding 42" in height (none); and
 - (B) exceeding 42" in height (**street frontage** only);

West Lafayette would propose adding the following:

- (C) exceeding 42” in height on **side** and **rear lot lines** of **corner** and **through lots** can be allowed within the **setback** with AO approval and verification of **vision setback** compliance.

APC staff would suggest adding to that “as long as platted utility and drainage easements remain unobstructed.”