

The  
**AREA PLAN COMMISSION**  
of Tippecanoe County

**Joint Meeting of the Ordinance Committee and  
The Bylaw Committee  
Notice of Public Hearing**

**Date: May 2, 2018**

**Time: 4:35PM**

**Place: County Office Building**

**Tippecanoe Room**

**20 North Third Street**

**Lafayette, Indiana 47901**

**AGENDA**

**I. APPROVAL OF MINUTES FROM THE APRIL 4TH MEETING:**

Documents:

[ORD 04.04.2018.PDF](#)

**II. BUFFERYARD AMENDMENT:**

An update on UZO Amendment #93 (continued at the April APC meeting to the May 16th meeting) regarding changes to both the bufferyard section and the loading berth section - Rabita Foley

Documents:

[ORDAMENDNUZOBUFFERYARD.PDF](#)

**III. PROPOSED BYLAW CHANGE:**

A discussion regarding changing the procedure for how letters from interested persons received for APC rezone and subdivision cases are "read into the record" - Kathy Lind/Sallie Fahey/Zach Williams

Documents:

[BYLAW CHANGE TO LETTERS READ.PDF](#)

**IV. CITIZEN COMMENTS**

**V. ADJOURNMENT**

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

DATE.....APRIL 4, 2018  
 TIME.....4:40PM  
 PLACE.....COUNTY OFFICE BLDG.  
 20 N. 3<sup>RD</sup> STREET  
 LAFAYETTE, IN 47901

**MEMBERS PRESENT**

Larry Leverenz  
 Tom Murtaugh  
 Carl Griffin  
 Greg Jones  
 Gerry Keen  
 Gary Schroeder  
 Jerry Reynolds

**MEMBERS ABSENT**

Jackson Bogan

**STAFF PRESENT**

Sallie Fahey  
 Ryan O’Gara  
 Kathy Lind  
 Zach Williams, Atty.

**OTHER APC MEMBERS PRESENT****OTHER ATTENDEES**

Steve Clevenger  
 Julie Peretin  
 Betsy Blair  
 Bill Miller  
 Allen Hoffman  
 Doloros Charlesworth  
 Chris Shelmon  
 Adam Regich  
 Ed Purdy  
 Jeff Smaga  
 Mike McTague

President Tom Murtaugh called the meeting to order.

**I. APPROVAL OF MINUTES**

Carl Griffin moved to approve the minutes from the March 7, 2018 Ordinance Committee meeting. Gary Schroeder seconded and the motion passed by unanimous voice vote.

**II. PROHIBITING MINING IN THE FLOOD PLAIN ZONE:**

Quick update as to where this proposal stands

Sallie Fahey said work on this amendment is at a standstill partly because there is going to be a 2-day special session of the legislature. All indications are that the legislature will not take up anything except what the governor has asked them to come back and take care of but you never quite know if that is what the legislature will do. Staff and counsel feel it is prudent not to spend any time doing all the background work the Committee has asked for until after the legislative special session. After the special session she and Kathy Lind will be working with Zach Williams and county attorney Doug Masson on the factual basis for the

proposed amendment. She anticipates this issue will not come back to the Committee for a major discussion until the July meeting. If the legislature does not do anything in the special session they will not be doing anything until January 2019 so that gives us to the end of 2018 to make a decision about what we want to do with regard to an ordinance amendment.

### **III. PREVIEW OF NEXT MONTH'S MEETING:**

The May Ordinance Committee meeting will be a joint meeting with the Bylaw Committee to discuss changing the procedure for letters to be read into the record at APC and BZA meetings.

Sallie Fahey said this agenda item came out of APC discussions about reading large numbers of letters at meetings. She and Zach Williams have talked about ways we might want to do this and added that it will be a bylaw amendment and not an ordinance amendment. Staff should be able to have something drafted for the May 2<sup>nd</sup> Ordinance and Bylaw Committee joint session.

Zach Williams said he has received requests from several APC Commissioners about addressing what they think is the sometimes a bit unfair letter process. He and staff are considering proposing something that would require letters to be submitted before hand so they are not read into the record the day of the hearing. He said we routinely have to limit the topics those speaking at the meeting can cover because we do not want the topics repeated. Often we have letter after letter that basically says the same thing and covers the same topics. One of the ideas we plan to bring forward is to move up the letter submission date so the letters can be included in the packets and admitted into the record but not read aloud at the meeting. That should eliminate repetition and the need to cut off speakers who have showed up to voice their opinions. He and Sallie Fahey agree that something like this will need to occur the second half of 2018 to give people time to understand and get accustomed to the new policy and procedure. He hopes we will be ready to discuss this topic at the May joint committee meeting and make a decision on moving forward.

Tom Murtaugh asked about the process if we decide to make a change like this.

Zach Williams said a change like this will be a change to our Bylaws.

Tom Murtaugh asked if the APC has to approve a Bylaw amendment. He also asked who chairs the By-Law Committee.

Sallie Fahey said APC needs to approve its own Bylaw amendments but that decision does not affect the Board of Zoning Appeals (BZA) because they have authority over their own by-laws. She thinks this subject is a little touchier with the BZA because it is a quasi-judicial body. She believes that letters to the BZA may have to be read into the record because all testimony is supposed to happen at the meeting. APC will not be affecting anything of the BZA because the BZA is in charge of its own bylaws.

Zach Williams concurred and said Sallie Fahey makes a very good point and that is something that will be discussed. At this time we are not considering a change with regard to the BZA.

Carl Griffin asked how long it will take to make a by-law amendment to APC once the joint committee recommends a change.

Zach Williams said the timeline will depend on the decision of the joint committee. He knows a sunset date on the old rules will be established and he thinks the second half of 2018 is the earliest a change could take effect.

Gary Schroeder answered an earlier question by informing the Committee that Jackson Bogan is chair of the Bylaw Committee.

**IV. CITIZEN COMMENTS:**

Chris Shelmon, 250 Main, Suite 590, Lafayette, IN 47901, said he would like the Committee to look at parking in downtown Lafayette. West Lafayette has a University-proximate parking ordinance but Lafayette has one general parking requirement. He would like to open a dialog regarding a different residential parking requirement for downtown Lafayette projects.

Carl Griffin asked Chris Shelmon for more information on what he is talking about.

Chris Shelmon said his goal is to find a balance between a decreased parking standard for those living in downtown Lafayette but not the low standards we are seeing for student-oriented planned developments in West Lafayette. He basically is talking about one+ parking spot per unit but not as high as 1.5 spaces per unit. He added that almost every conversion and/or newly constructed downtown Lafayette residential development is requesting some type of parking variance. The ordinance might not fit the requirements of the community if almost every residential project in downtown Lafayette needs some sort of parking variance,

**VI. ADJOURNMENT:**

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

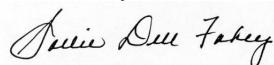
The meeting adjourned at 4:55p.m.

Respectfully submitted,



Linda Underwood  
Recording Secretary

Reviewed by,



Sallie Dell Fahey  
Executive Director

# ORDINANCE NO. \_\_\_\_\_

## AN ORDINANCE AMENDING 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 the list in **UZO Section 4-6-18 OFF-STREET LOADING** as shown below:

(d) Except in CB and CBW **zones** where this subsection does not apply, the **Administrative Officer** shall determine the maximum height of the noise barrier structure and how off-street **loading berths** are to be screened from adjacent **residential zones** or **uses**, employing one ~~or more~~ of the following means:

- (1) a dense planting of **evergreen** plant materials and a noise barrier structure of a minimum of 8' in height; or
- (2) a dense planting of plant materials and a noise barrier structure of a minimum of 8' in height.

**Section 2:** Change **UZO Section 4-9-1 INTENT** of the Bufferyard and other bufferyard requirements, by amending it as shown below:

**Standard plant units** shall conform to illustrations in Appendix E-1 or their functional equivalent as approved by the **Administrative Officer**.

**Section 3:** Add to the list in **UZO Section 4-9-2 BUFFERYARD REQUIREMENTS** as shown below:

(e) The requirement of a **bufferyard** along an abutting property line where the property line serves as the boundary between zones and properties on either side of the line are owned by the same entity or individual shall be determined by the **Administrative Officer**. If the bufferyard is deemed required, then the type shall also be determined by the **Administrative Officer**.

(f) Required **bufferyards** shall be located outside of any existing or platted easement.

(g) Plant species shall be selected from the approved tree lists available on the **City of West Lafayette's official website** except for property in Lafayette which shall use its own approved tree list.

**Section 4:** Change **UZO 4-9-3-a TYPE OF BUFFERYARD REQUIRED ALONG A LOT LINE SEPARATING A ZONE UNDERGOING DEVELOPMENT OR REDEVELOPMENT AND AN ABUTTING ZONE** by making the following adjustments:

ZONE UNDERGOING DEVELOPMENT OR REDEVELOPMENT	ABUTTING ZONE											
	R1 R2U MRU	R1A R3	R1B R3W NBU	R1U R4W RE	R1Z PDRS	R2	OR	NB MR GB HB OR	I1	I2	I3	A AA AW FP
R1 R1A R1B R1Z R2 R3 R3W R4W RE (Am 27)	---				A	C <sup>2</sup>	B	B	C	---		
OR	A				---	B	---	---	B	---		
NB MR GB HB OR	C <sup>2</sup>				B	---	A	A	A	B		
I1	B				---	A	---	---	A	B <sup>1</sup>		
I2	C				B	A	---	---	A	C <sup>1</sup>		
I3	C				B	A	A	A	---	C <sup>1</sup>		
ZONE IN WHICH MHP/MHC OR RVP/C IS BEING DEVELOPED												
MHP/MHC: R3 A RVP/C: HB A AW FP	C				A	C	B	B	C	A		
ZONE IN WHICH SELF-STORAGE WAREHOUSE IS BEING DEVELOPED (Amend 5 ,92)												
NB GB I1 I2 I3	C				A	A	A	---	---	A		

**Section 5:** Rename, eliminate and change **UZO Section 4-9-3-b NUMBER OF REQUIRED STANDARD PLANT UNITS AND BUFFERYARD WIDTHS FOR BUFFERYARDS, TYPE A-C** as shown below:

**4-9-3-b BUFFERYARD WIDTHS, TYPES A-C:**

TYPE OF BUFFERYARD	NUMBER OF STANDARD PLANT UNITS PER 150 LINEAR FEET	BUFFERYARD WIDTH
A, B	2	15'-20'
B	3	20'
C	4	20'-30'

**Section 6:** Replace **UZO Section 4-9-4-a STANDARD PLANT UNITS** by amending it as shown below:

(a) The drawing in Appendix E-1 shows the make-up of Type A, Type B and Type C **bufferyards** using respective **standard plant units**.

**Section 7:** Remove **UZO Section 4-9-4-b STANDARD PLANT UNITS**

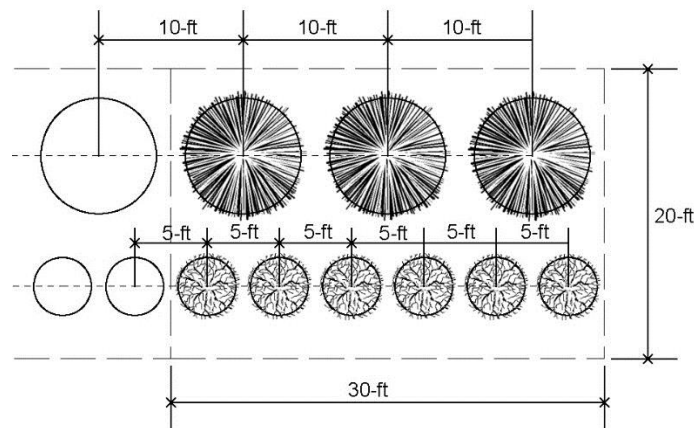
**Section 8:** Replace **UZO Section 4-9-5-d RESPONSIBILITIES FOR BUFFERYARDS** as shown below:

(d) The property owner or developer shall provide **bufferyard** plans prepared by a registered landscape architect.

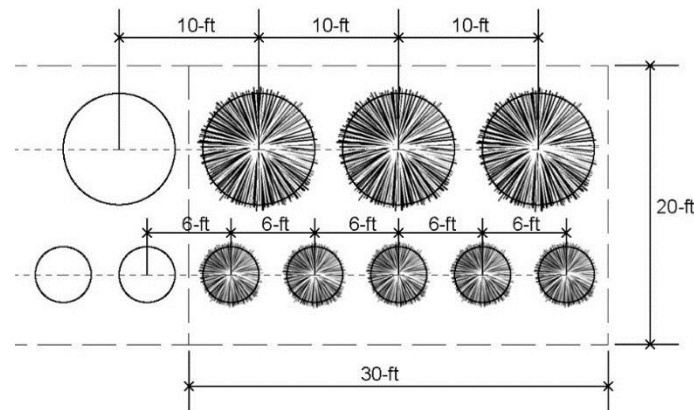
**Section 9:** Replace **UZO appendix E-1: STANDARD PLANT UNITS** as shown below:

**APPENDIX E-1: STANDARD PLANT UNITS**

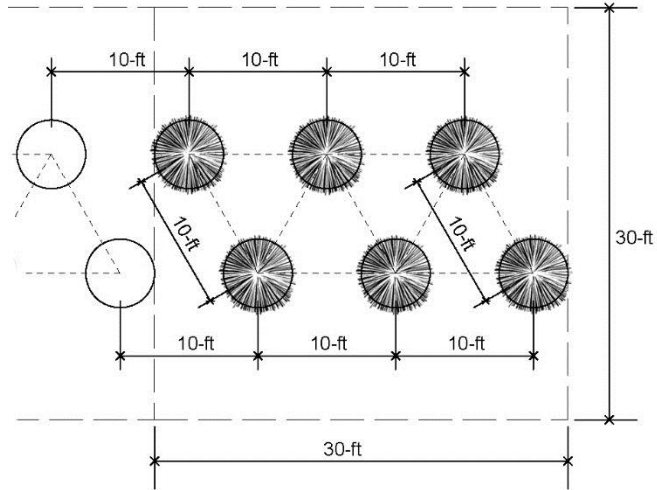
**TYPE A:** three **evergreen trees**, a minimum of 8' tall, planted 10' apart, center to center and six **deciduous** shrubs a minimum of 3' high planted 5' apart, center to center



**TYPE B:** three **evergreen trees**, a minimum of 8' tall, planted 10' apart, center to center and five **evergreen** shrubs a minimum of 3' high planted 6' apart, center to center



**TYPE C:** two staggered rows of three **evergreen trees** a minimum of 8' tall planted 10' apart, center to center



**Section 10:** Add the footnote in **UZO appendix E-1: STANDARD PLANT UNITS** as shown below:

**E-1-1 Evergreen trees** may be reduced in height by 2' if the **bufferyard** features a 3' high berm.

**Section 11:** Remove **UZO appendix E-2: ILLUSTRATION OF BUFFERYARDS -- TYPES A, B, and C.**

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



## MEMORANDUM

TO: APC Ordinance and Bylaw Committees  
FROM: Kathy Lind, Senior Planner  
SUBJECT: Reading letters at APC meetings  
DATE: April 26, 2018

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For some time, there's been discussion among plan commission members regarding the procedure for reading letters received from the public for APC cases. Some members feel the current procedure can too easily be exploited during highly contentious cases. Speakers at meetings are told to not repeat arguments that others have made; however, letters received are read in full, even those that nearly repeat word for word other letters already read.

Other members fear any changes to the procedure would hamper citizens' rights to have their opinions heard by the plan commission before voting occurs on a specific matter. Yes, it gets tedious listening to letters being read into the record during a controversial case, but controversial cases are not the norm. It's much more common to only receive 1 or 2 letters to be read per case filed. Why should those citizens be penalized?

Currently, the bylaws state the following:

- Letters and written communications mailed, hand delivered, faxed or emailed to the Office of the Area Plan Commission in advance of the hearing are intended for persons unable to attend the hearing themselves. For letters to qualify to be entered into the record they must be 1) signed regardless of delivery method, 2) include the signer's address, 3) received no later than noon on the day of the hearing and 4) be no longer than two letter-sized pages, 11 point font size, double spaced with 1" margins. Letters sent to the office of the Area Plan Commission that qualify to be entered in the record will be read by staff, and once received the letter shall not be withdrawn. Once a letter is read at a meeting, it is a part of the record. The writer is not permitted to speak or submit another letter even at a subsequent meeting resulting from either an inconclusive vote or a continuance, having originally chosen to submit a letter. Should the author be present at the meeting he will not be permitted to speak, having elected to present his views in writing. This rule shall apply to any written material on which four or fewer signatures appear or any petition of more than 300 words filed by the noon deadline. Any petition presented after the noon deadline or during the hearing shall not be read into the record by staff, but may be passed to the plan commission members. (Amended 2-19-14)

The Bylaw Committee can choose to not change the above, or the following changes can be made:

- Change the deadline for receiving letters to “no later than noon on the Monday prior to the hearing.” This would allow APC staff to collect all letters/emails, etc. and email them to all plan commission members on the Monday afternoon, two days before the Wednesday evening public hearing. (It was previously discussed making the deadline for letters the week before the public hearing and emailing said letters to the plan commission members with the APC agenda packet on Thursday. The problem with this scenario is, citizens may want to read the staff report to educate themselves about a particular case, before deciding to compose a letter. Having a Monday deadline for letters allows the public to read the staff report on Thursday evening, decide a letter is necessary to address something the staff report left out or to reiterate something of importance, then have the weekend to write their letter.
- Before each staff presentation, staff would reiterate that letters received were emailed to plan commission members for reading two days earlier, tell how many letters in favor or against a case were received, and provide the names and addresses of each letter writer.
- This bylaw change would not take effect immediately. A date in the future would need to be decided on; this would give the public advance notice of this bylaw change.

When discussing these changes, staff noticed that the motion made at the beginning of APC public hearings does not include incorporating staff reports as evidence (like the ABZA motion does). This is a simple fix and since this motion is not in the bylaws, it does not require a bylaw change. The APC public hearing motion currently reads:

- X moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item.

Staff proposes the following motion be used instead:

- X moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the Bylaws of the Area Plan Commission, the petition or application and all documents filed therewith, the staff report and recommendation on the petitions or applications to be heard this evening and responses from the checkpoint agencies.

**STAFF RECOMMENDATION:**

Approval of the proposed changes