

The
AREA PLAN COMMISSION
of Tippecanoe County

APC

Ordinance Committee

Date: June 1, 2022
Time: 4:35 PM
Location: Tippecanoe County Office Building
Tippecanoe Room
20 North Third Street
Lafayette, IN

This will be an in-person meeting. Members of the public may watch the [livestream of the meeting](#) on Facebook or YouTube. Links can be found on the county website at www.tippecanoe.in.gov/apc

AGENDA

I. APPROVAL OF MINUTES FROM THE APRIL 6, 2022 MEETING

Documents:

[ORD 04.06.2022 MINUTES.PDF](#)

II. TOWING/IMPOUND LOT AMENDMENT:

A discussion regarding a minor fix to the Unified Zoning Ordinance -
John Burns

Documents:

[TOWING SERVICE AND IMPOUND LOTS.PDF](#)

III. ZONING ENFORCEMENT AMENDMENT:

This discussion is regarding a proposed UZO amendment which would:

- o Shift zoning enforcement responsibility from the Building Commission to APC;
- o Make enforcement procedures more impactful; and

- o Allow property owners operating in good faith ample opportunity to correct violations. - David Hittle

Documents:

[ZONING ORDINANCE ENFORCEMENT.PDF](#)

IV. CREATING TWO NEW ZONES FOR TOWNHOUSE DEVELOPMENTS:

This discussion is on proposed standards for two new zones specifically for townhouses. - Ryan O'Gara

Documents:

[R1T AND R1T-U ZONING PROPOSAL 5-23-2022.PDF](#)

V. CITIZEN COMMENTS:

VI. ADJOURNMENT:

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE COMMITTEE
MINUTES OF A PUBLIC HEARING**

DATE.....APRIL 06, 2022
TIME.....4:40 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person. Members of the public could watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>

MEMBERS PRESENT

Jackson Bogan
Vicki Pearl
Greg Jones
Kathy Parker
Gary Schroeder
Tom Murtaugh
Larry Leverenz
Jerry Reynolds

MEMBERS ABSENT

STAFF PRESENT

David Hittle
Ryan O’Gara
Kathy Lind
Eric Burns, Atty.
Jennifer Ewen

Gary Schroeder called the meeting to order at 4:40 PM.

I. APPROVAL OF MINUTES

Jerry Reynolds moved to approve the minutes from the March 2, 2022 meeting. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

II. ISAIAH HOUSE AMENDMENT

Tom Murtaugh stated there was a request that came forth and during the many discussions that happened with the petitioner, APC, and the neighborhood, somebody brought up that perhaps this should be allowed in a residential zone with a special exception. He said it does make sense because we do have group homes around the community and some for-profit companies that operate group homes around the community, and those are allowed in residential areas, so we thought maybe doing the same for this kind of use instead of having to rezone the property to NB.

Kathy Lind stated the ordinance currently reads this use requires neighborhood business zoning. The Isaiah House is a business that whenever children or teenagers are taken from a dangerous situation and before a foster family can pick them up, there is no place for them to wait, and that is what the Isaiah House is all about giving them a safe place. Sometimes it might happen at night where they may need place to sleep; other times, they wouldn’t. This works best when it is in a house instead of an office space. What we are proposing is a definition for a Haven Home. A Haven Home would be a social service facility assisting children awaiting foster care placement. She asked for any questions about the definition.

Vicki Pearl asked we are recommending that this is the same as a group home.

Kathy Lind stated yes. We would allow a special exception in all residential zones which is the same as we do for group homes.

Eric Burns asked isn’t there a type of group home that is allowable byright in a residential zone.

Kathy Lind responded I believe you right by state statute for the mentally deficient.

Tom Murtaugh asked would there be any other use we could think of besides foster care. Is foster care limiting what we are wanting to do here too much. Possibly use the wording, a social service facility assisting individuals awaiting long-term placement.

Kathy Lind asked should we say individuals, children, and teenagers.

Jackson Bogan asked is there a situation we could have where we are waiting for placement of someone over 18.

Vicki Pearl stated a women's shelter.

Jackson Bogan responded good point, but they are not being placed at a women's shelter. They are living there. This situation is specifically referring to the placement of people into the custody of others.

Kathy Lind responded correct. This would take care of the problem we had where we didn't have a definition for this type of use, so it just fell under social service facility which generally those are offices, and NB and GB zones would make sense. In this case, this is really a house.

Larry Leverenz asked if foster care is a specific program or is it a general term.

Kathy Lind responded it is a specific program.

Vicki Pearl stated instead of it saying awaiting foster care placement, how about it just says awaiting placement.

Kathy Lind agreed.

Eric Burns suggested adding the word temporary. He stated they said these are almost always within 24 hours, but they did say almost always, so they could be there longer, but temporary would speak to the fact that this isn't for someone to live here, but it also is not putting a time limit.

Jackson Bogan suggested to add a reasonable time frame at the end. It should say a social service facility assisting children awaiting foster care placement not to exceed 24 or 72 hours for example.

Ryan O'Gara stated per Isaiah House they said it almost never exceeds one day. Normally they find a place for the child within 24 hours.

Jackson Bogan suggested 72 hours.

Eric Burns stated it should say no more than 72 hours.

Gary Schroeder asked if anyone had the final wording for us to consider.

Kathy Lind stated what she wrote down is a social service facility assisting individual children awaiting temporary placement not to exceed 72 hours.

Eric Burns suggested to remove the words temporary and individual.

Tom Murtaugh stated he would rather have the time defined within the petition.

Ryan O'Gara stated that is the other way to do it. That the petitioner controls it not the definition. Then it could be variable from site to site and petition to petition.

Jackson Bogan asked what if someone forgets to put a timeframe on the actual petition.

Kathy Lind stated every special exception petition includes a timeframe.

Jackson Bogan asked how would we make sure that they are citing a specific time limit, so it does not turn into a foster home.

Ryan O’Gara stated it would make sense to have it in the definition, but it is very specific narrowly focused defined term that does have an upper limit to how long someone can stay there.

Kathy Lind asked if we are back to not to exceed 72 hours.

Jackson Bogan responded yes.

Tom Murtaugh agrees that 72 hours should be sufficient.

Gary Schroeder asked Kathy Lind for a final reading of the Amendment.

Kathy Lind read the final definition for a Haven Home. Haven Home, a social service facility assisting children awaiting placement not to exceed 72 hours.

Jackson Bogan moved that the Isaiah House Amendment is sent to the full APC. Tom Murtaugh seconded, and the motion carried by unanimous voice vote.

III. SELF-STORAGE WAREHOUSES

Kathy Lind stated where we left off last month was the Ordinance Committee wanted to have a stipulation that exempted businesses that have already received an improvement location permit at the time of the adoption of this amendment. She said she doesn’t feel like it is necessary because of the 6-4-4 Special Exceptions which reads: *A grant of special exception is unnecessary for a use authorized by 3-2 above if that use existed on the effective date of this ordinance or pertinent amendments to it. However, this subsection does not authorize the expansion of such a use if it involves the enlargement of a building, structure, or land area.* She said they are legally non-conforming.

Ryan O’Gara stated according to this, they are legally conforming. If they wanted to expand, they would just have to get a special exception.

Jackson Bogan stated if the place blows away, they can rebuild exactly what they had there if they get a special exception, and that is where the issue lies with him.

Dennis Carson, City of Lafayette Economic Development Director, stated what is presented on the screen is what the City of Lafayette would like to seek your support on. They are not against self-storage, but they would like to have some ability to control that and have some input on those activities. He stated in an instance where there was an existing self-storage that burnt down by a fire, we would prefer to see that it had to come back under a special exception, so we would have a process to negotiate that. For Example, the former Coke Bottling facility, which is going to be self-storage, under this they can stay as-is, but if they would want to expand on that property or make any changes then they would need a special exception.

Jackson Bogan asked staff what percentage of damage is required for a special exception.

Kathy Lind stated she believes it is 50%. Last month someone asked how many self-storage warehouse businesses were within that area, and the answer is two. One is the Coke Bottling Plant, and the second is on 15th Street.

Eric Burns stated he is hearing two things. One is if it burns down and you want to rebuild and expand, expand being the key, you have to have a special exception. I am also hearing that if it burns down and you want to rebuild, you need a special exception.

Dennis Carson, City of Lafayette Economic Development Director, responded yes, that is correct. That is his understanding, and that is what they are supporting for the City of Lafayette.

Vicki Pearl stated she doesn't think anyone has a problem with anything new going on; the main concern is the two that exist.

Gary Schroeder asked to see the Urbanized Sewered Area map again. After this discussion, it sounds like there are more than two self-storage warehouses that would be affected.

Larry Leverenz asked Jackson Bogan to explain the insurance concern.

Jackson Bogan stated insurance coverage referred to as ordinance or law, and in the absence of it the insurance company will pay the actual cash value of it, not the replacement cost, and everybody here probably has what is referred to as a replacement cost policy, so it really decreases the amount of insurance that one could recoup by having that in place if they can't rebuild it, so if you can't rebuild it, then you get the actual cash value settlement of it which takes depreciation into consideration. For example, if you had a million-dollar building and it was old and would cost a million dollars to rebuild it, but because it is really old, the insurance company is going to depreciate that to a maximum of typically 50%, so now all of a sudden, the insured only get \$500,000, and they can't rebuild what was there.

Dennis Carson, City of Lafayette Economic Development Director, stated this would not be prohibiting that rebuild; they would just have to go through a special exception process for that.

David Hittle stated what you are talking about applies to all grandfathered legal non-conforming uses.

Gary Schroeder stated that is why we have an opinion that this should not be grandfathered; it should be byright use.

Steve Clevenger, 4011 Black Forest Lane, West Lafayette, stated by reading the definition of a non-conforming use, does a primary use of a structure or lot which is not permitted in 3-2 to be operated in the zone in which it is located in which otherwise lawfully existed at the time of the applicable portion of 3-2 became effective. He questions whether or not something that now requires a special exception falls under that because it is permitted by special exception; it is not that it is not permitted, so it is not non-conforming; therefore, he doesn't think there is anything in the ordinance that says if it burns down if it is not non-conforming by a certain percentage, they would require a special exception. In the section he pointed out, it says that it does not require a special exception as long as they are not expanding. He fails to see what triggers the special exception, and he would say it is probably up to the Administrative Officer to decide whether or not it would require a special exception.

Ryan O'Gara stated a legal interpretation could be made because the ordinance in Chapter 6 only mentions expansion not rebuilding because of casualty. He said there is a distinction between being non-conforming to the zone or being conforming to the zone with a special exception. That ordinance in Chapter 6 would seem to protect uses that didn't come in with a special exception.

Eric Burns stated it is important to remember you folks can do what you want in this area. State law gives you that latitude to draw the boundaries as you choose as long as it is not a taking. He suggests that a decision is made from a strategic standpoint.

Gary Schroeder asked what the definition of a *taking* is.

Eric Burns responded you can't take rights away without just compensation; however, there is an exception to that, and it is called zoning, so there is the ability because the law does not favor non-conforming uses.

Steve Clevenger, 4011 Black Forest Lane, West Lafayette, stated the one thing that is different about this is this is something that is currently permitted, and we are changing it to require a special exception. We have had very few changes in the ordinance that has gone along those lines.

Gary Schroeder stated we have issues on the table. Do we want to make a decision as what we discussed before and do a date specific or take the recommendation from the staff.

Gary Schroeder moved to move forward with the change to the UZO and insert some sort of language that says except for uses that were in place on April 1, 2022 will continue to operate under byright statute. Anything going forward would need a special exception, but those existing by April 1, 2022 will maintain byright status. Larry Leverenz seconded.

Tom Murtaugh asked what zones are self-storage warehouses allowed in.

Kathy Lind responded self-storage warehouses are allowed in all three Industrial zones, General Business zones, and in NB with a special exception.

Gary Schroeder asked if everyone was ready to vote.

Jackson Bogan asked for clarification on what they are voting on. He stated by putting a date on it we are saying that the ones that are there if something would happen to those that are in this area, they would byright be able to rebuild basically the exact same thing that is sitting there today.

Eric Burns stated he wants everyone to be clear. What he is hearing with the motion is that they may get back what they have, or they may expand without a special exception.

Kathy Lind stated this would say self-storage warehouse businesses located in a zone, where they are permitted byright, Industrial or GB, but on property within the Urbanized Sewered Area shall be required to obtain a special exception except for those businesses that have already received an improvement location permit at the time of the adoption of this amendment.

Jackson Bogan stated his personal opinion is he is comfortable with the rebuilding of what they have, but he doesn't like the further expansion on top which is what he believes the city is concerned about.

Dennis Carson, City of Lafayette Economic Development Director, stated he still would prefer a special exception because in the future, things may change, and we may really want to see something different there. He would like the ability to weigh in on that.

Jackson Bogan moved to amend the original motion to not allow further expansion on the same piece of property. Tom Murtaugh seconded, and the motion carried by unanimous voice vote.

Dennis Carson, City of Lafayette Economic Development Director, stated he is happy to see the expansion piece taken out, but he is still in support of the idea of a special exception. It is contrary to what you are looking at right now.

Kathy Lind stated we would be adding; *except for those businesses that have already received an improvement location permit at the time of the adoption of this amendment, they will continue to operate in a byright status, but won't be allowed to further expand.*

Eric Burns noted may the record reflect unanimous voice vote on the Amendment.

IV. CITIZEN COMMENT

None.

V. ADJOURNMENT

Jackson Bogan moved to adjourn.

The meeting adjourned at 5:39 p.m.

Respectfully Submitted,

Jennifer Ewen
Recording Secretary

Reviewed By,

A handwritten signature in black ink, appearing to read "D. Hittle", with a horizontal line extending to the right from the end of the signature.

David Hittle
Executive Director

MEMORANDUM

TO: APC Ordinance Committee
FROM: John Burns, Planner
SUBJECT: towing service/impound lots
DATE: May 26, 2022

BACKGROUND:

In April of this year staff was contacted by a realtor who was inquiring about an I3 zoned property and whether or not it could support a towing business and impound lot. Currently the UZO classifies this use as SIC 754 "Automotive Services except repair" which also includes similar uses such as car washes, auto detailing, rust proofing and window tinting. However, these uses (including towing services and impound lots) are only allowed in the GB, HB, I1 and I2 zones. Both towing businesses and impound lots are not permitted in the I3 zone.

Our industrial zones, I1, I2, and I3 differ by the intensity of the use and amount of outdoor activity. I1 is low in impact because they are operated entirely indoors and have attached loading facilities. I2 is moderate in impact because they are operated entirely indoors except for outdoor loading facilities. I3 is heavy in impact because more than just loading activities are conducted outside. It alone allows outside storage of goods and materials.

Because impound lots are storage areas for heavily damaged vehicles and are usually outdoors, the one industrial zone that allows outdoor storage should be the one zone that allows this use. But currently, it does not.

After meeting with the Administrative Officer's on May 5, 2022, Staff is proposing to pull both towing services and impound lots from SIC 754 and add two new line items in the permitted use table under that heading: Towing services and Impound lots. Towing services where there is no impound lot present are less intensive and should be permitted by right in the GB, HB, I1, I2 and I3 zones. However, impound lots are typically operated with large outdoor areas for storage of vehicles and staff believes that I3 zoning alone would best fit this use.

STAFF RECOMMENDATION:

Approval (see the attached ordinance amendment)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTERS 3 & 5
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 3-2 PERMITTED USE TABLE** by adding the following two line items below “SIC 754 Automotive services except repair):

Towing Service: This use would be permitted by right in the GB, HB, I1, I2 and I3 zones.

Impound Lots: This use would be permitted in the I3 zone by right.

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

Proposed Amendment to the Zoning Ordinance: Zoning Violation Enforcement

Presently, zoning ordinance enforcement within Tippecanoe County, excepting the municipalities of Lafayette and West Lafayette, is the responsibility of the county Building Commission. The arrangement is cumbersome and inefficient as building inspectors are experts in building code, not zoning code. Additionally, zoning ordinance enforcement procedures are presently very time- and resource-intensive, as the existing enforcement language requires the involvement of external legal counsel in the event a violator does not willingly correct the violation. Zoning violations remain in place for months, even years. Area Plan Commission staff have worked with the Building Commissioner on a plan to transfer zoning ordinance enforcement responsibility to the APC, and we now propose an amendment to the zoning ordinance's enforcement language which would:

- 1) provide staff with the leeway to work in good faith with the property owner and give the owner every reasonable opportunity to remedy the zoning violation without incurring fees or other penalties,
- 2) (where a good faith effort to remedy the violation is lacking) give zoning enforcement tools real teeth, and place the ultimate burden for bringing the property into compliance on the violator, and
- 3) make the process essentially an administrative one, handled almost exclusively by staff, with only the rare need to engage legal counsel.

Upon adoption of the proposed ordinance amendment, Building Commission staff would remain involved as field agents, visiting sites to visually verify the presence (or lack thereof) of alleged violations. All subsequent enforcement activities, however, including communication with violators and neighbors, would be managed by APC staff.

The proposed amended ordinance is attached in redlined form. Below is a summary of the Standard Operating Procedure which would be put in place should the proposed amendment be adopted.

A. TIMELINE

- 1) A zoning violation complaint is received by staff via phone, email, letter, or walk-in.
- 2) Staff conducts a site visit, confirms presence of violation (or not). Confirmation of violation may be achieved by visual inspection, receipt of compelling evidence, online research, other similar means of investigation, or any combination of the above.
- 3) If the violation is confirmed, staff issues the owner a Violation Letter. Per letter, the property owner is given a specific deadline date (at least 15 days following the issuance of the violation) by which the owner must:

- a) bring the property into compliance with the zoning ordinance, or
 - b) file a land use petition to legally establish the non-compliance, or
 - c) formally appeal the issuance of the violation to the ABZA, or
 - d) propose, and have accepted by the Administrative Officer, an alternative means of resolution (such as an extended deadline).
- 4) If the owner lets the deadline date pass without initiating one of the above remedying options, staff proceeds with enforcement.

B. ENFORCEMENT

- 1) A minimum \$50 fine is issued each calendar day the violation remains in place, beginning on the deadline date specified in Violation Letter.
- 2) After one month, if the violation remains in place, the daily fine is doubled.
- 3) After two months, if the violation remains in place, the daily fine is again doubled.
- 4) After 90 days, if the violation remains in place, the aggregate fine (capped at \$10,000) is attached as a lien to the property and is collected in the same way property taxes are collected.

C. ONGOING ENFORCEMENT

- 1) Should the violation remain in place even after the imposition of the lien, the APC may begin the process anew with the issuance of a new Violation Letter. Alternatively, APC legal counsel may enjoin the violation by filing suit in Tippecanoe County circuit or superior court.

D. NOTES

- If the owner chooses to attempt to remedy the violation by filing for a variance or other land use petition, all further enforcement is stayed until the variance/petition is heard and decided. If that variance/petition is ultimately denied at public hearing, the ABZA shall provide guidance to staff at that hearing as to the length of any grace period the owner is granted prior to the resumption of enforcement.
- If the violation remains in place even after the lien is imposed, another violation case may be initiated, beginning the process anew, or the enforcement body may choose any other legal means of enforcement available to it.
- For repeat offenders (same owner, same property, same violation), subsequent instances of violation will not include the grace period referenced in A.3. Rather, the Violation Letter will indicate that the fine regimen begins the day the recurring violation is observed.
- At least initially, we do not anticipate needing additional APC to take over enforcement duties. The Building Commission receives about 60 legitimate zoning violation complaints per year, or a little over one per week. With the Building Commission's

building inspectors continuing to act as field agents, we feel we can manage the load with existing staff.

6-3 ENFORCEMENT

6-3-1 GENERAL PROVISIONS:

- (a) Any person may bring an action to enjoin the violation of this ordinance by suit filed in Tippecanoe County circuit or superior court.
- (b) The Area Board of Zoning Appeals or any Administrative Officer, ~~by mandatory injunction in Tippecanoe County circuit or superior court against the owner and/or possessor of the real estate,~~ may require either:
- (1) the removal of a structure erected in violation of this ordinance; or
 - (2) the removal of any use or condition created in violation of this ordinance.
- (c) A structure erected, raised or connected, or real estate or premises used in violation of this ordinance or any regulation adopted thereunder, is hereby declared to be a common nuisance. The owner and/or possessor is then liable for maintaining a common nuisance.
- (d) Any owner and/or possessor of real estate who:
- (1) violates, or who permits a violation of any provision of this ordinance; or
 - (2) who fails to comply with any requirements of this ordinance; or
 - (3) who builds, reconstructs, or structurally alters a building or structure in violation of a detailed statement or plan for which an approval or grant is given under this ordinance
- shall be fined between ~~\$50~~\$100 and \$1500 for each ~~determination of judgment of~~ violation or failure to comply. Each day that the violation or failure to comply is permitted to exist will constitute a separate violation. In addition to the penalties provided herein, the Area Board of Zoning Appeals or the Administrative Officer bringing this action may recover reasonable attorney's fees, court costs, and other expenses of litigation by appropriate suit at law against the owner and/or possessor of real estate found to have violated this ordinance or any orders or permits issued hereunder.
- (e) Any action permitted to be commenced under this section against any owner and/or possessor of real estate, may also be brought against the owner of any personal property who has furnished that property or permitted it to be placed on real estate in a manner which results in any violation of this ordinance.
- (f) No permit application or land use petition, other than one intended as a Corrective Action under Section 6-3-2(b) of this Ordinance, may be submitted relative to any property which is the subject of an unresolved zoning violation.

6-3-2 PROCEDURE:

(a) Notice of Zoning Violation

- (1) Upon determination of a zoning violation, a written Notice of Zoning Violation shall be delivered via certified mail to the Subject Property's legal owner(s) of record, as determined from the records of the County Auditor.
- (2) The Notice of Zoning Violation shall: 1) identify the location of the zoning violation; 2) detail the specific nature of the violation; 3) cite the section(s) of the Ordinance violated; 4) provide options for remedying the violation; 5) establish a date, not less than fifteen calendar days following the mailing of the violation notice, by which resolution of the violation must occur, and; 6) indicate the fines and penalties that may accrue if the violation remains unresolved.
- (3) If the certified letter containing the Notice of Zoning Violation is returned undelivered, additional written notice shall be posted in a conspicuous location at the Subject Property. No further notification shall be required.

(b) Corrective Action

Upon receipt of a Notice of Zoning Violation, the owner of the Subject Property must, not later than the deadline date established in the Notice of Zoning Violation:

- (1) bring the property into compliance with the Ordinance; or
- (2) file for a variance, special exception, rezoning, or other land use petition as necessary to resolve the violation; or
- (3) file a formal appeal of the Notice of Zoning Violation with the ABZA, which shall be docketed for the next available regularly scheduled hearing of the ABZA; or
- (4) propose, and have accepted by the Administrative Officer, an extended timeline or other alternative means of achieving compliance.

(c) Failure to Remedy and Ongoing Enforcement

- (1) If at least ninety (90) days have elapsed from the mailing of the Notice of Zoning Violation and the violation remains unresolved, the Administrative Officer may record with the County Auditor a statement enumerating all outstanding fees and fines related to the Notice of Ordinance Violation, as provided by IC § 36- 1-6-2. Said list shall include the name of the owner(s) of the parcel(s) of real property on which fees are delinquent; the legal description of the Subject Property as shown on the records of the County Auditor; and the amount of the delinquent fees.
- (2) The list shall then be certified by the County Auditor and recorded with the County Recorder.
- (3) A lien shall then be placed on the property owner's tax duplicate. The total amount shall be collected in the same manner as delinquent taxes are collected and shall be distributed to the general fund.
- (4) If the violation is not corrected within thirty (30) days following the imposition of a lien as noted above, a lawsuit may be commenced by the designated enforcement entity in a court of general jurisdiction in Tippecanoe County, Indiana, as prescribed in this Ordinance, in IC § 36- 1-6, and by other applicable laws and ordinances.

(d) Repeat Violations

If a zoning violation is substantially similar to a zoning violation that occurred on the same property, and under the same ownership, as a violation that occurred not more than five years prior, the 15-day grace period described in Section 6-3-2(a)(2) of this Ordinance will be removed, and fines will begin the day the Notice of Zoning Violation is mailed.

~~6-3-2 INDUSTRIAL PERFORMANCE STANDARDS:~~

~~The Administrative Officer will investigate any reported violation of the Industrial Performance Standards in 4-10 above. If a violation is found, a copy of the findings will be forwarded to the owner or operator of the activity.~~

~~If the participating jurisdiction does not have the equipment or expertise to measure and evaluate a specific complaint, it may contract with another agency or an independent expert to perform the necessary evaluations. If a violation is found, the cost of the contract will be borne by the violator, in addition to any applicable fines. Non-payment of the cost of an investigation will be deemed a violation of this ordinance. If no violation is found, the participating jurisdiction will bear the expense.~~

6-3-4 ZONING ORDINANCE CITATION NOTIFICATION PROCESS:

(a) For violations listed below in 6-3-4(b) and (c), the Administrative Officer may choose to issue a citation notification as outlined in this Section, before taking further action under 6-3-1. The purpose of this Section is to help protect the public health, safety, and general welfare of the community by allowing an alternative process to correct violations of this ordinance.

(b) Land use violations that are subject to the citation notification process include:

Junk yards

Child Care Home

Child Care Center

Home Businesses (not legal Home Occupations) such as but not limited to:

Lawn care

Vehicle repair

Building contractor

Small engine repair

Billboard/outdoor advertising sign

Transient guest house

Agricultural rental hall

Boarding kennel

Breeding kennel

Construction/demolition disposal site

Buildings in FP zones

Amusement and recreation (outdoor) SIC 7999

(c) Development standard violations that are subject to the citation notification process include:

- Electronic signs/changeable copy signs changing more frequently than once per minute
- On-premise signage
- Fill in the Flood Plain
- Signs in public right-of-way
- Home occupation limitations
- Clear vision triangle
- Fences
- Setbacks for porches, decks and accessory buildings
- Event oriented signs

(d) In the event of a violation under 6-3-4(b) or (c), the Administrative Officer may issue a citation notification, either in person or by certified letter, to the owner and/or possessor who violates, or who permits a violation of any provision of this ordinance. The person shall then have 15 days from the date of notice to contact the Administrative Officer and remedy the violation. If the violation is not corrected, or if no response is made within 15 days, the Administrative Officer may issue notice of a fine in an amount not to exceed \$250. If the violation is not corrected and no response is made to the Administrative Officer after 30 days, a second notice of fine may be issued in double the amount of the first fine. If the violation is not corrected and no response is made to the Administrative Officer after 45 days, a fine in triple the amount of the first fine may be issued, and the Administrative Officer may take further action under 6-3-1.

(e) Nothing in this Section shall preclude or limit the Area Board of Zoning Appeals or any Administrative Officer from seeking any remedy under 6-3-1.

Residential Townhouse Zones

Proposed R1T & R1T-U Zoning Districts

May 23, 2022

Residential Town House (R1T & R1T-U) Single-Family Residential Zones

Intent: To provide areas for new, attached, single-family dwellings on small lots under fee simple ownership (not condominium) and served by public water and sewer. Two types of standards, as described in this section, govern this zone: Type 1 (R1T) Standards are found outside of **Urbanized Sewered Areas** while Type 2 (R1T-U) Standards are found within **Urbanized Sewered Areas**.

Permitted Use & Structures (Type 1 & 2):

- Primary Permitted Uses: Single-Family Dwelling, Section 3-2-6 typical uses, Transient Guest Rental, Child Care Homes, Public Parks, Religious Organizations, SIC 91
- Primary Special Uses: Bed & Breakfast, Transient Guest House, Group Homes, Museums and art galleries, Police / Fire, Administration of housing programs, Haven Houses
- Accessory Uses: See 4-1

Minimum Lot Area:

- Type 1: 2,000 sq. ft. (See 4-3 for additional information)
- Type 2: 1,200 sq. ft. (See 4-3 for additional information)

Minimum Lot Width:

- Type 1: 25' (See 4-3 for additional information)
- Type 2: 20' (See 4-3 for additional information)

Lot Coverage: Maximum coverage by all buildings

- Type 1: 60%
- Type 2: 80%

Lot Coverage: Minimum vegetative cover

- Type 1: 20%
- Type 2: 10%

Minimum Setbacks (Front, Rear or Side setback along street frontage. For Type 2, see 4-4-1 regarding Averaging Setbacks along Street Frontages See 4-4 for additional information):

- Along a local street, place, or internal off-street parking area:
 - Type 1: 5'
 - Type 2: 7'
- Along a collector street:
 - Type 1: 5'
 - Type 2: 7'
- Along a secondary arterial:
 - Type 1: 15'
 - Type 2: 7'
- Along a primary arterial:
 - Type 1: 15'
 - Type 2: 7'
- See 4-4 for exceptions

Maximum Setback along all street frontages:

- Type 1: 35'
- Type 2: 25'

Minimum Rear Setback not along Street Frontage:

- Primary Use Building:
 - Type 1: 20'
 - Type 2: 10'
- Accessory Building (Type 1 & 2 in rear/side yard only): 5'
- See 4-4 for additional information

Minimum Side Setback not along Street Frontage:

- Primary Use Building (end unit) (Type 1 & 2): 6'
- See 4-4 for additional information

Minimum Setbacks for Townhouse Groups (Type 1 & 2):

- Setbacks shall be varied at least two feet for all townhouse units within a group, except that two abutting units may have the same setback, provided no more than four units in the group have the same setback.

Minimum Number of Dwelling Units per Townhouse Group (Type 1 & 2): 2

Maximum Number of Dwelling Units per Townhouse Group (Type 1 & 2): 10

Minimum Architectural Standard (Type 1 & 2):

- As determined by the Administrative Officer, exterior architectural treatments (including but not limited to façade materials, window/door design and style, trim styles, massing, silhouette, colors, etc..) shall vary so that no more than two abutting units are substantially the same, and so that no more than four units in any group are substantially the same.

Maximum Building Height (Type 1 & 2): 45' (See 4-5 for exceptions)

Minimum Off-Street Parking Requirements (Type 1 & 2):

- 1 space per dwelling unit

Off-Street Parking Location Requirements (Type 1 & 2):

- Parking area shall be accessed from a private drive or public alley.
- Parking area shall be located behind the primary use building (attached/detached rear-loaded garage or surface space) or in an off-site parking area. Proposed off-site parking areas shall be no more than 500' from the units they are serving.

On Premise Signs (Type 1 & 2): See 4-8 (Include with R1 type standards)

Buffering Requirements (Type 1 & 2): See 4-9 (Include with R1 type standards)