

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

DATE..... JUNE 01, 2022
TIME..... 4:45 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

Larry Leverenz
Vicki Pearl
Greg Jones
Kathy Parker
Gary Schroeder
Tom Murtaugh

MEMBERS ABSENT

Jackson Bogan
Jerry Reynolds

STAFF PRESENT

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

Gary Schroeder called the meeting to order at 4:45 PM.

I. APPROVAL OF MINUTES

Larry Leverenz moved to approve the minutes from the April 6, 2022 meeting. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

II. TOWING/IMPOUND LOT AMENDMENT

APC staff David Hittle stated this is a proposed Ordinance Amendment that we are calling a fix to the ordinance. It would allow for towing service and impound lot use by right in the I3 district. We have three industrial districts, and they are I1, I2, and I3. I1 is the least intense, and I3 is the most intense. Currently, I1 and I2 allow for towing lots and impound lots, but I3 does not, and it doesn’t make sense. It seems right to fix this, so the most intense industrial district would allow impound lots and towing services, and that is what this would accomplish.

Vicki Pearl moved to send the Towing/Impound Lot Amendment to the full APC with a recommendation of approval. Gary Jones seconded, and the motion carried by unanimous voice vote.

III. ZONING ENFORCEMENT AMENDMENT

APC staff David Hittle stated they have been speaking with the Building Commission and specifically the Building Commissioner, Mike Wolfe. It has been many years and under a different set of commissioners that the task of enforcing the zoning ordinance was shifted from the APC to the Building Commission which is an unusual place for it to be because the inspectors are well versed in building code, but not in zoning code, and typically enforcement of the zoning ordinance falls under a planning department, so he spoke with Mike and Tom, and it seems that the better house for enforcement of zoning ordinance would be the Area Plan Commission where they are dealing with the zoning ordinance every day, and it is an opportunity to look at the ordinance, the enforcement language, and tighten it up some to make it more impactful. What is happening currently is a zoning complaint is received, and Mike or one of Mike’s

inspectors will go out and identify if there is or is not a zoning violation, and then they write a letter, and if there is no action, then David writes a second letter to the property owner, and if they don't cooperate and fix the problem on the property, then we would transition it to an external legal counsel. As far as zoning enforcement goes most ordinances allow for it to be more of a staff process, more of an administrative task where the burden of fixing violation is placed on the property owner rather than on the county or municipality. This would give staff the ability to make the determination that there is a violation in place. It would give them the ability to issue a letter which tells the property owner what they must do to fix it, what their options are, and the penalties that they would incur if it was not fixed.

This zoning ordinance and the enforcement language will be used by the County, West Lafayette, Lafayette, and the smaller municipalities, so the language had to be suitable for everybody. We didn't change the language; we just added to it. This is going to make property owners pay attention more quickly and bring some satisfaction to their neighbors. When we are talking about zoning violations what we are looking at is mostly the accumulation of junk on residential properties. We won't need to add any more staff; after speaking with Mike there are about 60 cases per year, and we will maintain a relationship with the Building Commission so that their field guys will continue to be our field guys. They will be the eyes, and they will do the first investigation and take photographs after a complaint is received, and then they will bring that information back to us, and then we will write the letters and be dealing with the neighbors and property owners.

Gary Schroeder asked if the appeal process would stay the same.

David Hittle responded when they get the zoning violation letter, they have a number of options. They could fix the violation; they could file a land use petition to legally establish it, or they have the option to appeal it, and that would take it to the Board of Zoning Appeals.

Gary Schroeder asked what the cost is to file an appeal.

Ryan O'Gara responded it is a \$500 flat fee.

Gary Schroeder stated the cost of \$500 to file an appeal seems high. Maybe a lower cost would be more appropriate. For some people, this is a lot of money for an appeal.

David Hittle stated in his experience, there is less than one appeal per year. The violation wouldn't be issued unless there was evidence heavily in favor of the violation.

Tom Murtaugh stated he would be in favor of if they win the appeal, the fee could be refunded.

Vicki Pearl stated she does agree that \$500 is a lot of money to some people.

Gary Schroeder moved to make a recommendation to the Bylaw Committee that the appeal filing fee for a zoning violation be reduced to \$250. Larry Leverenz seconded, and the motion carried by a vote of 5-yes to 1-no.

Yes-Votes

Larry Leverenz
Vicki Pearl
Gary Schroeder
Greg Jones
Kathy Parker

No-Votes

Tom Murtaugh

Tom Murtaugh moved to send the Zoning Enforcement Amendment to the full APC. Vicki Pearl seconded, and the motion carried by unanimous voice vote.

Yes-Votes

Larry Leverenz
Vicki Pearl
Gary Schroeder
Greg Jones
Kathy Parker
Tom Murtaugh

No-Votes

IV. CREATING TWO NEW ZONES FOR TOWNHOUSE DEVELOPMENTS

Ryan O’Gara stated this has been something on his mind for a long time about trying to achieve a set of zoning districts that allow for the by right development of single-family attached homes or townhouses. The definition which is something he would include with this proposed zoning ordinance amendment is it is a single-family attached home on a fee simple lot, so it is not a condominium property; it is not horizontal. An example of this would be downtown across from the library. The objective is essentially affordability. Creating homeownership opportunities for folks that maybe can’t afford the single-family detached home. He noted we have the duplex option; we have duplex zones R2 and R2U, but this is strictly a single-family effort. A lot of the uses and special uses, buffering standards, and signage standards are all ultimately connected with R1 zoning and R1U zoning. The proposal in the packet is what he wanted to introduce to everyone and have everyone think about for a month, because it is a new zoning district. The development community has been very much involved behind the scenes with this. The objective here is to let you review this, and we want your comments. We want to make this a useful tool for the community. We shouldn’t have to zone something Central Business and then to multiple variances and commitments; why not just have a townhouse zoning district. The objective is to ultimately create a definition in Chapter 1 to govern a single-family attached home, and then split the townhouse option to a Type 1 or Type 2.

Tom Murtaugh asked if Ryan could email his full presentation.

Ryan O’Gara stated yes, he could do that. He also noted that apart from creating the definition which will be in Chapter 1, this would be an addition to Chapter 4, so if someone has a unique situation, they could seek a variance.

V. CITIZEN COMMENT

Mary Ellis, Builders Association of Greater Lafayette Executive Director, Lafayette, stated she attended this meeting because of the Townhouse Ordinance, and they are very interested in this. She requested that the Builders Association of Greater Lafayette be included in all documentation on this.

VI. ADJOURNMENT

Vicki Pearl moved to adjourn. Larry Leverenz seconded.

The meeting adjourned at 5:46 p.m.

Respectfully Submitted,

Jennifer Ewen
Recording Secretary

Reviewed By,

A handwritten signature in black ink, appearing to read "D. Hittle". The signature is written in a cursive style with a horizontal line extending to the right.

David Hittle
Executive Director