

The
AREA PLAN COMMISSION
of Tippecanoe County

Ordinance Committee Notice of Public Hearing

Date: March 3, 2021

Time: 4:40 PM

Location: Tippecanoe County Office Building
Tippecanoe Room
20 North Third Street
Lafayette, IN

AGENDA

I. PLEASE NOTE:

Due to the public health emergency, public comment on agenda items may be submitted prior to the meeting at apc@tippecanoe.in.gov. Comments must include name and address to be heard. Comments may also be made live on the streaming platforms. 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.

II. APPROVAL OF THE MINUTES FROM THE DECEMBER 2ND, 2020 MEETING

Documents:

[ORD 12.02.2020 MINUTES.PDF](#)

III. FOUR PROPOSED MINOR AMENDMENTS FROM THE FEBRUARY A.O.'S MEETING:

- a. Basement Window Wells
- b. Electrical Contractor's Building Size Limitation
- c. Reducing the Parking Standard for Industrial Truck Service
- d. Using Shipping Containers as on-site Storage Buildings

Documents:

[MARCH 2021 MINOR UZO CHANGES.PDF](#)

IV. CITIZEN COMMENTS

V. ADJOURNMENT

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

DATE..... December 2, 2020
 TIME.....5:00 P.M.
 PLACE..... COUNTY OFFICE BUILDING
 20 N. 3RD STREET
 LAFAYETTE, IN 47901

Due to the public health emergency, the meeting was held virtually. Members of the public may watch the livestream of the meeting at <https://www.facebook.com/TippecanoeCountyIndiana> or <https://www.youtube.com/channel/UCJleeA9ZQo9E11GdZTdjurQ/featured>

MEMBERS PRESENT

Jerry Reynolds
 Jackson Bogan
 Greg Jones
 Carl Griffin
 Larry Leverenz
 Gary Schroeder

MEMBERS ABSENT

Vicki Pearl
 Tom Murtaugh

STAFF PRESENT

Sallie Fahey
 Ryan O’Gara
 Rabita Foley
 Chyna Lynch
 Larry Aukerman
 Zach Williams, Atty.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the November 4, 2020 Joint Committee meeting. Carl Griffin seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. SOLAR ENERGY SYSTEMS AMENDMENT:

Continued discussion regarding adding requirements and standards for accessory solar energy systems; community-scale and large-scale solar energy systems to the Unified Zoning Ordinance.

Larry Leverenz mentioned the changes made to the amendment as well as a memo regarding the ad hoc committee that was held on November 4th. The memo says the committee met to discuss an equitable surety for removing solar energy systems. Rabita will follow up on this.

Rabita Foley said as a result of the discussion at the ad hoc meeting, staff has prepared a few changes to the proposed solar energy system ordinance. There are 8 additions and changes to the ordinance amendment. The surety must be in a form acceptable to APC staff, legal counsel and Administrative Officers. A pre-submission meeting involving the applicant and the property owner is required prior to the submission of the special exception request or ILP application. A cost estimate must be certified by a professional engineer and a decommissioning plan must be recorded once approved. Both the property owner and applicant will be added as the responsible party to fulfill the requirements of the recorded decommissioning plan. We have removed the decommissioning requirement for community scale solar energy systems when utilized by institutional uses. We added an example of a cost estimate table with the minimum required items for decommissioning. Staff is working on adding surety templates which have been borrowed from the Unified Subdivision Ordinance and have revised it to fit the decommissioning plan. The only new item is section 8 which is the appendix section of USO that will include all the decommissioning documents. Staff received additional community feedback which has been included in the proposed ordinance.

Larry Leverenz thanked Rabita for her work on this ordinance amendment and for summarizing the points discussed at the ad hoc meeting. He asked if this was ready to be sent to the full APC meeting.

Greg Jones said in Section 5, ground mounted solar energy systems have a maximum height of 15 feet. There are residential systems that will use a tracking array which is mounted on a single pole. The array might be 9 to 12 panels at the largest. They will follow the sun from east to west. These may reach higher than 15 feet and up to 20 feet.

Rabita Foley asked if this is an accessory system or a large-scale system where the energy will be sold.

Greg Jones said this is typically a residential level.

Rabita Foley said she would research these systems because she has not found a system that would go higher than 15 feet. That number came from the model ordinance that Indiana was working on at that time. We were comfortable with the 15 feet requirement but staff can take a second look for that type of system.

Greg Jones said he would share the resources he has on this with Rabita.

Gary Schroeder asked if someone could get a variance for a 20-foot system if the 15 feet height maximum is the standard.

Rabita said someone could get a variance on that because it is in Section 4.

Gary Schroeder asked if we send this to the full APC and there is evidence that a 20-foot height limit is more appropriate, if this can be changed at the full APC.

Zach Williams said this can be easily changed at the full APC meeting. The best idea is to send it on to the full APC while staff does research. If there is a need for additional time, this can be postponed.

Gary Schroeder asked Greg Jones if he is seeing that solar systems are trending to be bigger and taller or if they are getting shorter,

Greg Jones said the panels are getting much larger. They used to be 120 watts a panel 10 years ago and have since gone up to 200 watts. These tracking arrays will get popular. There is a maximum of 9 to 12 panels. He said he has not seen the tracking arrays with larger panels and that he would do more research before the next meeting.

Sallie Fahey asked if the panels are getting larger in size or wattage.

Greg Jones said they are getting larger in both size and wattage. They are getting more out of less but the panels are still getting slightly larger.

Larry Leverenz asked if any of the measurements in the requirements of this ordinance seem to be out of line with the near future of solar.

Greg Jones said he is not sure but he will do more research before the next meeting.

Larry Leverenz said he would like to see this go to the January full APC meeting. If major changes need to be made, they can be made at the meeting or this can be continued.

Gary Schroeder moved to send the solar energy systems ordinance to the January 2021 full APC meeting. Jackson Bogan seconded and the motion carried by unanimous voice vote.

Larry Leverenz asked Rabita if she will have the forms at the APC meeting.

Rabita Foley said she hopes to have the forms by then. She said she will be emailing Commission members with expertise in the field to help give guidelines to revise the forms. She asked if anyone would like to see the forms before the meeting.

Larry Leverenz said he did not need them.

Rabita Foley thanked everyone for their patience while this ordinance amendment has been developed. There has been a lot of input from the community as well as members from the APC.

Larry Leverenz thanked Rabita for her time and effort on this amendment.

III. CITIZEN COMMENT

Larry Leverenz said there will be a one-minute pause for citizen comment. There was none.

IV. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:21 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,

A handwritten signature in cursive script that reads "Sallie Fahey". The signature is written in black ink on a light-colored background.

Sallie Fahey
Executive Director

MEMORANDUM

TO: APC Ordinance Committee
FROM: Kathy Lind, Senior Planner
SUBJECT: 4 Minor Amendments from the Administrative Officer's February meeting
DATE: February 25, 2021

I. **BASEMENT WINDOW WELLS:**

This concern was brought up by the West Lafayette Administrative Officer (A.O.) and has to do with basement window wells located at either the front or the rear of a new house, particularly a house constructed right at the 25' front or rear setback. Currently the ordinance allows window wells to extend into *side* setbacks, but it says nothing about basement window wells at the front or rear of a house extending into those setbacks.

According to our A.O.s, the Indiana Building Code requires window wells extend 3' out from a house to allow adequate egress in case of fire. It was decided to allow window wells up to 4' into a front or rear setback with the Administrative Officer's approval. (See the proposed addition to that section highlighted below.)

4-4-5 SETBACKS FOR STRUCTURAL PROJECTIONS AND STOOPS:

(a) The following ***structural projections*** may extend up to 2' into a minimum ***front, rear*** or 6' ***side setback*** and no more than 1' into a minimum 5' ***side setback*** where permitted: eaves, overhangs, bay windows, greenhouse windows, window wells, window-mounted or wall-mounted air conditioners, fascia brick and exterior siding. (Amend 44 and 52) **However, window wells may extend up to a maximum of 4' into rear and front setbacks at the discretion of the Administrative Officer.**

II. **ELECTRICAL CONTRACTOR'S BUILDING SIZE LIMITATION:**

Last month the APC heard a rezone case from Agricultural to General Business for an electrical contractor's business. The use is allowed in the A zone with a special exception, but GB zoning was necessary for this particular business because petitioner was planning to construct a building of 7,200 square feet. A footnote in the use table limits electrical contractors, and all general construction contractors, to buildings of 5,000 square feet in the Agricultural zone.

Staff took this issue to the A.O.'s and solutions were discussed. Every month, the County Building Commissioner issues building permits for pole barns well over 5,000 square feet in size for farming or for "personal storage" and none of these permits require GB zoning. It was debated whether to increase the size limit or to simply remove the building size limitation. Finally, it was agreed to double the size limit to 10,000 square feet. It was decided that the original wording of the footnote was ambiguous (Does one total all of the buildings on site to get the maximum

gross floor area or is that the area of the largest building on site?) so that has also been remedied below.

Footnote 8 is attached to all of the following uses in the Permitted Use Table of the zoning ordinance:

SIC 15: "Building Construction – general contractors & operative builders"

SIC 1611: "Asphalt or Concrete Paving – roads, highways, public sidewalks & streets – contractors" and

SIC 17: "Construction – specialty trade contractors"

If the Ordinance Committee decides to change this part of the ordinance, it could change the footnote for all the above categories of use, or only for SIC 17. These two options are shown below:

Option A: Change the limit for only SIC Group 17 Construction special trade contractors:

Footnote 8: Permitted in NB, NBU, OR, CB and CBW **zones** only with no outdoor operation or storage of materials and equipment, and maximum **gross floor area** of 5,000 square feet. Permitted by Special Exception in A, AA and AW zones on 5 acres or more, with the **largest building's** maximum **gross floor area** of 5,000 square feet. (Amend 36) **However, SIC Group 17 Construction special trade contractors' largest building shall have a maximum gross floor area of 10,000 square feet in A, AA and AW zones.**

Option B: Change the limit for all businesses in the Use Table with footnote 8 attached:

Footnote 8: Permitted in NB, NBU, OR, CB and CBW zones only with no outdoor operation or storage of materials and equipment, and maximum **gross floor area** of 5,000 square feet. Permitted by Special Exception in A, AA and AW zones on 5 acres or more, with **the largest building's** maximum **gross floor area** of ~~5,000~~ **10,000** square feet. (Amend 36)

III. **CHANGING THE PARKING STANDARD FOR LARGE ITEM REPAIR SHOPS:**

Recently, the ABZA heard a special exception for "Industrial truck services or misc. repair shops" (SIC 76) in the Agricultural zone. While reviewing this case, staff noticed the required parking standard for this use seemed much too high. The parking standard, Group 8: 1 space per 200 sq.ft. of **gross floor area**, which is also the standard for most stores, seemed excessive to staff. Naturally, a large area is needed to repair trucks or large farm machinery; but this does not translate to needing a large amount of customer parking. For example, furniture stores only require 1 space per 400 square feet of floor area, half as much as a grocery store would need to provide. Like furniture, trucks and farm equipment, being larger, require more space, but not necessarily more customer parking.

Staff discussed this with A.O.'s at our February meeting and it was decided changing the parking standard from Group 8 to parking Group 6 would solve the problem. The parking standard for uses in Group 6 are, "1 space per employee

on the largest shift, plus 1 per 200 sq. ft. of office, sales, or similar floor area.” This standard would mean each employee would have a parking space and the office floor area, instead of the large repair shop area, would determine the number of parking spaces required to be on site.

Parking Group	SIC Number	Use
8	76	Miscellaneous repair shops
	Except:	
8	7629	Medical equipment repair, electrical
8	7699	Medical equipment repair, except electrical
6	7699	Farm machinery and equipment service & repair
6	7699	Industrial Truck Services

IV. **USING STORAGE/SHIPPING CONTAINERS AS A GARAGE:**

The County Administrative Officer brought this issue up for discussion. Building Commissioner Mike Wolf has been getting more questions recently about whether or not shipping containers can be utilized to store personal items and kept in yards. (We also discussed the re-use of these shipping containers as residences. It was decided that as long as the residential requirements found in the Indiana Building Code were being met, we would not limit this.) It was agreed that permitting one or two of these containers for storage on a farm zoned A would be acceptable; however, allowing even one in a backyard of a residential subdivision of any zone would not. Nothing definitive was decided at A.O.'s and it is brought up here for discussion purposes only.