

The
AREA PLAN COMMISSION
of Tippecanoe County

Ordinance Committee

Notice of Public Hearing

Date: March 4, 2020

Time: 4:35 PM

Location: Tippecanoe County Office Building

Tippecanoe Room

20 North Third Street

Lafayette, IN 47901

AGENDA

I. APPROVAL OF PREVIOUS MEETING MINUTES

Documents:

[ORD 02.05.2020.PDF](#)

II. NEWSPAPER LEGAL ADVERTISEMENTS:

A brief report on changes staff has implemented based on last month's Ordinance Committee discussion. - Kathy Lind

Documents:

[LEGAL ADS SOLUTIONS.PDF](#)

III. INTEGRATED CENTER SIGNAGE:

Staff is working on an amendment regarding business signs within integrated centers. - John Burns and Kathy Lind

Documents:

[INTEGRATED CENTER SIGNS.PDF](#)

IV. CITIZEN COMMENTS

V. ADJOURNMENT

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

DATE.....February 5, 2019
 TIME.....4:40PM
 PLACE.....COUNTY OFFICE BLDG.
 20 N. 3RD STREET
 LAFAYETTE, IN 47901

MEMBERS PRESENT

Jackson Bogan
 Tom Murtaugh
 Carl Griffin
 Vicki Pearl
 Gary Schroeder

MEMBERS ABSENT

Greg Jones
 Larry Leverenz
 Jerry Reynolds

STAFF PRESENT

Sallie Fahey
 Rabita Foley
 Kathy Lind
 Chyna Lynch
 Zach Williams

ALSO PRESENT

Chad Spitznagle	Lisa Dullum
Steve Clevenger	Al Beavers
Bill Miller	Maureen Berry
Julie Peretin	

Chair Jackson Bogan called the meeting to order.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the January 2, 2020 Ordinance Committee meeting. Greg Jones seconded, and the motion passed by unanimous voice vote.

II. INTEGRATED CENTER SIGNAGE:

Staff is working on an amendment regarding business signs within integrated centers and what types of developments can be considered “integrated centers”. No proposed amendment is ready at this time, but a brief overview will be presented.

Kathy Lind said this is a work in progress and there is not an amendment to present this evening. The developer of Sagamore Commons, a recent GB rezone at Sagamore Parkway and Cumberland Avenue, wants to revise the integrated center sign definition. The developer wants the outlots that face Sagamore to be included as part of the integrated center and have signs on the integrated center sign. The definition prohibits the outlots to be considered as part of the integrated center. Staff is changing the definition to allow those businesses to be considered part of the integrated center. More recently, the developer asked if the businesses in the outlots could have monument signs. Staff will meet with the developer to hash out what they want.

Tom Murtaugh asked if the petitioner wants both the integrated center sign and the monument sign.

Kathy Lind said it appears that way to staff. This will be discussed with Chad Spitznagle from West Lafayette.

Jackson Bogan clarified that the developer might want a monument sign, a sign on the integrated center and signage on the building itself.

Kathy Lind said that is correct. Someone interested in purchasing one of the lots wanted three pole signs because there are three frontages. This issue needs to be discussed as well.

Jackson Bogan asked if this will be brought back when ready.

Kathy Lind said that is correct.

III. SOLAR ENERGY UZO AMENDMENT

A brief overview of staff's work at this point.

Rabita Foley said staff has been working on a solar development ordinance for the county. She wanted to share with the Committee where staff is in this process. During this process, staff first did a peer review of other cities and counties in Indiana that have adopted ordinances for solar development. Staff then looked at model ordinances throughout the United States in North Carolina, Virginia, Illinois Minnesota, Iowa, Utah, and Massachusetts. These states were the first to adopt solar ordinances and have had time to test and revise them. Following that, staff compared different ordinances that specifically address different issues like accessory use versus primary use, rooftop systems versus ground mounted systems, system sizes and end-of-life management. Now, staff is analyzing everything they have processed and will design development standards. Staff will specifically address impervious surfaces, lot coverage, setbacks, visual buffer, noise, height and glare. The next step in this process is analyzing decommissioning solar installations. This is not well-developed in the US as it is still evolving how to handle the end of life of solar installations. There are some research materials and recommendations from the American Planning Association and other communities that have adopted solar ordinances. It is not evolved quite yet because the life of the solar installations are 25 to 35 years. Most communities have not had the chance to deal with this yet. The ordinance will detail how to handle inactive solar farms, removal, regrading, reseeding and cost of decommissioning. Staff believes all these issues are crucial to creating a proposal. After this, staff plans to have multiple feedback sessions with interest groups to get feedback from community members before bringing the proposal or staff recommendation to the Ordinance Committee. She welcomed any input or suggestions from the Committee.

Carl Griffin asked if there was a general timeline for these steps.

Rabita Foley said staff is currently stuck on the analysis and design of development standards and decommissioning because some communities have not responded to inquiries. Once staff receives a response, they will share their findings. Dan Rhodes from Duke Energy spoke on this topic a few months ago. He has arranged a field trip for staff and members of the Committee to visit the solar farm off US 231 in mid-March. Staff believes it would be beneficial to visit the solar farm before presenting the proposal. Realistically, this should be ready to be presented no later than April. This will allow time for staff to iron out details.

Tom Murtaugh asked if the counties listed under peer review were the only counties in Indiana with solar development ordinances.

Rabita Foley said these were the only counties she was able to find.

Jackson Bogan asked if the board game was helpful.

Rabita Foley said it was helpful because it gave staff a sense of what the community is expecting from the ordinance. It was also helpful that those that played were a homogenous group in their level of understanding solar terminologies and how solar ordinances are implemented. It was helpful with feedback but not necessarily in raising awareness. There should be a few more sessions where the focus is awareness for the general population.

Vicki Pearl asked if the counties listed in the peer review are practicing or if they have only developed an ordinance.

Rabita Foley said most of the counties and cities have active solar farms. If not large scale, they have accessory use solar which is largely regulated by building code.

Jackson Bogan thanked Rabita for the update.

Zach Williams said he investigated the notice issue on the Lafayette Leader and Journal & Courier. There is no clear answer. However, the Association of Press have sent several municipalities and legislature materials that indicate the law requires two publications be used. There is no variance or possibility to compromise. This is something that needs to be clarified at the legislative level.

Sallie Fahey said after this issue came up the last time, it has come up again with the Lafayette Leader. This time, staff's emails with the legal ad went into the spam box of the new employee at the Lafayette Leader. The ad was not published by the deadline. They did not want to take ownership of the issue and asked their IT Department to make sure that does not happen again. Staff is at their wits end with what to do. It should not matter if there are changes in employment or if the email goes into a spam box, they should do their job.

Jackson Bogan said he agrees with Sallie, but it seems there is not much that can be done.

Zach Williams said this would be a good topic to bring up to the state legislators as they go into session.

Sallie Fahey said it would be helpful if they changed it to two daily newspapers and allowed those that have only one daily newspaper to only use one.

Carl Griffin asked in any given week, what is maximum number of mailings. Do they get bunched together and several are sent at once? How does the email notification happen?

Sallie Fahey said all the newspapers have required the legal ad information be emailed to be published on behalf of those that have filed cases. For each case on an agenda, they receive a sheet that says who they are to bill, a sheet that has the legal ad format and the legal description. Once a month for each agenda, Kathy or Rabita will send these emails.

Carl Griffin said given that they are requiring that it be published with them, it would seem they would take more responsibility. What if staff called the following morning to follow up with the emails?

Kathy Lind said staff has began to do that because of these recent issues. Staff requires confirmation that they received the ads. This seems to be working.

Carl Griffin said for the case that did not make it on the Executive Committee Agenda, these steps were not taken. They did not contact staff the next day.

Sallie Fahey said this is the case for the legal ad that went into the spam folder.

Kathy Lind said this was the week she was out sick and did not realize she had not heard back from them. When she contacted them, it was too late. They only publish once a week.

Jackson Bogan said the concern is that citizens are being held up because of the mistakes being made. Taking that extra step to make sure this does not continue might be worth the phone call.

Sallie Fahey said the other issue is that both newspapers email the bill. They are supposed to email the bill to whoever is listed on the coversheet. The bill could also end up in the spam box of individuals that are expecting the bill. This has happened, and the bill has not been paid in time. Staff tells petitioners to make sure they watch for the bill and that they must pay the bill to get the proof of publication before the meeting which is a statutory requirement. There have been some cases where the newspaper assumes everyone is a business and if they do not have a business account, the petitioner must pay ahead of time. The further the newspaper company is removed from us physically, the more difficult it becomes.

Vicki Pearl asked if a fee could be built into the filing fee and if the fee for publication is less, the petitioner gets refunded.

Sallie Fahey said it is not easy to refund from the county system.

Zach Williams said there is not a way to work around these issues. The number of issues that are completely out of staff's control is creating a problem. The statute has been changed in the past to try to ease some of these issues, but it has not taken away the reliance on this system. This is something that will continue to be a problem until there is a change at the state level.

Sallie Fahey said it would be worth having this discussion in the summer when the legislature is gearing up for the long session to gain some traction locally.

Tom Murtaugh said it would be a good idea to bring this to the GLC event for the legislative debrief where everyone is together to talk about community issues. He asked that notes be prepared for a brief presentation on what the problem is and a possible solution.

Sallie Fahey said if we could get GLC involved it could snowball into involvement from the State Chamber, the Farm Bureau and AIM. We can be proactive for the next session, but we are stuck with this process for a year.

Jackson Bogan asked if on the sheet the petitioner is given from staff that lists what needs to be done, if there is anyway to emphasize that petitioners check their spam box for the bill for the publication? This might be helpful.

Rabita Foley said this is not currently in writing. However, when someone files a request, they are told to look for emails regarding the bill. This process sometimes overwhelms first time petitioners. Staff has started asking newspapers to email staff if they are unable to get a response from petitioners. Some of the engineering firms that have accounts with the newspapers work with them in a different capacity than individual petitioners. Because they are not monitored as closely, they tend to fall through the cracks. Staff cautions first time petitioners and make newspapers aware that they are first time petitioners. This has worked well.

Kathy Lind said before, staff was having issues with first time petitioners but that has gotten better now that staff reminds them to check for emails from the newspapers.

Vicki Pearl asked if there is a customer service line for the newspapers that can be listed on the sheet given to petitioners, so they can contact them if they have issues. This way they have a phone number and a department they can contact.

Rabita Foley said it would be a good idea to develop a written document that can be given to petitioners. Staff has a list of contacts that they can refer to petitioners, so it would be useful to add to the checklist.

Jackson Bogan said that was the direction that he was going with the checklist. It would be useful to add a few bullet points.

Vicki Pearl asked if the petitioner is copied in the email from staff to the newspapers, so they are aware the request has been submitted? This way they are in the loop to when they may receive the bill.

Kathy Lind said that would be a good idea to implement.

Gary Schroeder said all the comments this evening are coming from people in a world of disclosure and written disclosure. These details need to be disclosed in writing to make sure petitioners are aware. These are good suggestions.

IV. CITIZEN COMMENTS

None.

V. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:10 p.m.

Respectfully Submitted,

Chyna R. Lynch
Recording Secretary

Reviewed By,

A handwritten signature in cursive script that reads "Sallie Dull 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: required legal advertisements
DATE: February 27, 2020

Following our discussion at the February Ordinance Committee meeting regarding ways to prevent cases from being continued because of problems with the newspapers, the following changes have been implemented by staff:

- The “Standard Rezone Filing Checklist” and the “Standard BZA Filing Checklist” that are found on our website under “Forms and Applications” have been amended to show the emails and phone numbers of the Journal & Courier and the Lafayette Leader legal ads departments. (Please see the attached copies of these forms with the additions highlighted in yellow.)
- When planners “on the desk” take in new filings, petitioners are told that the bills for their legal ads will be emailed to them and to check their “spam” folders in case the email is mistakenly directed there. We also tell them when to expect the bills to be sent.
- When staff emails the legal ads to the two newspapers 21 days prior to our meetings (Executive Committee, APC, and ABZA) we now also “carbon copy” or cc that email to the petitioners on that month’s agenda.
- We have always asked the newspapers to respond to our email to let us know they received the ads and to tell us when the ads will be published. Now, if we have not received confirmation from the newspapers by the following day, we reach out to the newspapers by email or phone to make sure our email was received.

Standard Rezone Filing Checklist, (non-PD)

Check when completed	Forms	Deadline
	Petition	At time of Filing
	Notarized Consent (if necessary)	At time of Filing
	Interested Parties List	At time of Filing
	Notice of Public Hearing (2 copies)	At time of Filing
	Notice of Public Hearing Release Form (2 copies)	At time of Filing
	Notice to Interested Parties Letter	At time of Filing
	Ordinances (17 copies)	At time of Filing
	WL City-Campus Community Collaboration Zone Verification (if necessary)	At time of Filing
	Copy of layout and Checkpoints for proposed Subdivision (required if rezoning from aguliculture to residential)	At time of Filing
	Fee, \$500 for rezone, \$10 per sign per frontage	At time of Filing
	Commitment (6), Acknowledgment of Administrative Officer Form, and additional \$100 (if necessary)	At time of Filing
	Purchase from APC (\$10 per sign) and post sign on each frontage of property	At least 10 days prior to meeting
	Mail Letters: by certified mail send to every name on the submitted list of interested parties: <u>including one to APC executive director</u>	At least 10 days prior to meeting
	Obtain a copy of the Proof of Publications (POP), contact newspapers if needed, may need to pay bill first	Day of APC meeting or earlier
<p>Please email GanLegPubNotices@gannett.com / GRSC-West-Legals@gannett.com or call Kia Thor/Derek Lindberg @ 855-288-4370 option 3 to follow up on Journal & Courier POP</p>		
<p>Please email kvlegals@gmail.com or call Brenda Grandstaff @ 574-583-5121 to follow up on Lafayette Leader POP</p>		
	The Affidavit of Notice to Interested Parties form, signed by you and notarized	Day of APC meeting
	All the Certified Mail receipts from the post office for the letters you've sent out	Day of APC meeting or after sending
	The Affidavit of Sign Posting form, signed by you and notarized on the day of the meeting	Day of APC meeting

Standard BZA Filing Checklist

Check when completed	Forms	Deadline
	Petition	At time of Filing
	Notarized Consent (if necessary)	At time of Filing
	Interested Parties List	At time of Filing
	Notice of Public Hearing (2 copies)	At time of Filing
	Notice of Public Hearing Release Form (2 copies)	At time of Filing
	Notice to Interested Parties Letter	At time of Filing
	WL City-Campus Community Collaboration Zone Verification (If Necessary)	At time of Filing
	Scaled Site plan (5 copies)	At time of Filing
	VARIANCE: Fee, \$100 for Single-family homes, plus \$50/additional request OR Other = \$500, plus \$50/additional request SPECIAL EXCEPTION: Fee, \$500	At time of Filing
	Purchase from APC (\$10 per sign) and post sign on each frontage of property	At least 10 days prior to meeting
	Mail Letters to Interested Parties List by certified mail, send to every name on the submitted list	At least 10 days prior to meeting
	Obtain a copy of the Proof of Publications (POP), contact newspapers if needed, may need to pay bill first	Day of BZA meeting or earlier
Please email GanLegPubNotices@gannett.com / GRSC-West-Legals@gannett.com or call Kia Thor/Derek Lindberg @ 855-288-4370 option 3 to follow up on Journal & Courier POP		
Please email kvplegals@gmail.com or call Brenda Grandstaff @ 574-583-5121 to follow up on Lafayette Leader POP		
	The Affidavit of Notice to Interested Parties form, signed by you and notarized ONLY on day of meeting	Day of BZA meeting
	All the Certified Mail receipts (green and white) from the post office for the letters you've sent out. We do not need the green cards that neighbors sign.	Day of BZA meeting or after sending
	The Affidavit of Sign Posting form, signed by you and notarized on the day of the meeting	Day of BZA meeting

BZA MEETING 4TH WEDNESDAY AT 6PM (except Nov./Dec. which is combined to first Wednesday in Dec.)

Memorandum

TO: APC Ordinance Committee
FROM: Kathy Lind, Senior Planner
SUBJECT: integrated center signage
DATE: February 27, 2020

Staff has fielded requests from a commercial property developer, to revise our integrated center sign regulations and to make changes to signage permitted on businesses within integrated centers...basically, this developer wants no freestanding signs for these types of businesses except for a monument sign and a panel on the integrated center sign.

Currently, we calculate the total amount of signage allowed per standalone business by using a sign worksheet. The area permitted depends on the zone, the number of road frontages, the setback of the building, the speed limit of the road it is located on, and whether or not the business will have a freestanding sign. (To encourage businesses to not have pole signs, businesses get extra sign area if they don't have a freestanding sign.)

Our current definition of "integrated center" is as follows:

INTEGRATED CENTER. One or more **buildings** occupying a site under one ownership or management, containing a number of individual, unrelated and separately operated **uses** each with their own outside entrance (commonly known as a strip center) or completely enclosed (such as a retail mall). The **building** or **buildings** of an integrated center share common site facilities and services such as driveway entrances and exits, **parking areas**, truck loading, maintenance, sewer and water utilities, and similar common facilities and services. A **building** on an outlot which is physically separated from the other **uses** in an **integrated center** by curbs and/or landscaping, and which contains its full requirement of parking, but which shares driveway entrances and exits with other **uses**, is not part of that **integrated center**. An **office building** is not an **integrated center**.

Signs for businesses within integrated centers are calculated differently than a standalone business. These uses get fascia signage of 5 square feet per 1000 square feet of floor area with 40 square feet as the minimum amount of signage guaranteed, up to a maximum allowance of 400 square feet of signage. They are not permitted freestanding signs, but they may advertise on an "integrated center sign" currently defined as follows:

INTEGRATED CENTER SIGN. Any **freestanding** or **building sign** which provides the name of the **integrated center** and optionally, a list or display of the names of the center's occupants. The name of the **integrated center** shall comprise at least 25% of the total sign area of the **integrated center sign**. A **changeable copy sign** may be included in an **integrated center sign** in the GB and HB zones only, up to a maximum of 25% of the total sign area.

The integrated center sign size is based on the zone, the ground floor area of the integrated center and the speed limit of the road it is located on. The issue the developer and his team is having with our ordinance is, they would like to be able to market their

project by telling potential businesses the size of the integrated center sign upon which they will be able to advertise. But nobody, not even the developer, knows what the ground floor area will be of this future integrated center.

The second problem this developer is having is the way we define "integrated center." Currently, commercial outlots that line the frontages of an integrated center by definition are not part of that integrated center. And because they are not, these commercial outlot businesses get signage as if they were standalone businesses including one pole sign per street frontage. Because this developer's integrated center will have public streets in the interior instead of the more common private driveways and easements, it is likely to create a scenario where a lot is bounded by three "streets" and can legally have three pole signs.

Staff met with the developer to discuss these issues. Everyone agreed no one wants a business to have three pole signs; we all agreed that a single monument sign for commercial outlot businesses would be preferable.

Attached are the changes staff is proposing to address these concerns. This overall proposal has not yet been reviewed by the Administrative Officers.

INTEGRATED CENTER. One or more **buildings** occupying a **named** site ~~under one ownership or management~~, containing a number of individual, unrelated and separately operated **uses** each with their own outside entrance (commonly known as a strip center) or completely enclosed (such as a retail mall). The **building** or **buildings** of an integrated center share common site facilities and services such as driveway entrances and exits, **parking areas**, truck loading, maintenance, sewer and water utilities, and similar common facilities and services. A **building** on an **a commercial** outlot which is physically separated from the other **uses** in an **integrated center** by curbs and/or landscaping, and which contains its full requirement of parking, but which shares driveway entrances and exits with other **uses**, is ~~not also~~ part of that **integrated center**. Signage for the sole business on a commercial outlot within an integrated center shall be determined using the integrated center signage requirements and shall be permitted one freestanding **monument sign** per lot in addition to the signage allotment, equal to no more than 25% of the allotted amount of signage. Such businesses may also advertise on an integrated center sign. An **office building** is not an **integrated center**. (Amend 28)

INTEGRATED CENTER SIGN. Any **freestanding** or **building sign** which provides the name of the **integrated center** and optionally, a list or display of the names of the center's occupants. The name of the **integrated center** shall comprise at least 25% of the total sign area of the **integrated center sign**. A **changeable copy sign** may be included in an **integrated center sign** in the GB and HB zones only, up to a maximum of 25% of the total sign area. (Amend 67) **Integrated center signs may only be erected in sign easements on integrated centers of three acres or more in area.**

Currently, there is no definition in the UZO for monument signs. Staff proposes adding the following definition:

MONUMENT SIGN: A free-standing sign without a pole, generally having a low profile where the base of the sign structure, constructed of a permanent material, is on the ground independent of a building or fence, which not exceed 6 feet in overall height.

Currently the ordinance is as follows:

4-8-7 SIGNAGE FOR INTEGRATED CENTERS:

- (a) The maximum permitted **building sign** area for **primary uses** within **integrated centers** is based on 5 sq.ft of **signage** per 1,000 sq.ft. of floor area, with a minimum **building sign** area of 40 square feet up to a maximum of 400 square feet. (Amend 20)
- (b) **MAXIMUM TOTAL SIGN AREA FOR INTEGRATED CENTER SIGNS (4-8-7-b):** (Amend 20 and 67)
 The maximum total sign area for **integrated center signs** is calculated using the following table. It is determined for each public **street frontage** by multiplying the appropriate **zonal base rate** by the **integrated center ground floor area** factor and the **road** speed limit factor. An **integrated center's** maximum total **sign** area is then the calculated sum of the **sign** areas for all public **street frontages**. The total **sign** area of an **integrated** center may be applied to one sign at any location at the **integrated center**. (Amend 20) If the **integrated center** has more than one frontage, the total amount of **signage** may be divided between no more than two signs, provided the classification of at least one of the roads is a **collector street** abutting non-residential uses. **Freestanding integrated center signs** shall observe the maximum height and minimum **setback** standards in 4-8-6 above;

ZONAL BASE RATE	INTEGRATED CENTER		ROAD SPEED LIMIT¹	
sq.ft.	X	GROUND FLOOR AREA FACTOR (Amend 20)	X	FACTOR (Amend 20)
NBU MRU = 30		up to 20,000 sq.ft. = 1.0		up to 30 = 1.0
		20,001 – 100,000 sq.ft. = 1.5		31 -- 44mph = 1.5
MR NB OR GB HB I1 I2 I3 = 40		100,001 – 200,000 sq.ft. = 2.0		45 -- 55mph = 2.5
		200,000+ sq.ft. = 3.0		
Round the product of all factors up to the next whole number.				

FOOTNOTES TO 4-8-7-b: (Amend 20)

- 1 This is the legal speed limit along the full length of an **integrated center's street frontage**. Where a **sign-lot** fronts on a public or private frontage **road**, the speed limit of the thoroughfare pertains, not that of the frontage **road**. Where an **integrated center** has no actual **street frontage**, this is the legal speed limit of the adjoining **road** from which that center derives vehicular access, at that access point.
- In an HB **zone**, where an **integrated center** is located within 400' of a **primary arterial**, fronts on and derives its only access from a **local road** which in turn derives its access from a **primary arterial**, then the speed limit of the **primary arterial** -- where the local road intersects -- pertains.
- Where the legal speed limit changes along the length of an **integrated center's street frontage** (or between access points for **integrated centers** having no **street frontage**), **road** speed limit is the greater of the speed limits along the length of the **frontage** (or at the number of access points if there is no **frontage**). **Frontage** along I-65 is not counted in this calculation. If the legal speed limit is increased after **signage** has been installed, maximum **sign** area may be increased accordingly. If the speed limit is decreased, no decrease in **signage** is required.

Our proposed change based on acreage of the integrated center rather than ground floor area:

ZONAL BASE RATE		INTEGRATED CENTER		ROAD SPEED LIMIT¹
sq.ft.	X	PROPERTY AREA FACTOR (Amend 20)	X	FACTOR (Amend 20)
NBU MRU = 30		3 to 15 acres = 1.0		up to 30 = 1.0
		16 to 30 acres = 1.5		31 -- 44mph = 1.5
MR NB OR GB HB I1 I2 I3 = 40		31 to 45 acres = 2.0		45 -- 55mph = 2.5
		Larger than 45 acres = 3.0		
Round the product of all factors up to the next whole number.				