

The
AREA PLAN COMMISSION
of Tippecanoe County

APC
Ordinance Committee

Date: December 1, 2021

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 PREVIOUS MEETING MINUTES

Documents:

[AUGUST 2021 ORDINANCE MINUTES.PDF](#)

II. TWO MINOR CHANGES FROM OUR ADMINISTRATIVE OFFICERS:

- a. Loosening the restrictions on medical-related home occupations; and
- b. Limiting the locations of self-storage warehouse businesses –
Kathy Lind

Documents:

[TWO CHANGES FROM A.O.S NOVEMBER 2021.PDF](#)

III. A PROPOSED CHANGE TO THE FLOOD PLAIN REQUIREMENTS:

Preliminary discussion on a future amendment which would introduce regulations in the 500-year flood plain – Larry Aukerman

Documents:

[500 YEAR FLOOD PLAIN.PDF](#)

IV. CITIZEN COMMENTS:

V. ADJOURNMENT:

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

DATE.....August 4, 2021
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

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

MEMBERS ABSENT

STAFF PRESENT

David Hittle
Ryan O’Gara
Kathy Lind
Don Lamb
Eric Burns, Atty.

Larry Leverenz called the meeting to order at 4:40 PM.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the July 7, 2021 meeting. Greg Jones seconded and the minutes, as submitted, were approved by unanimous voice vote.

II. MINOR CHANGES TO THE PROPOSED DEFINITION OF “LOT”

Kathy Lind stated we talked about this last month at the Ordinance Committee, and we passed some new wording for the definition of “lot”. While we were at the meeting, Chad Spitznagle said that he thought West Lafayette would also like to be included in that definition, so I was going to add West Lafayette. While presenting, Kathy indicated the first paragraph highlighted in gray, is the original wording I came up with last month that was approved, and then West Lafayette wanted to be added. After looking at it, I thought there is no way I can come up with every little platted area in the county, so I just removed all the place names. The second paragraph is what I am proposing to go forward with, and this is what is on the Zoning Ordinance Amendment that is filed for the August APC meeting. You can see all the place names are removed and now reads, *an area of land exclusive of platted streets that includes platted lots, or parts of platted lots that are used as one, in single ownership*. If I own two lots and I have a house on one of those lots, and then I wanted to add-on to my house in the direction of that second lot; currently, in order to do that, if I were going to cross that property line, I would have to hire a surveyor and replat those two lots into a single lot which costs thousands of dollars plus the filing fee with our office. With this change you would not have to do that you could just get a building permit. The second change I made was I changed the date. Originally, it said plats recorded prior to February 1, 1962, and, I think, I got that date because that is when the Plan Commission started hearing subdivisions at public hearings. I changed it to July 1, 1978, because that’s the date that already appears in that definition. I thought we should just keep it as simple as possible, so July 1, 1978 is the date I thought made more sense. She asked for any questions regarding the two changes.

Gary Schroeder stated he is not clear on the meaning of, *having access from a public street approved by the Administrative Officer*. Are they approving it is a public street, or are they approving you can build across lot lines; what are they approving.

Kathy Lind stated for example in the town of Stockwell, right now, there is a whole big area of platted lots with platted streets serving them, but there is no street; it is just farm. It is a cornfield, so if someone came in for a building permit for two of those lots, I don't think we could approve it, because there is no access, so the administrative officer would deny the permit, because there is no way to get to it. She asked for any other questions.

Eric Burns stated there is no situation, I don't believe, where you would have something that was not in a plat, and I am not making a statement; that is a question; I am trying to think this through. You have to be in a plat recorded; a recorded plat.

Kathy Lind responded correct. A plat recorded before 1978.

Eric Burns stated with just the plat recorded, I want to make sure there isn't some exception to that that would be something other than a plat that was recorded; is there any other possibility.

Kathy Lind stated if it were a parcelization that was recorded in 1982, there is the dissolution procedure. Yes, there are ways to deal with it.

Eric Burns asked does this bring all of the units of the government in Tippecanoe County under one definition.

Kathy Lind responded pretty close. Lafayette still has their original definition which is a little bit simpler than this; there is no date in Lafayette's definition.

Eric Burns stated it pulls West Lafayette into the same definition now.

Kathy Lind stated West Lafayette will be part of this definition. In other words, if I build a house on a platted lot that was created in 2015 and I want to do this, I am going to have to hire a surveyor, because my land was just platted in 2015. It is only lots created in 1978 or prior.

Vicki Pearl asked why would we make that distinction. I am confused why we are picking dates. Why would we make one group go through it and another group not.

Kathy Lind responded there are a lot of old platted lots that don't meet today's standards for septic system, lot area, and lot width. When these people come-in because they have a house built there that crosses the property lines currently, they have to go through the vacation process or replat in order to get a permit for a simple fix on their house. This started because, for example the property owners in Concord, Concord is not an incorporated town, is just a square of platted lots and streets going through it. A property owner wanted to tear off his front porch which needed to be torn off and replace it with a new one, well the house crossed a lot line that he didn't know about, so he had to vacate those two lots and spend the money and the time to do that. If this were in place, he would not have needed to do all that; he could have just gotten his permit.

Vicki Pearl stated I understand that part of it. I am saying if I am past this date. I am not arguing if you are prior to 1978. I am saying if it were a similar situation, but because it was in 2015, I have to spend the money. To me, if it is up to the administrative officer that is going to say yes or no to these, why are we putting a date in there.

Kathy Lind stated I don't think the administrative officer is saying yes or no. He is saying that there is an existing street that is going to serve this property. If it was a lot created in 2015, it is going to meet every standard, because Don and I would have reviewed it.

Vicki Pearl stated if I bought two lots side-by-side and I want to build over the lot lines to put up a pole barn, I have to come-in to vacate it to put it together.

Kathy Lind stated yes, or replat. It happens quite often.

Ryan O’Gara stated this is trying to accommodate the people that have land that is, kind of, historic; we are trying to help them. I think, after 1978 is when the Modern Subdivision Ordinance came into effect that fixed everything.

Kathy Lind responded yes.

Don Lamb stated the assumption is that lots platted after that date would be able to accommodate a home, septic system, and so forth. Most of the lots we are talking about here in these little towns, the single lots are platted; they are legal lots. You can sell them, but you can’t build on them, because they are too small, because these little towns don’t have sewer systems.

Vicki Pearl stated I have no qualms about what happened in 1978 or older. I am just concerned about after that date going forward.

Don Lamb stated because those are modern lots, and we would have taken into account to make sure if there were no sanitary sewer system or no water system, that there was enough area, like an acre, to put a septic system on; that is why that date is important.

Gary Schroeder asked if I understand that Lafayette does not have a date. Did you say that.

Kathy Lind responded I am not sure how Lafayette does that.

Don Lamb stated they simply didn’t adopt what was proposed. Our former plan commission attorney, Robert Mucker, wrote the lot definition we have right now. The purpose of it was back then in the late ‘80s we were having a lot of problems on the west side essentially where a lot of lots on the south end were put together and apartment buildings were being built with no review for an adequate sewer system, water, or anything like that. Essentially, the city was forced to review these proposals without making sure they could serve it. The purpose was to try and make them come to the subdivision process for review.

Gary Schroeder stated just more review.

Don Lamb stated the City of Lafayette said no we are not going to do that.

Gary Schroeder said okay, that is what happened; they did not adopt that.

Don Lamb stated prior to that mid ‘80s change everyone was under the same lot definition.

Gary Schroeder said so is there a possibility that Lafayette won’t adopt this either.

Don Lamb said they wouldn’t need to.

Kathy Lind stated we are not changing Lafayette’s definition. Lafayette’s definition is very simple. I don’t have it in front of me, but it is “used as one.”

Don Lamb stated our concern was to try and put something together to make building easier in a small town.

Gary Schroeder stated I think it is an excellent solution, because we have seen those lots come through for a minor improvement where they couldn’t do it.

David Hittle stated Vicki I think what you are getting at is why don’t we extend this same opportunity to the

people who own the more modern lots.

Vicki Pearl stated I am thinking if I own two lots and I want to build a barn over that lot line, then I have to spend all of this money. I think a lot of times when people buy two lots, they don't even understand that they can't build over that other lot; unless when you are building your house, your builders took care of that for you or took the proper procedures, but I am concerned.

Eric Burns asked would it even apply if you are building an accessory building.

Kathy Lind stated yes, if the accessory building is crossing platted lots.

Vicki Pearl stated but you can't build over lot lines.

Eric Burns stated if it crosses, but if it is on a separate lot.

Vicki Pearl stated a separate lot is a whole different thing, but if you are crossing over if I am putting it long ways across both lots, then it is a problem.

Kathy Lind responded right.

Vicki Pearl stated I have concerns.

Kathy Lind stated if the lots are large enough, they are going to find a place to put their accessory building.

Vicki Pearl stated I am saying accessory, but what if I want to add-on to my house. I am saying there are situations. I know in my own line of work, people have made comments, and I am like you can't build over those lot lines. That is going to require something else.

Kathy Lind stated in some situations, what they could do is called an Exemption E Deed.

Vicki Pearl stated I know all about that.

Kathy Lind stated that is another possibility.

Vicki Pearl stated that doesn't put your lots together. That allows you to get extra land from something else. I have done that process; that is something completely different.

Kathy Lind stated right.

Jackson Bogan asked Kathy what is the down side for removing the 1978 date. Let's say I have two lots, and I want to build my home right over the center of the two lots; why would the county be opposed to that. Is there something that could be detrimental over all?

Jerry Reynolds asked why can't we do it the way Lafayette has done it; just make it simple, and we solve all of our problems.

Kathy Lind stated it is throwing the door wide open if we do that.

Larry Leverenz asked what would be a very bad case. What would be a situation that we would say why did we do that.

Jerry Reynolds stated it is already working in Lafayette. Have you had any problems?

Kathy Lind stated what has happened in Lafayette is a developer would purchase lots in Centennial, for example, tear down all the single-family homes and build one big apartment building across all of those lot lines which Centennial was upset about. They did not want to see that happen.

Jerry Reynolds stated but now they are happy, because I haven't heard any complaints about it.

Kathy Lind stated this was years and years ago.

Jerry Reynolds stated oh, okay.

Jackson Bogan asked doesn't that require a rezone.

Kathy Lind stated at that time, parts of Centennial were zoned R3, but they have since down zoned.

Larry Leverenz stated what if a builder wanted to go to a rural estate property and buy three lots and put up a set of condos.

Kathy Lind stated you couldn't do that without a planned development.

Larry Leverenz stated okay.

Kathy Lind stated because of a condo.

Larry Leverenz stated alright.

Gary Schroeder stated let's back-up and talk about Centennial neighborhood where they bought all of these lots, all they would have to do is go through the subdivision process, and you couldn't stop them from platting that as one, so there really isn't any downside.

Kathy Lind stated true.

Gary Schroeder stated when they wrote that for West Lafayette they really didn't stop anything because the court says you have to approve a subdivision if it meets the technical requirements. It may have been a minor road block.

Kathy Lind responded true. I think the zoning is more important.

Gary Schroeder stated yes. That's a public hearing legislative body becomes involved which it should, so you really can't stop them. You are just saving people some money in the process.

Jerry Reynolds asked is it still operating satisfactory now.

Kathy Lind responded I think Lafayette is satisfied with it. The administrative officer for Lafayette is satisfied.

Jerry Reynolds stated okay.

Kathy Lind stated from time to time, the APC staff would try to get them to change it to our way of doing it, and they would always say no we are not changing.

Eric Burns stated I know you don't have it in front of you, but my recollection is the language is a little looser, and it is more discretion given to the administrative officer, because it is used together; used in unity.

Ryan O'Gara stated it essentially empowers the AO.

Eric Burns stated with more discretion. It is less clear, but more flexible.

David Hittle stated another issue if we were to remove that date is there would be platted easements and drainage and utility easements that would run down the center lines of a lot of lots in a modern subdivision. This would be essentially a way of getting rid of those.

Kathy Lind stated that is very true. That is the big difference between older platted lots and our modern platted lots. The modern platted lots have easements all over.

Gary Schroeder stated that would prevent them from doing that; unless, they went through the process of vacating those with the utility company. It is just another hurdle for them.

Kathy Lind agreed.

David Hittle stated it is a good question. Maybe we can take this back and consider what the actual downsides of removing that date would be and see if it merits going that route or not, and bring it back to you in a month.

Kathy Lind stated we could. I will tell you I have spoken with someone who was very interested in this a gentleman who has a house on Cherry Lane across from the stadium in West Lafayette who wants to add on to his house and can't because there is a lot line there. When I told him about this what we were doing, he was thrilled; he is going to be going to West Lafayette's City Council Meeting to speak in favor of this.

Jerry Reynolds stated if that date was removed, it doesn't hurt him anyway.

Kathy Lind stated right.

Vicki Pearl stated I am not trying to create something that allows people to do anything, but I have grave concerns, because I can think of various rural subdivisions where people have bought more than one lot and want to build over those lots, and in my mind, I am like why do they have to spend the extra money to comeback to get approved to build over those lots.

Kathy Lind stated because they are modern lots; they are already huge.

Viki Pearl asked what does that have to do with anything. If I am going to buy three 10-acre 20-acre tracts of ground and build my house over all three, I should have that right without having to comeback and spend my money to vacate the lines.

Kathy Lind stated I disagree. I find it hard to believe that someone who owns two 10-acre lots wants to build right over that lot line that separates them.

Gary Schroeder stated let's say 2-acre lots.

Vicki Pearl stated okay, 2-acre lots. I can see specific examples in my mind as I drive into work.

Kathy Lind stated 2-acres would more likely be a parcelization; which means they could just reparcelize or do an Exemption E transfer.

Vicki Pearl stated an Exemption E doesn't let me build over lot lines; that just lets me add land to what I already have.

Kathy Lind stated yes it does.

Eric Burns asked why don't you explain that.

Vicki Pearl stated maybe I don't understand that.

Kathy Lind said Exemption E is a sale or exchange between two adjoining property owners, so if Don and I live next door to each other and we both have 2-acre parcels and I need some additional land, for whatever reason, I can purchase some land from him and that gets attached to my property and my lot line changes to that new configuration.

Vicki Pearl stated I understand that, so if I own both of these lots that is not the same example. If I own both lots and I want to put my house across them, I can't use Exemption E so the lot line goes away.

Kathy Lind stated yes, you can.

Vicki Pearl stated okay, I didn't understand that.

Larry Leverenz asked the lot line doesn't go away; you just move it, right.

Kathy Lind stated yes, it is moved to that new configuration. Sometimes you can't use it.

Vicki Pearl asked new configuration of what.

Ryan O'Gara stated the part that was sold to the other person.

Vicki Pearl stated it is not being sold. I own both.

Kathy Lind stated right.

Jackson Bogan stated the one being Exemption E over to the others.

Ryan O'Gara stated there is no obvious transfer of money, just a shifting of a property line.

Kathy Lind stated it is just hiring an attorney or surveyor to draw up that legal description of the paperwork. The lot or parcel that is left over still has to meet the ordinance standards for lot width and area.

Eric Burns asked would it be helpful, as David indicated, to have a list of here is what could happen that would be great; here is what could happen that would be terrible. Would that be helpful to have that kind of list?

Ryan O'Gara stated you are asking us to relitigate what they did back in the '80s, right?

Eric Burns stated no, I am saying take this and put together a list of what the good things are that could come from it and what the bad things are that could come from it what do we know in our collective wisdom that has happened in the past. I don't know if that is a helpful exercise. It seems like it is the practical outcome of it not the language that you are hearing concerns about. What could happen, what might happen, and what won't happen.

David Hittle stated I think Vicki makes a good point. There might-be situations in a modern subdivision, a dense modern subdivision, where somebody does own lots back-to-back and wants to build a house over the lot lines, and what is the problem with that if that is what they want to do. I don't know if we really discussed those scenarios. I don't want to delay the guy on Cherry Street. Is there a potential we could pass as-is, and then continue to revisit the date issue, and amend it in the future. Is that agreeable?

Kathy Lind stated we can do that.

Jackson Bogan stated that is what I was going to recommend, because this is a betterment for the public as it sits today.

David Hittle stated it addresses 95% of the issues.

Jackson Bogan stated if we pass this today with the understanding and the directive to look and see if we should extend this to all, then it is simply the removal of the phrase *that is in a plat recorded prior to July 1, 1978*, and that wording would be removed. I would like to recommend we pass it as item Bottom C on the screen and investigate whether we should look into passing it for larger lots as well. I understand your point

as to why would someone want to do that, however, it is their land and their personal preference, and it doesn't really matter if we think it is right or not.

Jackson Bogan moved to approve. Tom Murtaugh seconded.

Larry Leverenz stated he had a motion and a second to accept the wording as it stands and pass it on to the full APC and continue to look at this as far as other issues that may arise.

Gary Schroeder stated since I haven't seen Lafayette's, does it make sense to have this language or would it be better to have the Lafayette language or the language for the entire county if we were to revisit that.

Kathy Lind stated the definition of lot right now is lengthy.

Gary Schroeder stated maybe just consider that if you came back. We could just end-up with one definition.

Kathy Lind stated yes, we could do that.

Larry Leverenz asked for any other discussion and questions. There were none.

The motion was approved by unanimous voice vote to pass as indicated in the agenda to the full APC.

Kathy Lind stated Don is going to come-up and go over our new paperwork for subdivisions and that will require a Subdivision Ordinance Amendment. Whenever that gets done, we will add this new definition of lot to that, so the new definition of lot will agree with both the Zoning Ordinance and the Subdivision Ordinance, because it should be the same.

III. NEW SUBDIVISION PAPERWORK

Don stated this is a project that started a long-time ago, because our current application forms are not very good. These forms I put together are fillable online it makes it a lot easier for our applicants to fill out. I have put in a lot of space for a lot of different representatives to add their names and so forth. This is just for the major sketch; there are about 13 different forms, but we needed to update these for years. I wanted to get this done before I retire. We have all the necessities if you are the owner or not the owner, and if you are not the owner, you have to attach a notarized consent. There is a checklist for the applicant to go through for other paperwork for each of these different types of subdivisions they are applying for, and the different stages and the fees, so they can calculate that to get these into the bylaws and out of our subdivision ordinance basically.

Larry Leverenz asked for any questions or comments. There were none.

Gary Schroeder moved to accept and pass to the full APC. Greg Jones seconded, and the motion was approved by unanimous voice vote.

IV. CHANGING THE DEADLINE ON REZONE COMMITMENTS

Kathy Lind stated currently, if a petitioner comes before the plan commission on Wednesday night and wants to rezone his property and if Jackson were to say I would feel more comfortable voting for this if there were a zoning commitment. The petitioner agrees and states I will continue a month and come back with a zoning commitment. The problem is that the bylaws state that commitment has to be filed by the close of business the next day, and that is really not enough time to meet with your attorney, to get wording done, and whatnot. I am just proposing changing that, so that the deadline is two-weeks prior to the next meeting

of the commission. That gives us enough time to write staff reports and gives them more time to come up with a commitment.

Jackson Bogan stated I am assuming staff has to review the commitment as well, so you have to meet with the attorney and the attorney has to draft it the next day, and then staff has to review it the next day.

Kathy Lind stated well no we can take our time reviewing it, but it has to be signed, the administrative officer has to sign it, all that has to be done by close of business on Thursday.

Eric Burns stated two issues. At least two weeks as opposed to exactly two weeks as it is.

Kathy Lind stated I got such new or modified proposed commitment can be considered by the commission at its next meeting if the new or modified proposed commitment is filed together with acknowledgement of the receipt of the appropriate AO two weeks prior to the next meeting commission.

Eric Burns stated you have to have it in on two weeks exactly; as opposed to at least two weeks.

Kathy Lind stated right.

Eric Burns stated I am not sure that is what we want, so you want to give them that two-week period at least, but as it is worded it says two weeks. I think by putting in the words, "at least" two weeks. If you didn't, you could turn it on the 15th day before or the 16th day before.

Kathy Lind stated okay, I see what you are saying. We are saying it has to be in by that particular day.

Eric Burns stated yes, and then a style issue. Do we use weeks or do we use days. I don't care two weeks equals 14 days. I would suggest you decide that.

Kathy Lind stated okay, I can change it to 14 days.

Eric Burns asked is that more consistent with what our language is? My suggestion would be at least 14-days prior to our next meeting of the commission would be my suggested change to that.

Kathy Lind stated okay and asked for any other questions.

Jackson Bogan moved to make the change of wording to at least 14 days. Gary Schroeder seconded, and the motion carried by unanimous voice vote.

Gary Schroeder moved to send this to the Plan Commission as amended. Jackson Bogan seconded, and the motion was approved by unanimous voice vote.

V. CITIZEN COMMENT

None.

VI. ADJOURNMENT

Gary Schroeder said nice work by the Plan Commission for cleaning this stuff up.

Larry Levernez agreed, and said he appreciates what they are doing.

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:10 PM.

Respectfully Submitted,

Jennifer Ewen
Recording Secretary

Reviewed By,

Kathy Lind
Senior Planner

MEMORANDUM

TO: APC Ordinance Committee
FROM: Kathy Lind, Senior Planner
SUBJECT: licensed medical professionals & self-storage warehousing
DATE: November 24, 2021

The two items listed as the subject of this memorandum clearly have nothing to do with each other; one topic includes a proposal that would expand what is currently permitted, the other would create a restriction. Here they are one topic at a time:

Licensed Medical Professionals:

Currently, our ordinance allows many types of small businesses as “home occupations.” As long as these businesses located in a residence meet the UZO standards, and are not listed under “prohibited home occupations,” there is no special exception or rezone required; they are permitted wherever a residence is permitted. One of the prohibited home occupations listed is:

“(e) physician, dentist, optometrist, chiropractor, naturopathic doctor, hypnotherapist, acupuncturist, or any medical or dental clinic, office or hospital.”

Recently staff fielded a question from a licensed massage therapist who was interested in running a home occupation. Because of the prohibition, he was told the ordinance did not allow it. But...why does the UZO prohibit it?

This was discussed at the August Administrative Officer’s meeting and it was agreed that as long as the person was licensed, it would not effect a neighborhood any more than a one-chair beauty shop or someone teaching piano would. A clinic, which would house more than one medical professional, would still be prohibited as a home occupation. The proposed change would be as follows:

5-5-4 Prohibited Home Occupations:

(e) Unlicensed massage therapists, or any medical or dental clinic, or hospital.

And 5-5-3 Permitted Home Occupations, would have the following addition:

(10) office of a licensed medical professional with no more than one treatment room.

Self-storage Warehousing:

Most self-storage warehouse businesses are located on the outskirts of our cities. There are a few in the unincorporated county. But one that has come to the attention of the Lafayette Redevelopment office, is a new self-storage warehouse located in the former Coca-Cola Bottling Plant between Union and Salem on 5th Street. It’s an unfortunate use in a highly visible location. This was discussed at the Administrative Officer’s meeting in November. It was decided that this is not the highest and best adaptive re-use for this

site so close to downtown Lafayette and the best way to prevent this from happening in historic areas of our cities in the future, is to restrict these warehouses from locating within the urbanized, sewerred areas of our cities and towns. A.O.'s agreed to a footnote in the Use Table of the UZO that states, "This use is prohibited within all urbanized, sewerred areas as shown in Appendix A."

STAFF RECOMMENDATION:

Approval of both amendments

MEMORANDUM

TO: APC Ordinance Committee
FROM: Larry Aukerman, Planer
SUBJECT: 500-year flood plain changes
DATE: November 24, 2021

500-year flood plain discussion

Currently there are no zoning regulations for development in the 500-year flood plain in Tippecanoe County.

Potential options-

- No development in 500-year floodplain
- Allow new structures but requirement to elevate above 500-year elevation
- The county and cities could have different policies of development in the 500-year
- Storage/fill/drainage in the 500-year

Statement from West Lafayette Downtown Plan

As for the 500-year areas, though extensive, the risk of flooding in these areas is significantly less than the 100-year areas. Despite this, preparing for potential catastrophic flooding is important. The Federal Emergency Management Agency is already contemplating additional regulations in these areas. To be proactive, this plan recommends that all new structures east of River Road be built to the 500-year flood elevation or flood protection grade (whichever is higher) to increase protection from flooding.

Current zoning ordinance requirement outside of 100-year flood plain

2-27-18 ADDITIONAL RESTRICTIONS: (Amend 56)

To prevent harm to lands within or determined to be within the FP **zone**:

- (a) The **lowest floor elevation**, including basements and crawl spaces, of **buildings** permitted in adjoining **zones** on land within 100' of an FP **zone** shall comply with the **flood protection grade**; compliance shall be demonstrated on FEMA's **elevation certificate**;

FP

2-27 FLOOD PLAIN ZONES, cont'd.

FP

- (f) Reclassification of land to some **zone** other than FP in and of itself provides no guarantee that an **improvement location permit** can be issued for any specific proposed **use**.
- (g) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Tippecanoe County, Lafayette, West Lafayette, Battle Ground, Clarks Hill, Dayton, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully hereunder. (Amend 65)

2-27-18 ADDITIONAL RESTRICTIONS: (Amend 56)

To prevent harm to lands within or determined to be within the FP **zone**:

- (a) The **lowest floor elevation**, including basements and crawl spaces, of **buildings** permitted in adjoining **zones** on land within 100' of an FP **zone** shall comply with the **flood protection grade**; compliance shall be demonstrated on FEMA's **elevation certificate**;
- (b) Water wells, water lines and sewage facilities located within a **flood plain** shall be constructed to eliminate contamination of or by floodwater;
- (c) **Clearcutting trees** in the FP **zone** shall be prohibited.
- (d) Because **trees** and other vegetation help decrease erosion, lower water temperatures, capture pollutants and stabilize the velocity of flood waters, removing **trees** in the FP **zone** shall be limited to the following situations:
 - (1) **Trees** found to be dead or hazardous by a certified arborist, the IDNR District Forester, or an employee of the Soil and Water Conservation District (SWCD), the United States Department of Agriculture (USDA), or the National Resources Conservation Service (NRCS).
 - (2) As necessary for construction; repair or maintenance of public **roads**; or utilities or drainage **structures**.
 - (3) As part of an approved forestry operation meeting the standards of SIC 0811 that has approved **tree** protection, management and regeneration plans prepared by a certified arborist; or the IDNR District Forester; or an employee of the SWCD; the USDA; or the NRCS. **Tree** stumps from the removed **trees** shall be left on site in accordance with approved plans to reduce erosion.

Concerning Floodplains and Wetlands

As shown in the map at right, both the 1% flood plain and the 0.02% flood plain constitute the principle areas of concern in the development of the Wabash Riverfront. While both areas present development challenges, the 1% areas pose the greater concern due to the greater risk of flooding.

To address this concern this plan supports the study of possibly consolidating primarily the 1% areas into multiple regional flood mitigation areas. These areas could take the form of multiple, small park spaces, wetland habitats, or even larger, wet-pond features that are integrated into park spaces (see images below). As a matter of policy this plan supports studying this concept and adjusting the Wabash Riverfront street grid to accommodate as needed.

As for the 0.02% areas, though extensive, the risk of flooding in these areas is significantly less than the 1% areas. Despite this, preparing for potential catastrophic flooding is important. The Federal Emergency Management Agency is already contemplating additional regulations in these areas. To be proactive, this plan recommends that all new structures east of River Road be built to the 0.02% flood elevation or flood protection grade (whichever is higher) to increase protection from flooding.

