

ORDINANCE NO. 2013-08-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE,
FROM R1 TO A

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
TIPPECANOE, INDIANA:

Section 1. The Unified Zoning Ordinance of Tippecanoe County, Indiana, being a separate ordinance and not part of a unified county code, is hereby amended to rezone the following described real estate situated in Wabash Township, Tippecanoe County, Indiana, to wit:

Lot 2 in Rubright Subdivision as recorded in Document Number 03048700 in the Tippecanoe County Recorder's Office. Located in Wabash Township, Tippecanoe County, Indiana.

Section 2. The real estate described above should be and the same is hereby rezoned from R1 to A.

Section 3. This ordinance shall be in full force and effect from and after its adoption.

(Adopted and passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this

4th day of March, 2013.

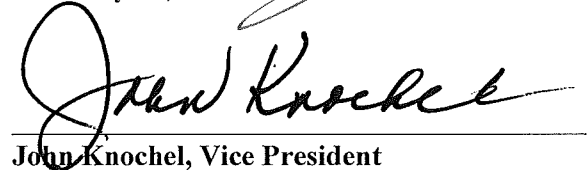
VOTE:

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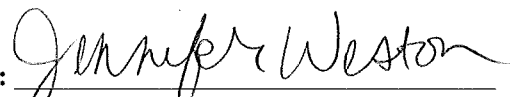
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David Byers, President


John Knochel, Vice President


Tom Murtaugh, Member

Attest: 
Jennifer Weston, Auditor

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

February 21, 2013
Ref. No.: 13-037

Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, In 47901

CERTIFICATION

RE: **Z-2515—DIANNA R. HILDERBRAND (R1 to A)**

Petitioner is requesting rezoning of Lot 2 in Rubright Subdivision, in order to operate a dog grooming business (allowed in R1 as a home occupation) and a boarding kennel (allowed by special exception in A) from her home, on property located at 4705 N 250 W, Wabash 35 (NE) 24-5. CONTINUED FROM THE JANUARY 16TH MEETING BY INCONCLUSIVE VOTE. SECOND CONTINUANCE.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 20, 2013, the Area Plan Commission of Tippecanoe County voted 4 yes - 10 no on the motion to rezone the subject real estate from R1 to A. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be DENIED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their March 4, 2013 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,


Sallie Dell Fahey
Executive Director

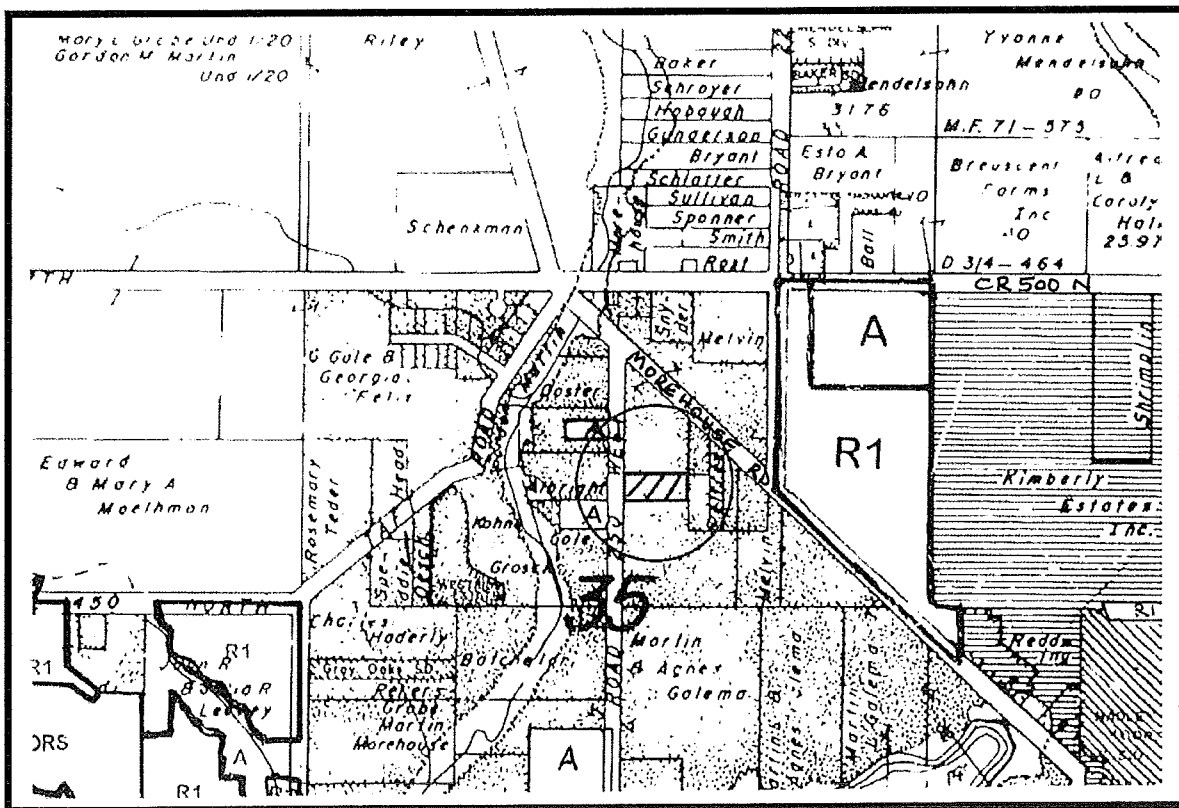
SDF/lmu

Enclosures: Staff Report & Ordinances

cc: Dianna R. Hilderbrand
Ken Brown, Tippecanoe County Building Commissioner
Andrew Gutwein

Z-2515
DIANNA J. HILDERBRAND
(R1 to A)

STAFF REPORT
December 19, 2012



STAFF COMMENTS:

Dog grooming (0752) is not permitted in the R1 zone, however it is permitted by right in the A zone. (Kennels are not permitted in the R1 zone and require a special exception in the A zone.) Petitioner has indicated that they want to operate this use as a home occupation. Home occupations are businesses run from a residence that have no employees other than family members living in the house. They are permitted in every district that allows residential uses. The UZO lists several businesses allowed to operate as a home occupation, and lists a few prohibited businesses. Dog Grooming is not mentioned in either list. Since this use is not specifically mentioned it is up to the Administrative Officer (A.O.) to permit the use by finding the characteristics of the operation are:

1. Consistent with the purpose and description of the zone as per Chapter 2 of this ordinance; and
2. Compatible with the permitted primary uses in the zone regarding hours of operation, traffic generation, outdoor lighting, and noise, vibration, dust, odor, glare and heat producing properties.

The County Building Commissioner, who is the Administrative Officer for the County, is currently still working through the details of a home occupation dog grooming business at this particular location. It is likely, after outlining some conditions regarding hours of operation and noise abatement, that he will allow a dog grooming business as a permitted home occupation in the R1 zone on petitioner's 2.7 acre lot. If that is the case, this rezone would be unnecessary.

If the A.O. chooses to not allow this use as a home occupation, the rezone to A would become necessary. If rezoned to A, petitioner could run the business from her house, or from an accessory building on the lot, as long as the office for the business is still located in the house. Only one primary use building is permitted per lot. The actual grooming can occur in the home or in an additional structure. If petitioner wishes to build a stand-alone dog grooming shop separate from the house, the lot would have to be replatted into two lots.

Based on the 1965 zoning map for Wabash Township, the decision was made long ago that this area of the county should be zoned R1; this district permits a major residential subdivision if sewer and water are available. This area of the county is inside of the service area of Indiana American Water and American Suburban Utilities. Recommending downzoning to A from R1 when utilities are available is not staff's standard practice. Rezoning to A one parcel at a time creates spot zones which staff cannot support. Until a Wabash Township plan and rezone are complete, staff continues to believe that if an area of the county has available utilities it should retain its existing development zone.

STAFF RECOMMENDATION:

Denial

Z-2515
DIANNA HILDERBRAND
R1 TO A

Addendum
February 14, 2013

At the January APC meeting, some questions were asked regarding the history of several spots of Agricultural zoning which appears in the vicinity of this A rezone request. The following information regarding those past rezones is being provided to answer the plan commission's questions. It is supplemental to the attached staff report.

Z-1147: Rezoned from R1 to A in August 1983, this two acre site is immediately south and west of petitioner's property. It was rezoned to allow placement of a mobile home which still exists on site.

Z-1463: Rezoned from R1 to A in June of 1991, these 16 acres are located a half mile south of petitioner's rezone site and on the west side of the road. This is the location of Galema commercial greenhouse.

Z-1704: Rezoned from R1 to A in June of 1997, this 5.5 acre tract also received a special exception from the ABZA (BZA-1424) for an indoor storage warehouse. It is located just north and west of the rezone site.

Z-1808: This approximately 15 acre square tract located on the south side of CR 500 N, east of CR 225 W was rezoned as part of the overall Wabash Township OR rezone request. Originally zoned IR, Industrial Reserve, when NUZO was adopted in 1998 all IR zones became zoned OR, Office Research for an interim period (since the IR zone no longer exists). In September of that year, all of the newly created OR zoned properties were reviewed and rezoned to more appropriate zoning districts. This property was changed from OR to A at that time; it has a farmstead and surrounding farm field.