

ORDINANCE NO. 9-08

TO AMEND CERTAIN PORTIONS OF THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT ORDINANCE NO. 32-97 IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **UZO Section 2-4-1 R1U Intent** to read as follows:

To preserve and protect older developed parts of the community by providing areas for medium and relatively high ***density single-family dwellings*** on older platted lots in ***urbanized sewered areas*** of the cities, incorporated towns, and unincorporated towns with sewer.

Section 2: Change **UZO Section 2-7-1 R2U Intent** to read as follows:

To preserve and protect older developed parts of the community by providing areas for medium and relatively high ***density single-family*** and ***two-family dwellings*** on older platted lots in ***urbanized sewered areas*** of the cities, incorporated towns, and unincorporated towns with sewer.

Section 3: Change **UZO Section 2-9-1 R3U Intent** to read as follows:

To preserve and protect older developed parts of the community by providing areas for medium and relatively high ***density single-family*** and ***two-family dwellings***, and appropriate numbers of ***multi-family dwellings***, the latter at ***density*** levels less than or equal to the maximum established in 2-9-4 below, on older platted lots in ***urbanized sewered areas*** of the cities, incorporated towns, and unincorporated towns with sewer.

Section 4: Add Appendix A-6 **Stockwell: Urbanized Sewered Area** to the Appendices (see attached).

Section 5: Amend **UZO Section 3-2 Permitted Use Table**, by adding: SIC 8322: Adult day care centers, parking group 46, to be allowed in all industrial and commercial zones by right, and with a special exception in R3, R3U, R3W and R4W.

Section 6: Change **UZO Section 1-10-2 Words and Terms Defined**, definition of Courthouse proximate as follows:

Courthouse proximate and upper Main Street area. That geographic area bounded by South Street, the Wabash River Flood Plain zone, Ferry Street and

Fifth Street, and extending east from Fifth Street on both sides of Main Street to the alleys on the north and south sides of the street, to 11th Street except for the building at the southwest corner of Main and 11th Streets, specifically 1021-1023 Main Street.

Section 7: Change **footnote 52 of UZO Section 3-2 Permitted Use Table** as follows:

Residential *uses* in the ***Courthouse Proximate and Upper Main Street Area***, NBU and CBW **zones** shall be located above the non-residential ground floor, or located to the rear of a commercial storefront on the ground floor, except that one handicapped ***accessible dwelling unit*** may be located on the ground floor of non-elevator ***buildings*** in addition to non-residential *uses*.

This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
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SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

February 21, 2008
Ref. No.: 08-045

West Lafayette Common Council
609 W. Navajo Street
West Lafayette IN 47906

CERTIFICATION

RE: UZO AMENDMENT # 57:

An amendment that includes changes regarding: the courthouse proximate definition, urban zones in Stockwell, and adult daycare.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on February 20, 2008, the Area Plan Commission of Tippecanoe County voted 11 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette Common Council that the proposed zoning ordinance amendment be approved.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

RECEIVED

FEB 21 2008

CLERK - TREASURER

**UZO AMENDMENT #57
AN OMNIBUS AMENDMENT OF 7 SECTIONS OF THE UZO**

**STAFF REPORT
February 14, 2008**

UZO AMENDMENT 57 AN OMNIBUS AMENDMENT OF 7 SECTIONS OF THE UZO

Staff Report
February 14, 2008

STAFF COMMENTS:

- Sections 1 through 4: Allowing the Urban zones in our small unincorporated towns, specifically Stockwell:

This issue came to staff's attention when a rezone request for R1U zoning was filed for three lots within the unincorporated town of Stockwell in July (Z-2345). The intent sections of the R1U, R2U, and R3U districts did not allow the Urban districts to be located anywhere except the cities, and the incorporated towns of Battle Ground, Clarks Hill and Dayton. Originally, this made sense, because those were the only places in the county with urban style development *and sewer*. Now that the town of Stockwell also has sewer, there is no reason to exclude the town from the possibility of future Urban zoned land.

In fact, the NBU (Neighborhood Business Urban) zone intent was amended several months ago to allow the small, unincorporated towns, like Stockwell, to permit the rezoning to NBU of its commercial core with the approval of the Tippecanoe County Health Department and the Indiana State Department of Health. A town with sewer would not need the above mentioned septic system approval for an NBU rezone.

The proposed changes to the ordinance would allow R1U, R2U and R3U in any unincorporated town with sewer; it does not specify Stockwell only. If there are towns that get sewer service in the future, the text of the ordinance will not have to be changed to allow Urban zones within their areas. However, Appendix A of the ordinance will have to be amended by the addition of a map of the "urbanized sewer area" of any future town with sewer. Section 4 of the proposed amendment is a map of this area within Stockwell to be added to Appendix A of the UZO. These proposed changes were approved at the November 2007 Ordinance Committee meeting.

- Section 5: Separating out Adult Day Care Centers in the UZO use table and allowing them to mirror the zones permitting Child Day Care Centers:

This issue of parity was brought to staff's attention by the Lafayette City Engineer's Office. While child day care centers are permitted in Industrial zones (so that they can be located near parents' workplaces), adult day care centers are not. Generally, this use would not be for developmentally disabled people, but rather for senior citizens who

cannot live on their own and who are cared for and live with family members. This would allow the caregiver(s) to be able to have jobs outside of the home, do necessary shopping, etc.

Currently this use falls under SIC 8322 Individual and Family Social Services. It is permitted in all of the commercial zones by right except HB. Conversely, child care centers (SIC 835) are permitted in all commercial zones and all industrial zones by right as well as the R3 and R4 zones by special exception. The proposed amendment would allow adult day care centers to be located in the same districts as child day care centers. This proposal was approved at the November 2007 Ordinance Committee meeting.

- Sections 6 and 7: Expanding Courthouse Proximate:

Currently footnote 52 of the UZO's permitted use table limits single-family, two-family, multi-family, and shared housing residences in the "**courthouse proximate area**" and in NBU and CBW **zones**, to locations "above the non-residential ground floor". (The footnote also permits one handicapped **accessible dwelling unit** on the "ground floor of non-elevator **buildings** in addition to non-residential **uses**."") This footnote preserves the commercial character of our downtowns and older neighborhood business nodes while recognizing that a healthy downtown has to have a residential component. Historically, our central business areas and urban neighborhood business nodes have functioned with a ground floor business use and residences upstairs. The Lafayette Community Redevelopment office requested staff and the Administrative Officers research the possibility of expanding this courthouse proximate area.

The geographic area within the Central Business (CB) zone that encompasses the "courthouse proximate area" currently extends no further east than 5th Street. There are properties currently zoned CB that are solely used residentially, that have historically always been residential (for example, along Ferry Street, east of 6th Street and properties between Ferry and North Street); although zoned CB these properties are not included in the current courthouse proximate area and are not within the proposed expansion area.

The city has requested the "courthouse proximate area" be enlarged to include buildings along both sides of Main Street to 11th Street. This is in keeping with a recommendation made by HyattPalma to limit ground floor residences along Main between 5th and 11th. Two concerns were raised: an existing residential use (built for that purpose and still used residentially) on the corner of 11th and Main that would become nonconforming if the definition was changed to include all of the land to 11th Street, and existing residences on the ground floor behind commercial storefronts which would also become nonconforming.

After several months' worth of discussion and emailing among the Administrative Officers (A.O.s) and Ordinance Committee, the wording of the proposed amendment was finalized. The definition of "courthouse proximate and upper Main Street area"

would specifically exclude the residential property at the southwest corner of Main and 11th. Also, footnote 52 would be tweaked to allow a residence "to the rear of a commercial storefront on the ground floor" within the courthouse proximate area. Because this footnote also covers properties zoned CBW and NBU, the West Lafayette and Lafayette City Engineer's Offices were contacted to review the suggested footnote change specifically regarding how it would affect CBW and NBU zones. Both offices responded favorably to the suggested change, as did the Ordinance Committee at its meeting in January.

Also at the request of the Ordinance Committee, and with the assistance of the Lafayette Community Redevelopment Office, letters were mailed to all 50 property owners of land within the courthouse proximate expansion area. This was done to inform the people directly affected by the proposed change so that they could make their opinions known to the commission as well as staff. The letter gave them the time and place of the February APC meeting and listed the phone numbers of the Area Plan office as well as Lafayette Community Redevelopment. Between our two offices, and at the time this agenda packet was mailed, we have received only two phone calls. Both callers had questions regarding the amendment, and no negative responses were received.

STAFF RECOMMENDATION:

Approval

A-6 STOCKWELL: URBANIZED SEWERED AREA

