

The
AREA PLAN COMMISSION
of Tippecanoe County

APC

Ordinance Committee

Date: March 2, 2022

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 MINUTES FROM THE JANUARY 5TH MEETING

Documents:

[ORD 01.05.2022.PDF](#)

II. ONE MINOR CHANGE FROM OUR ADMINISTRATIVE OFFICERS:

Proposed UZO Amendment #103: Continued discussion from the January meeting on loosening the restrictions on medical-related home occupations - Kathy Lind

Documents:

[UZO AMEND 103.PDF](#)

III. CITIZEN COMMENTS:

IV. ADJOURNMENT:

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

DATE..... January 05, 2022
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

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

MEMBERS ABSENT

Larry Leverenz

STAFF PRESENT

David Hittle
Ryan O’Gara
Kathy Lind
Eric Burns, Atty.
Jennifer Ewen

Jackson Bogan called the meeting to order at 4:43 PM.

I. APPROVAL OF MINUTES

Gary Schroeder moved to approve the minutes from the December 01, 2021 meeting. Greg Jones seconded, and the minutes, as submitted, were approved by unanimous voice vote.

II. TWO MINOR CHANGES FROM OUR ADMINISTRATIVE OFFICERS

Licensed Medical Professionals

Kathy Lind stated we did briefly talk about this at the December meeting. Currently, licensed medical professionals are not permitted to be a home occupation in the zoning ordinance. Currently, it reads, “a physician, dentist, optometrist, chiropractor, naturopathic doctor, hypnotherapist, acupuncturist, or any medical or dental clinic, office or hospital” is prohibited. We have had a couple calls from particularly massage therapists who would like to do their work out of their home, and we have had to tell them that’s not permitted, so we would like to change that. What’s proposed is we would eliminate the prohibition language altogether, and just add this sentence, “an office of a licensed medical professional with no more than one treatment room” to the Permitted Home Occupations.

Tom Murtaugh asked are they, in fact, licensed.

Kathy Lind responded yes, the people we have talked to have been licensed massage therapists. If you want to add the wording “state licensed”, we could do that.

Eric Burns asked are we relying on the definition of a “licensed medical professional” under the State Code.

Kathy Lind responded yes.

Eric Burns stated that he does not think it is necessary to add the wording "state licensed", because you just refer to the State Code.

Kathy Lind stated okay, we should leave it as is.

Eric Burns stated yes, I think it is fine.

Tom Murtaugh asked if the term "medical" is clearly defined. For example, would a tattoo artist be considered medical.

Eric Burns stated no, it is not.

Kathy Lind stated she doesn't think they are considered a medical profession.

Jackson Bogan stated it must meet two requirements. Number one, it must meet what is defined as a medical profession, and number two, they must be licensed within that profession.

Kathy Lind responded correct.

Jackson Bogan stated the idea with the wording "no more than one treatment room" is to make it so that we don't have a practice out of the middle of a neighborhood.

Kathy Lind responded exactly.

Jackson Bogan stated he likes it.

Gary Schroeder stated Tom Murtaugh raised an interesting point about tattoos; is there any way that they might claim that they are licensed and can operate. He stated he is not familiar with tattoo artists.

Tom Murtaugh stated tattoo artists are licensed.

Jackson Bogan asked are tattoo artists deemed to be a medical professional.

Eric Burns stated no, and that is why we refer back to the state definition of a medical professional. It is a long list, and it is not going to include tattoo artists.

Tom Murtaugh asked is this a list of medical professionals or licensed.

Jackson Bogan responded it is a list of medical professionals.

Eric Burns stated it is under the Secretary of State, and they have a list of what's considered medical.

Kathy Lind stated we could add state to this.

Eric Burns stated you could add state to make it very specific. As long as, that is the term you use; I don't have a problem with it.

Jackson Bogan asked do we want it to refer to the state.

Kathy Lind responded yes.

Eric Burns stated it can't hurt.

Jackson Bogan stated before we vote on this, we may want to see that list. He asked Kathy Lind if she could email the list, so everyone could review it. He asked if we were delaying anybody if we table this a month.

Kathy Lind responded she doesn't believe we are delaying anyone. She stated we will table this until next month, and she will email the list, so everyone can review it.

Gary Schroeder stated he would rather wait a month, so the list could be reviewed. He stated just to be safe, so there is not a misunderstanding.

Jerry Reynolds asked Kathy Lind if she is going to add the wording "state licensed."

Kathy Lind stated yes, she would change the wording to read "a state licensed medical professional." She stated she could also add "per state guidelines" in parenthesis.

Eric Burns stated if you add "per state guidelines" and the state guidelines were to change, it would automatically change for us.

Jackson Bogan stated we would still have the right to amend ours at a later point in time if needed.

Kathy Lind stated we will table this until next month, and she would make the needed changes.

Eric Burns noted this item will be placed on next month's agenda.

Self-Storage Warehousing

Kathy Lind stated if you remember, the city was upset in particular by the Coca Cola Bottling Plant being turned into a self-storage warehouse. It was an art deco type of building, and now it has lost a lot of the art deco touches that made it a historic building, so to avoid that happening in the future, the city wanted to prohibit self-storage warehouse businesses in the urbanized area, and I think last month we decided that was a step too far, so this proposal would still allow them in urbanized areas, but they would have to get a special exception, so there would be one additional meeting people could come to and speak.

Vicki Pearl asked if they get a special exception and the building were to burn, can they rebuild it as it was.

Kathy Lind stated for example, if you got a special exception for this use and you wanted to expand it, you would have to come back and get a new special exception. If a building were to burn to the ground, I guess you could rebuild it.

Ryan O'Gara stated you have a site plan attached to the special exception, so you could rebuild per that site plan only.

Jackson Bogan asked would it have to be rebuilt with the same historical aesthetics.

Kathy Lind stated the site plan is just the footprint of the building.

Jackson Bogan stated then it could be a true self-storage facility.

Ryan O'Gara stated correct, unless perhaps it was in one of Lafayette's Historic Districts.

Kathy Lind stated I think the point of requiring the special exception at the beginning is so we can look at it and see that it is a historic building and say perhaps this is not the best reuse for this building, and then that would be discussed at the BZA meeting.

Ryan O'Gara stated then the elected officials and the public could come to the hearing and speak in favor or against.

Jackson Bogan asked for any questions regarding self-storage warehouses. There were none. He asked for any comments or concerns.

Gary Schroeder asked did we pass something where you could not build self-storage in the county.

Tom Murtaugh responded yes, we did.

Kathy Lind stated we restricted it in the agricultural zones.

Jackson Bogan agreed with Kathy Lind.

Gary Schroeder moved to approve the proposed changes for self-storage warehouse businesses. Greg Jones seconded, and the motion was carried by unanimous voice vote.

Jackson Bogan noted this will be moving on to the full APC.

III. CITIZEN COMMENT

Gary Schroeder stated at the last meeting Ryan talked about the removal of the moratorium for building, and people have asked some questions that I don't know the answers to. For example, how did the moratorium come about, what were the goals, were the goals met, and do we anticipate more moratoriums in the future.

Ryan O'Gara stated it was never a resolution passed by any council. Essentially, leading up to the Fall of 2019 we had numerous projects that landed during that period. Based on their approvals and construction timelines, they all coalesced in the Summer and Fall of 2019, so what happened was the city experienced the largest surge of units at any one time in its history on the multi-family side, mostly student apartments. In our reporting from the student rental studies and conversations with some city council persons and city staff, there is always the fear of saturating the market, we were encouraged out of an abundance of caution to pull back on massive projects until these projects that landed in 2019 have made their splash in the market and have had a couple years of use. If vacancies remain low, then that is a good sign that they have joined the market, and we can move-on if all the fundamentals serving that market are still strong. What we have discovered since 2019 since the pandemic, was their vacancies were very low, they stayed strong, and are still highly desirable. These units are getting filled, and we have not seen great fluctuations in the suburban areas. In fact, in West Lafayette the suburban vacancies have dropped, and they are almost equal to the more urban census tracts now. Now that we are over the restrictive time of the pandemic and Purdue emerged in Fall 2021 even stronger, that spoke to the fact that there was no need to keep any major restrictions in place; especially, since the Downtown Plan has been adopted, we can return to those policy requirements in the Downtown Plan and move ahead with new projects. There are areas in that plan that support high-rise development, so that is why we felt there was no reason to continue it. We felt comfortable making that recommendation, and certainly if city council disagrees for any reason, they are certainly free to debate that and pass a resolution.

David Hittle stated to synopsise there never was a formal moratorium. It was more of an informal policy communicated from West Lafayette towards the development community. At this point, we are hearing from West Lafayette that they are comfortable, again there never was a moratorium, entertaining new projects with one caveat being that they are not strictly monolithic student apartments, but that they also have other mix of uses, so that they are serving not just the student body, but the Town of West Lafayette. The media presented Ryan's report in a way as though Ryan released this moratorium, but that is not what it was. It was a lessening of what had been an informal policy.

Gary Schroeder stated that is what he remembered; it was more initiated by West Lafayette.

Ryan O'Gara stated yes, they saw these big projects coming through the construction pipeline, and they had thoughts that they were going to all open at the same time more-or-less, so they decided to pause briefly, so that is what we did.

Gary Schroeder stated that makes more sense. It came from West Lafayette.

Jackson Bogan asked if there was anything else.

David Hittle stated he would like to introduce Amanda Esposito. She is the new planner at the Area Plan Commission.

Jackson Bogan asked for any other questions or comments. There were none.

IV. ADJOURNMENT

Gary Schroeder moved to adjourn.

The meeting adjourned at 5:04 p.m.

Respectfully Submitted,

Jennifer Ewen
Recording Secretary

Reviewed By,

A handwritten signature in dark ink, appearing to read "D. Hittle", with a horizontal line underneath.

David Hittle
Executive Director

MEMORANDUM

TO: APC Ordinance Committee
FROM: Kathy Lind, Senior Planner
SUBJECT: Additional Information on state-licensed medical professionals
DATE: February 24, 2022

At the committee’s request, the following information was emailed to the Ordinance Committee members on January 6th:

Professions requiring a license in the State of Indiana

The State of Indiana’s website (IN.gov) has a page titled “Indiana Professional Licensing Agency” which is “the umbrella agency for 38 professional boards and commissions that regulate approximately 480,210 professionals and businesses licensed to perform approximately 195 different occupations.” It is where to go to apply for or renew a professional license; unfortunately, it does not separate out “medical licenses”. It lists many professions that are not “medically-related” professions (accountants, plumbers, real estate appraisers, for example). But from that overall list, I have copied below any profession that I felt was in any way medical-related which I believe would be applicable to our proposed amendment.

Remember, the UZO currently prohibits “any medical or dental clinic, office or hospital”. The amendment would change that to eliminate the prohibition, and add the following to the list of permitted home occupations: “An office of a state-licensed medical professional with no more than one treatment room.” If a profession is not listed below, I don’t believe it would meet that qualification. Also remember, we aren’t proposing eliminating all the other myriad uses already allowed as a home occupation. We’re simply adding to that list.

- | | |
|---|---------------------------------------|
| Acupuncture | Midwifery |
| Anesthesiologist Assistant | Nursing |
| Athletic Trainers | Occupational Therapy |
| Behavioral Health & Human Services | Optometry |
| Chiropractors | Physical Therapy |
| Dentistry | Physician Assistant |
| Diabetes Educators | Podiatric Medicine |
| Dietitians | Psychology |
| Genetic Counselors | Respiratory Care |
| Massage Therapy | Speech Language Pathology & Audiology |
| Medical (Physicians & Osteopathic Physicians) | Telehealth |

To recap, at the January 5th Ordinance Committee meeting, an amendment requiring self-storage warehousing businesses in the urbanized, sewerred areas of our cities and towns obtain special exceptions from the ABZA was passed. Also at that meeting, the Ordinance Committee requested the above additional information regarding state-licensed medical professionals before making a final decision on allowing them to be considered “home occupations.” The February meeting was cancelled due to a winter weather emergency.

STAFF RECOMMENDATION:

Approval (see the attached ordinance amendment)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTERS 3 & 5
OF ORDINANCE NO. _____
BEING THE UNIFIED ZONING ORDINANCE
OF TIPPECANOE COUNTY.**

Be it ordained by the (County Commissioners of Tippecanoe County, Indiana; the Common Council of the City of Lafayette, Indiana; the Common Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana; and the Town Council of Clarks Hill, Indiana), that Ordinance No. _____, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change **UZO Section 3-2 PERMITTED USE TABLE** by adding the following footnote to SIC 4225 "Self-storage warehouse business":

72. Proposed self-storage warehouse businesses located in a zone where they are permitted by right, but on property within an urbanized, sewerred area as shown in Appendix A, shall be required to obtain a special exception.

Section 2: Change **UZO Section 5-5-3 PERMITTED HOME OCCUPATIONS** by adding the following:

(15) An office of a state-licensed medical professional with no more than one treatment room.

Section 3: Change **UZO Section 5-5-4 PROHIBITED HOME OCCUPATIONS** by eliminating the following and renumbering the rest of the list in this section:

- (e) Physician, dentist, optometrist, podiatrist, chiropractor, naturopathic doctor, hypnotherapist, acupuncturist, or any medical or dental clinic, office, or hospital;

This ordinance shall be in full force and effect from and after its passage.