

MEMORANDUM

TO: APC Ordinance Committee
FROM: Kathy Lind, Senior Planner
SUBJECT: licensed medical professionals & self-storage warehousing
DATE: December 23, 2021

This memorandum is a follow-up to the memo dated November 24th. Some changes to the originally proposed ordinance amendments have been included below; these changes are based on discussions held at the December 1st Ordinance Committee meeting.

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 (and therefore not a danger to the public), 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.

In this iteration of the amendment, the home occupation prohibition (e) shown above (which prohibits a physician, dentist, optometrist, chiropractor, naturopathic doctor, hypnotherapist, acupuncturist, or any medical or dental clinic, office or hospital) would be eliminated and 5-5-3 Permitted Home Occupations, would have the following addition:

(15) 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, an art deco building between Union and Salem on 5th Street. It’s an unfortunate use in a highly visible location with most of the historic features of this building now gone forever.

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."

At the December 1st Ordinance Committee meeting, it was decided that this proposed change went too far. The amendment proposed would not allow any variance or special exception; it would simply prohibit self-storage warehouses from these areas. The committee wanted there to be a way to have the BZA decide if a location was a good spot for this use or not.

Currently, the UZO allows self-storage warehouse businesses by special exception in NB and by right in GB and all Industrial zones. Staff is now proposing a new footnote that would state "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." This proposed footnote would not prohibit the use, but would instead allow the Board of Zoning Appeals to decide whether or not the use is appropriate within our urban areas. It would also mean requiring a special exception for this use, within the urbanized area for both GB and the Industrial zones.

STAFF RECOMMENDATION:

Approval of both amendments

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER ____
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 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;

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

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

Section 3: 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.

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