



Area Plan Commission of Tippecanoe County, Indiana

May 19, 2022
Ref. No.: 2022-104

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: UZO AMENDMENT #104:

This amendment would create a definition for a "haven home," a particular type of social service facility, and would add this use to the permitted use table of the UZO.

Dear County Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 18, 2022, the Area Plan Commission of Tippecanoe County voted 14 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 County Commissioners that the proposed zoning ordinance amendment be approved. The County Commissioners meeting will be held Monday, June 6, 2022.

Sincerely,

David Hittle
Executive Director

DH/jae

Enclosure: Staff Report and Ordinance



ORDINANCE NO. _____
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **UZO Section 1-10-2 Words and Terms Defined** to add the following:

1-10-2 HAVEN HOME. A social service facility assisting children awaiting foster care or similar placement. A child's stay at such facility shall not exceed 72 hours.

Section 2: Change **UZO Section 3-2 Permitted Use Table** by adding the following category of use under "SIC 839 Social Services, not elsewhere classified":

"Haven Home" to be permitted by special exception in all residential zones, and by right in NBU and MRU. (Parking group 1).

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

(Adopted And Passed) (Denied) by the Board Of Commissioners of Tippecanoe County, Indiana, this _____ day of _____, 2022.

VOTE:

David S. Byers, President

Tracy A. Brown, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Robert Plantenga, Auditor

Unified Zoning Ordinance Amendment #104 HAVEN HOME

Staff Report
May 12, 2022

BACKGROUND:

Last year, an organization called "Isaiah 117 House" had land donated to them so they could build the first Isaiah 117 House in Tippecanoe County. This organization provides a home for children who are taken to the Department of Child Services (DCS) awaiting foster care placement. (Not to be confused with the similarly named Isaiah House Treatment Centers for drug addiction and recovery.) Innovation Church (aka International Church of the Foursquare Gospel) located on Mondavi Blvd. and Concord Road, was set to donate an acre of land from the church's eight-acre property; fundraising commenced to pay for the construction of a new house for that purpose.

Representatives from the Isaiah 117 House contacted staff to see if any approvals were necessary. Unfortunately, there was nothing like Isaiah 117 House, in the Unified Zoning Ordinance use table. Though it is a "ministry", it was not owned by a church or other religious organization. It is also not a governmental agency, though they work with DCS. So, with nowhere else to categorize this use, it was pigeon-holed into the catchall category of SIC 839 "Social services, not elsewhere classified." This category of land use is allowed by right in all commercial zones except Highway Business. As most social services involve an office-type setting, permitting them in our commercial zones makes sense. But this use, although it is a social service, is not an office use. Its purpose is to provide a home-like setting for children in need; therefore, a house, not an office is necessary.

The church property on Mondavi is zoned PDRS. It is part of the Ravenswood at Hickory Ridge Planned Development. A rezone was filed to change the church property's zoning to NB, Neighborhood Business to allow Isaiah 117 House to begin construction. The homeowners in the PD protested this intrusion of business zoning. Later, a commitment limiting the types of NB uses that could locate on site was submitted, but the neighborhood was not assuaged. Ultimately, the APC in January voted to approve the rezone, but it was withdrawn prior to its hearing by the County Commissioners.

At the March Ordinance Committee meeting, Commissioner Murtaugh requested staff look into an ordinance amendment for this use. At the April meeting, staff introduced an amendment which was approved at that meeting. This amendment would create a definition for this land use as follows:

“HAVEN HOME. A social service facility assisting children awaiting foster care or similar placement. A child’s stay at such facility shall not exceed 72 hours.”

This use, which is similar to a “Group Home,” although less intrusive, since a haven home would only be occupied when needed, would be allowed in many of the same zones. It would be permitted by special exception in all residential zones. This would mean that residents of residentially-zoned subdivisions would still get notified and would get a chance to speak for or against, at a public hearing. It also means there would be no need for a “spot” of commercial zoning in the middle of residential zoning that could lead to incompatible land uses in the future.

Also, though this was not discussed at Ordinance Committee, staff believes that, just as group homes are, this use should be permitted by right in NBU and MRU. It was an oversight that staff did not mention the NBU and MRU zones during the previous discussion. Staff believes; however, that it makes sense to allow this innocuous use by right in some zones and NBU and MRU zones would be the most compatible.”

STAFF RECOMMENDATION:

Approval

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 1-10-2 Words and Terms Defined** to add the following:

1-10-2 HAVEN HOME. A social service facility assisting children awaiting foster care or similar placement. A child's stay at such facility shall not exceed 72 hours.

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