

ORDINANCE NO. 16-22

**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 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.

INTRODUCED ON FIRST READING ON THE 7 DAY OF June, 2022.

MOTION TO ADOPT MADE BY COUNCILOR Leverenz, AND SECONDED BY COUNCILOR Thomas.

DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 7 DAY OF June, 2022, HAVING BEEN PASSED BY A VOTE OF 9 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown	✓			
Bunder	✓			
DeBoer	✓			
Hardesty	✓			
Leverenz	✓			
Parker	✓			
Sanders	✓			
Thomas	✓			


Peter Bunder, Presiding Officer

Attest:

Nichole Foster

Nichole A. Foster, First Deputy Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA
ON THE 8 DAY OF June, 2022.

Nichole Foster

Nichole A. Foster, First Deputy Clerk

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 8 DAY OF
June, 2022.

John R. Dennis

John R. Dennis, Mayor

Attest:

Nichole Foster

Nichole A. Foster, First Deputy Clerk



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



Area Plan Commission of Tippecanoe County, Indiana

May 19, 2022
Ref. No.: 2022-106

West Lafayette Common Council
222 N Chauncey
West Lafayette, IN 47906

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 Council Members:

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 West Lafayette Common Council that the proposed zoning ordinance amendment be approved.

Sincerely,

David Hittle
Executive Director

DH/jae

Enclosure: Staff Report and Ordinance