

ORDINANCE NO. 2021-11

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, THAT ORDINANCE NO. 97-11, BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY IS HEREBY AMENDED AS FOLLOWS:

Section 1: Add the following to **UZO Section 1-10-2 WORDS AND TERMS DEFINED:**

SHIPPING CONTAINER. A unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, or other types of transportation. Railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies and similar items originally built for purposes other than the storage of goods and materials, are not shipping containers and shall not be used as accessory storage at a farm or residence.

Section 2: Amend Footnote 8 of Chapter 3-2 **PERMITTED USE TABLE**, to read as follows:

Footnote 8: Permitted in NB, NBU, OR, CB and CBW zones only with no outdoor operation or storage of materials and equipment, and maximum **gross floor area** of 5,000 square feet. See Section 4-11-15 for further requirements in A, AA and AW zones.

Section 3: Change the parking groups in **Chapter 3-2 PERMITTED USE TABLE** as read as follows:

Parking Group	SIC Number	Use
8	76	Miscellaneous repair shops
	Except:	
8	7629	Medical equipment repair, electrical
8	7699	Medical equipment repair, except electrical
6	7699	Farm machinery and equipment service & repair
6	7699	Industrial Truck Services

Section 4: Change **4-4-5 SETBACKS FOR STRUCTURAL PROJECTIONS AND STOOPS**, to read as follows:

- (a) The following **structural projections** may extend up to 2' into a minimum **front, rear** or 6' **side setback** and no more than 1' into a minimum 5' **side setback** where permitted: eaves, overhangs, bay windows, greenhouse windows, window wells, window-mounted or wall-mounted air conditioners, fascia brick and exterior siding. (Amend 44 and 52) However, window wells may extend up to a maximum of 4' into **rear** and **front setbacks** at the discretion of the Administrative Officer.

Section 5 (Revised from the original Amendment #100): Add the following new **Section 4-11-14 SHIPPING CONTAINERS** to Chapter 4-11 MISCELLANEOUS RESTRICTIONS:

4-11-14 SHIPPING CONTAINERS:

- (a) **Shipping containers** used for permanent on-site storage shall be allowed at farming operations (SIC 01 or 02) in any zone as an accessory use. These **shipping containers**:
- (1) may not be stacked on top of each other;
 - (2) shall meet all building setbacks for an accessory building;
 - (3) are only allowed with an approved **Improvement Location Permit**, and
 - (4) shall only be used for storage related to the farming operation on site.
- (b) No more than one **shipping container** shall be allowed as an accessory use to a residence that is not part of a farming operation. These **shipping containers**:
- (1) shall be located on a lot of at least two acres of non-residentially zoned property;
 - (2) shall meet all building setbacks for an accessory building;
 - (3) are only allowed with an approved **Improvement Location Permit**;
 - (4) shall not be located between the **primary use building** and the **front lot line**.
- (c) Metal **shipping containers** that are used for residential storage on a temporary basis in any zone shall be allowed on site for no more than a period of 90 days or such longer period at the **Administrative Officer's** discretion.

Section 6: Add the following new **Section 4-11-15 CONTRACTORS REQUIREMENTS** to Chapter 4-11 MISCELLANEOUS RESTRICTIONS:

- (a) Uses falling under SIC 15, 16 and 17, which are permitted by special exception in A, AA and AW zones shall be located on properties with a minimum of 2 acres; and
- (b) The largest building's **gross floor area** shall be no more than 8,000 square feet.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF
DAYTON, INDIANA THIS 9th DAY OF August, 2021.

Presiding Officer

ATTEST:

Michelle [Signature]
Clerk-Treasurer



Area Plan Commission of Tippecanoe County, Indiana

July 22, 2021
Ref. No.: 2021-155

Town Council of Dayton
PO Box 557
Dayton, IN 47941

CERTIFICATION

RE: UZO AMENDMENT #100-A:

This amendment is identical to the previously approved UZO Amendment #100 except for three minor changes to the provisions regarding shipping containers.

Dear Council Members:

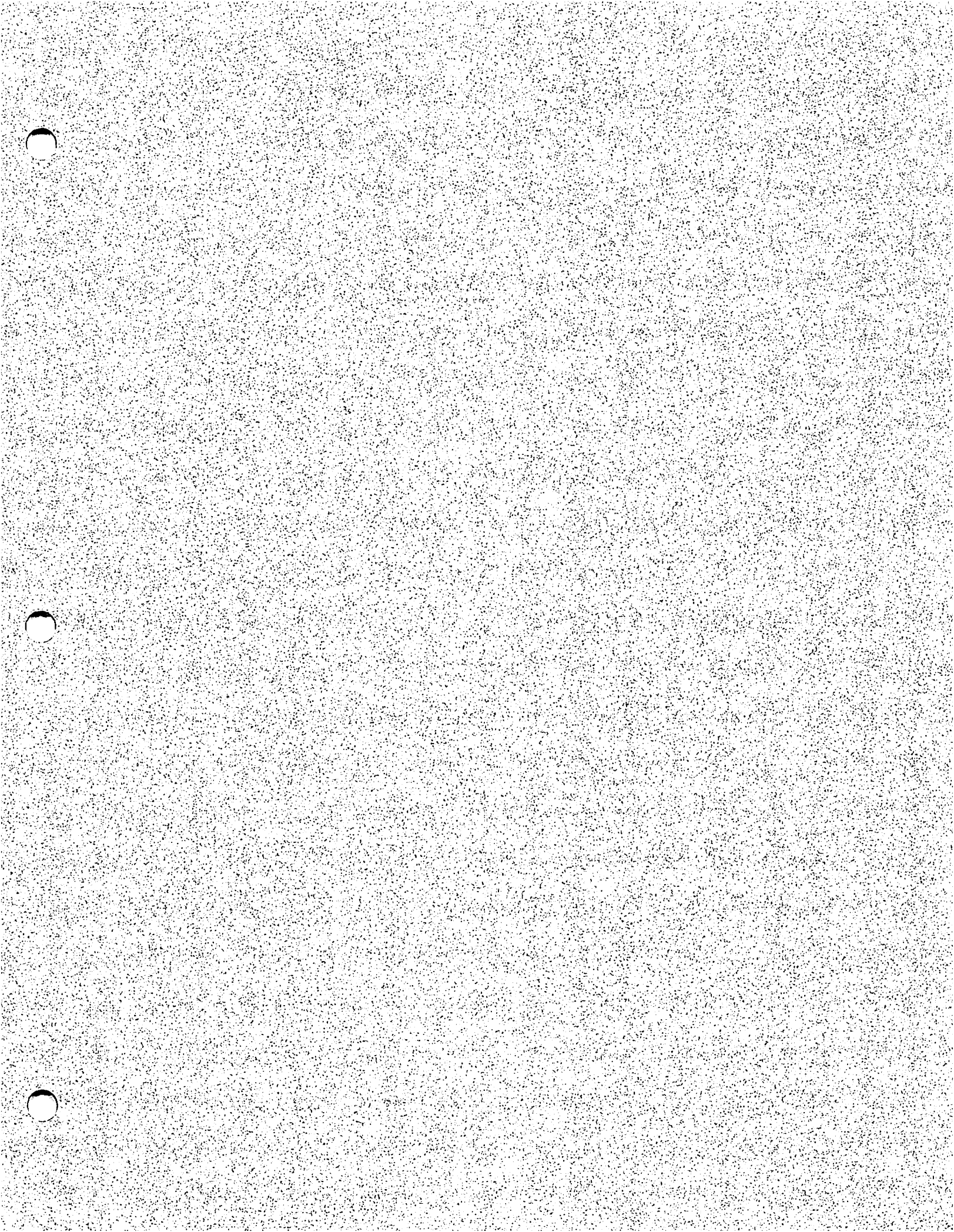
As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 21, 2021, the Area Plan Commission of Tippecanoe County voted 15 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Town Council of Dayton that the proposed zoning ordinance amendment be approved.

Sincerely,

David Hittle
Executive Director

DH/crl

Enclosure: Staff Report and Ordinance



**Unified Zoning Ordinance Amendment #100-A
A REVISION TO AMENDMENT #100**

**Staff Report
July 15, 2021**

STAFF COMMENTS:

Amendment #100 was approved by APC on May 19th and approved by the city councils of Lafayette and West Lafayette in June. However, the amendment was tabled at the County Commissioner's meeting and sent back to the Administrative Officers for further discussion. At issue was limiting farming operations to only four shipping containers.

The attached Amendment #100-A is identical to Amendment #100 except for Section 5 regarding shipping containers. A total of three changes were made to this section (as well as reformatting the section slightly) at the July Administrative Officer's meeting as well as the July Ordinance Committee meeting.

These three changes are:

1. The previously approved maximum number of four shipping containers per farming operation has been removed;
2. A standard has been added that states, "These shipping containers shall only be used for storage related to the farming operation on site;" and
3. A standard (regarding residences that are not part of a farm) has been added that states, "These shipping containers shall not be located between the primary use building and the front lot line."

Everything else in this omnibus amendment is the same as in the original Amendment #100 that was approved by the Area Plan Commission in May and approved by Lafayette and West Lafayette in June.

Staff feels these minor changes are an improvement over the original amendment. The new standards would prohibit the possibility of shipping containers being used as a self-storage warehouse business and will prevent shipping containers from being located within a front yard of a residence. It also removes the limit of four shipping containers per farming operation that farmers believed to be too restrictive. (If this decision becomes problematic, it can be revisited in the future.)

This revised wording to Section 5 of UZO Amendment #100 was approved by the Administrative Officers and the APC Ordinance Committee in July.

**STAFF RECOMMENDATION:
Approval**

Note: In order to refresh our memories and to answer any questions that may arise, the original staff report for Amendment #100 is included below:

This proposed amendment would make minor changes to 6 sections of the Unified Zoning Ordinance; however, there are four specific topics that these changes would address. Each of the four topics are detailed below:

a. Basement Window Wells:

This concern was originally raised by the West Lafayette Administrative Officer (A.O.) and has to do with basement window wells located at either the front or the rear of a new house, particularly a house constructed right at the 25' front or rear setback. Currently the UZO allows window wells to extend into *side* setbacks, but it does not address basement window wells at the front or rear of a house extending into those setbacks.

According to our A.O.s, the Indiana Building Code requires window wells to extend 3' out from a house to allow adequate egress in case of fire. It was decided to allow window wells up to 4' into a front or rear setback with the Administrative Officer's approval. This change was approved by Ordinance Committee at its March 3, 2021 meeting.

b. Electrical Contractor's Building Size Limitation:

This amendment would make changes to Footnote 8 in the Permitted Use Table. Currently, the following contracting businesses: SIC 15, Building Construction, general contractors and operative builders; SIC 1611 Asphalt or concrete paving contractors; and SIC 17 specialty trade contractors, are all limited to a lot size of five acres or more and buildings of no more than 5,000 square feet in the rural zones where they also need a special exception. Because this requirement is in the Permitted Use Table, it is not a standard that can be varied. In the past, this has led to an A to GB rezone. This amendment would remove these standards from a footnote in the use table, and create a new section in Chapter 4 (which can be varied if necessary). This will keep businesses from rezoning to GB when they are located in a rural zone and need their business to be in a building larger than 5,000 square feet in area.

This new section also bumps up the 5,000 square foot building limitation to 8,000 square feet and allows the uses on tracts as small as two acres in area (instead of the five acre minimum). This part of the amendment was approved by Ordinance Committee at its April 7, 2021 meeting.

c. Reducing the Parking Standard for Industrial Truck Services & Farm Machinery Service and Repair:

Currently the UZO requires industrial truck services and farm machinery service and repair to have the same amount of parking spaces as a grocery store. This seems excessive to staff and the Administrative Officers. This amendment would change that parking standard from the existing 1 space per 200 square feet to "parking group 6" which requires "1 space per employee on the largest shift, plus 1 per 200 sq. ft. of office, sales, or similar floor area." This standard would mean each employee would have a parking space and the office floor area, instead of the large repair shop area, would determine the number of parking spaces required to be on site. This section was approved by Ordinance Committee at its March 3, 2021 meeting.

d. Using Shipping Containers as on-site Storage Buildings:

Currently there are no standards regarding shipping containers used as storage in the UZO except on commercially zoned property (UZO Section 4-6-18-j). This amendment would address the number permitted at residential properties. (This amendment does not address the use of shipping containers as residences; it only addresses their use as an accessory storage building. The A.O.s decided to not prohibit their use as a residence, but to let the Indiana Building Code requirements guide their residential use.)

This amendment would create a definition for "shipping containers" and would limit their number to four per farming operation. (*Note: Amendment #100-A removes this limit.*) For a residence that is not part of a farm, no more than one shipping container may be used for storage as an accessory use but only if the house is on at least two acres of land and also the property cannot be located in a residential zone. This will prevent shipping containers from being used on most lots in subdivisions in the unincorporated county.

Lastly, this amendment allows shipping containers used for residential storage on a temporary basis in any zone for no more than a period of 90 days or at the A.O.'s discretion. This amendment passed Ordinance Committee at its April 7, 2021 meeting.

Staff Recommendation
Approval

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTERS 1, 3, and 4
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: Add the following to UZO Section 1-10-2 WORDS AND TERMS DEFINED:

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- (b) The largest building's **gross floor area** shall be no more than 8,000 square feet.

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