



Area Plan Commission of Tippecanoe County, Indiana

January 19, 2023
Ref. No.: 2023-015

Town Council of Dayton
PO Box 557
Dayton, IN 47941

CERTIFICATION

RE: **UZO AMENDMENT #109**

This amendment would create new standards and requirements for Agricultural Rental Halls that require a special exception.

Dear Council Members:

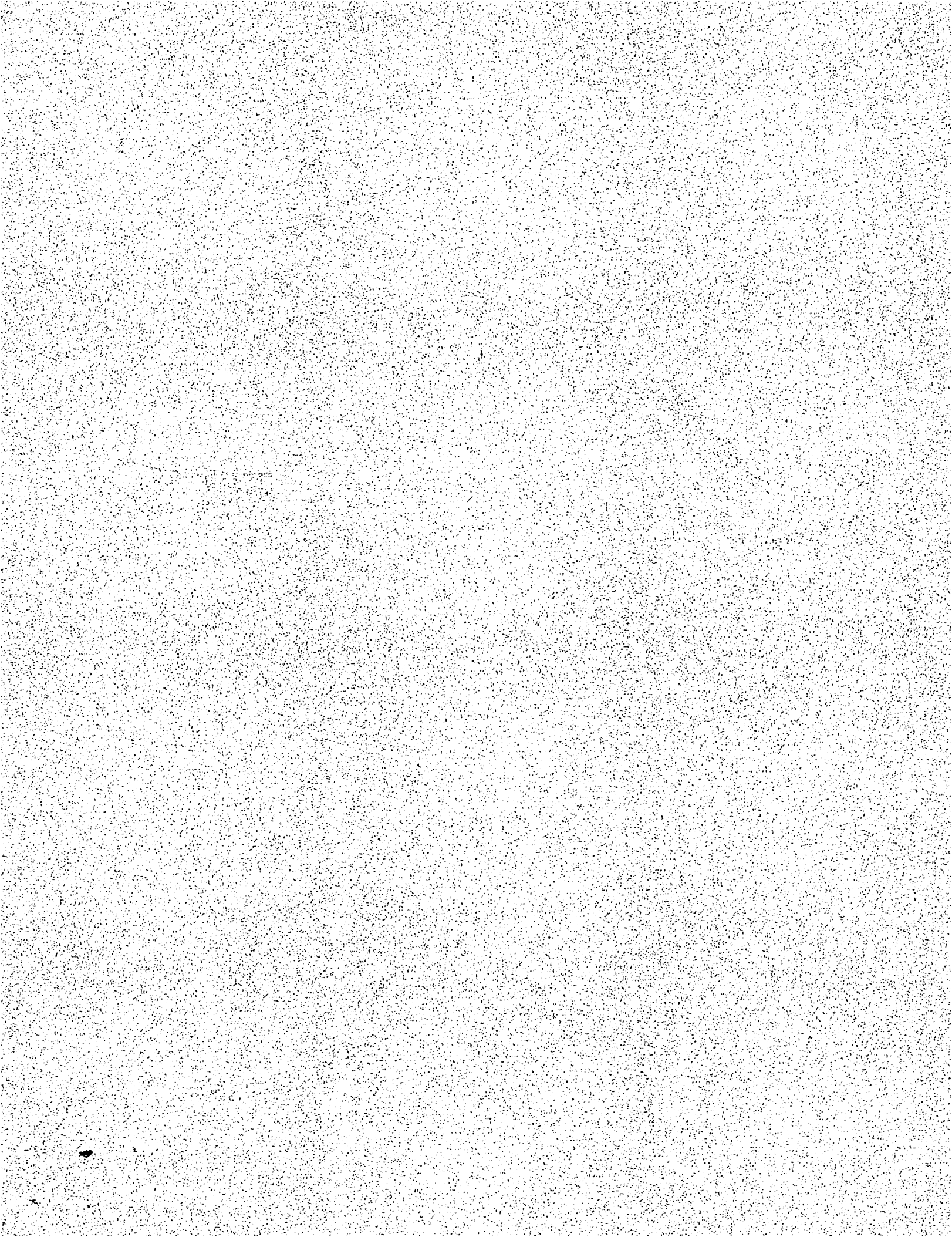
As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 18, 2023, the Area Plan Commission of Tippecanoe County voted 16 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area 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/kl

Enclosures: Staff Report & Ordinance



**Unified Zoning Ordinance Amendment #109
AGRICULTURAL RENTAL HALL AMENDMENT**

**Staff Report
JANUARY 12, 2022**

BACKGROUND:

The UZO currently allows Agricultural Rental Halls (Party Barns) in the A or AW zone by Special Exception, or in the GB zone by right. They are subject to the public hearing, as well as normal setback guidelines and state reviews for the type of building and engineering. There are no buffering requirements for this use unless it were adjacent to a commercial district. Since 2013, there have been 14 special exceptions filed to allow an Agricultural Rental Hall; nine of those have been approved, and one is being heard this month. Party barns have been regulated to a certain extent through the use of commitments with BZA approval. Some of the petitioners have committed to outdoor noise restrictions, maximum number of guests and hours of operation.

Our office has become aware of concerns from property owners who live near existing or proposed party barns. They have spoken out at several recent BZA hearings, and a few have even requested private meetings with APC staff. At the same time, APC staff has begun to take a closer look at how the petitioners are being impacted by the process, and whether having more guidance in the UZO would be helpful. For example, one party barn owner found they did not have sufficient parking spaces to accommodate their guests' vehicles, and they ended up coming back before the BZA for an amended special exception site plan.

The proposed amendment would change the ratio of parking spaces needed for parking group 30 in Chapter 4-6-3 from 1 per every 4 guests to 1 per every 2.5 guests, plus 1 per every full-time employee. The only other use which is assigned to parking group 30 is "Summer Theatres". There are currently no such uses within the County to be impacted by this change.

The proposed amendment would also add a section to Chapter 4-11 MISCELLANEOUS RESTRICTIONS. The new section would attempt to address the concerns of neighbors, petitioners and staff. The commitments for hours of operation, maximum number of guests and no amplified music outdoors would be added as restrictions. This section would also add a required setback for the primary use building and a bufferyard for the parking area. A petitioner could request a variance from any of these restrictions through the ABZA.

The Ordinance Committee at its December 7th, 2022 meeting recommended approval of this amendment.

STAFF RECOMMENDATION:

Approval

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 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: Change UZO Section 4-6-3 REQUIRED AUTO PARKING SPACES FOR ALL USES LISTED IN THE PERMITTED USE TABLE for the following Parking Group:

30 1 per 2.5 patrons to the maximum capacity of the facility inclusive of both indoor, if any, and outdoor capability, plus 1 per every full-time employee. Additionally, for agricultural rental hall events in rural zones, grass or gravel overflow parking areas are required and shall be of sufficient size to accommodate all vehicles. Vehicles parked along public roads shall be evidence of noncompliance with this requirement. (Amend 76)

Section 2: Change UZO Chapter 4 by adding the following new **Section 4-11-18 AGRICULTURAL RENTAL HALLS:**

- (a) The primary use building of an Agricultural Rental Hall shall be setback from the nearest dwelling not affiliated with the use at a distance of no less than 1000'.
- (b) Agricultural Rental Halls shall not have outdoor amplified music, other than brief ceremonial or processional music.
- (c) Hours of operation shall be from 8am until 10pm Sunday through Thursday and 8am through Midnight Friday and Saturday.
- (d) The guest capacity for any event shall be the lower of either the state review findings or petitioner's application number, but not more than 300 persons.
- (e) Subject to Administrative Officer's approval, a bufferyard shall be installed between the parking area and adjacent properties such that it shields the headlights from arriving and departing vehicles. The bufferyard may be chosen from one of the following:
 - (1) A 6' solid (privacy) fence;
 - (2) A berm; or
 - (3) A double row of evergreen trees.

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

ORDINANCE NO. 2023-6

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: Change UZO Section 4-6-3 REQUIRED AUTO PARKING SPACES FOR ALL USES LISTED IN THE PERMITTED USE TABLE for the following Parking Group:

30 1 per 2.5 patrons to the maximum capacity of the facility inclusive of both indoor, if any, and outdoor capability, plus 1 per every full-time employee. Additionally, for agricultural rental hall events in rural zones, grass or gravel overflow parking areas are required and shall be of sufficient size to accommodate all vehicles. Vehicles parked along public roads shall be evidence of noncompliance with this requirement. (Amend 76)

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 - (2) A berm; or
 - (3) A double row of evergreen trees.

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

MB *CRS* *RU*

11/13/24
Mrs. [Signature]



ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF
DAYTON, INDIANA THIS 21st DAY OF February, 2023.

Gen McLaughlin
Presiding Officer

ATTEST:
[Signature]
Clerk-Treasurer