



Area Plan Commission of Tippecanoe County, Indiana

September 19, 2024

Ref. No.: 2024-235

Town of Dayton
PO Box 557
Dayton, IN 47941

CERTIFICATION

RE: UZO AMENDMENT #113

An omnibus amendment that would address three different topics: the definition of agricultural rental halls; pet stores/pet brokerages; and indoor and outdoor amusement and recreational services.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on September 18, 2024, 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 of Dayton that the proposed zoning ordinance be approved.

Sincerely,

Ryan O'Gara
Executive Director

RO/kl

Enclosures: Staff Report and Ordinance

UZO Amendment 113 Omnibus THREE MINOR UZO CHANGES

Staff Report
September 12, 2024

This omnibus amendment covers three different areas in the Unified Zoning Ordinance as follows:

1. The definition of Agricultural Rental Hall:

Ag rental halls have been a separate category in the UZO since Amendment 76 in 2013. What was originally meant to be purely a venue for weddings and receptions with up to four other "public" events allowed per year has changed. Are flea markets, holiday craft bazaars, charity fundraisers and bluegrass concerts public events or private? What exactly constitutes a "public event?" Ever since its adoption, there has been confusion over this clause in the definition, specifically "hosting public events, open to the public without the requirement of an invitation or reservation, at which entertainment is provided as the main attraction, may also be part of such business." It later states that ag rental halls, "May only host such public events up to four times per calendar year."

The proposed amendment would change the definition to clarify what constitutes a private event versus a public event, while keeping the remainder of the definition untouched. Private events are limited to attendance by invitation or reservation from ticket sales; public events do not require an invitation or reservation from ticket sales. Furthermore, such events where a nominal fee is charged at the door, without invitation or reservation, would still be considered a public event.

A small clarification was added at September Ordinance Committee, and the wording of the amendment reflects this addition.

2. Pet Brokerages:

At the request of the County Commissioners, staff was tasked with differentiating between two types of businesses involving the sale of dogs and cats. Currently both a pet store and a "pet brokerage" would fall under SIC 5999 Misc. retail stores, not elsewhere classified. This category is a catchall for any type of shop that is not already listed in the Permitted Use Table of the ordinance and is allowed by right in NB, NBU, GB, CB and CBW zones.

Staff proposes adding the following two definitions to UZO Chapter 1-10 Definitions:

PET STORE. A retail establishment selling pet services and/or supplies. A pet store shall not sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs; however, pet stores may collaborate with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

PET BROKERAGE. A business or distributor which buys, sells, or offers to sell cats and/or dogs at wholesale or retail rates to the public, or which sells or gives cats and/or dogs to retail establishments for resale.

These two types of businesses would also be included as two new entries in the Permitted Use Table. Pet stores would be permitted by right in NB, NBU, GB, CB and CBW (no change from where they are currently allowed), but pet brokerages would only be permitted by special exception in the I2 zoning district.

Because there are so few existing I2 zoned properties that are unimproved, a future pet brokerage business would most likely have to go through a rezone request, giving our jurisdictions the chance to vote on it. The ABZA would also have to approve a special exception for this use before it could open for business. This was discussed and approved at the August Administrative Officer's meeting and at the September Ordinance Committee meeting.

3. SIC 7999 Indoor and Outdoor businesses:

The category called SIC 7999 amusement and recreation services, not elsewhere classified, has been a catchall category in the Permitted Use Table of the UZO. Over the years it has included wedding barns (in the years before the UZO had the permitted use, "Agricultural Rental Hall"), both indoor and outdoor soccer fields, corn mazes, rock climbing walls and rodeos.

The UZO splits SIC 7999 into two categories: indoor and outdoor. Recently, APC staff met with someone interested in starting a small agri-business in an existing barn on property zoned AA, select agricultural. The use fit perfectly in the SIC 7999 indoor category, but staff learned while an outdoor land use was allowed by special exception in A and AW zones, the indoor category is not. The property owner would have to rezone to a commercial zone or an industrial zone...which would have created a spot zone neither of which staff could support in this rural area.

The simple solution to staff, was to amend the UZO so that both indoor and outdoor SIC 7999 land uses, in addition to the zones where they are currently allowed, are also both allowed by special exception in the A and AW zones. The AA, select agricultural zone, is meant for where the prime farmland is located, and staff feels the zone generally should continue to be protected from miscellaneous land uses. But the A and AW zones, which currently allows outdoor amusement and recreational businesses by special exception, should have space for indoor amusements (by special exception) as well. This change was discussed and approved at the September Ordinance Committee meeting.

The ordinance amendment for all three of these changes is attached.

STAFF RECOMMENDATION:

Approval

ORDINANCE NO. 2024-27

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 1-2 Definitions**, by changing the definition of Agricultural Rental Hall to read as follows (changes to the definition are underlined):

AGRICULTURAL RENTAL HALL. An establishment (either with or without an outdoor component) where private parties, weddings, and/or receptions limited to attendance by invitation or reservation from ticket sales are held. Additionally, hosting public events, open to the public without the requirement of an invitation or reservation from ticket sales, at which entertainment is provided as the main attraction, may also be part of such business. Requiring a cover charge or admission fee at the door, would still constitute a public event. Unless located in a zone that also permits eating and drinking places as a primary use, an **agricultural rental hall**: 1. May only serve food prepared by an off-premises caterer and may not include any uses listed in SIC 5812 or 5813 and 2. May only host such public events up to four times per calendar year.

Section 2: Change **UZO Section 1-2 Definitions**, by adding the following two definitions:

PET STORE. A retail establishment selling pet services and/or supplies. A pet store shall not sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs; however, pet stores may collaborate with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

PET BROKERAGE. A business or a distributor which buys, sells, or offers to sell cats and/or dogs at wholesale or retail rates to the public, or which sells or gives cats and/or dogs to retail establishments for resale.

Section 3: Change **UZO Section 3-2-8 Permitted Use Table, Retail Trade**, by adding the entries under SIC 5999 Misc. Retail Stores, not elsewhere classified, as follows:

"Pet store" permitted in NB, NBU, GB, CB, and CBW

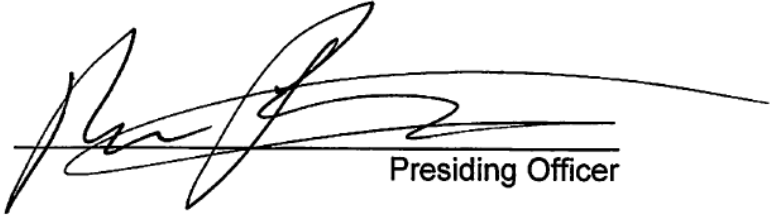
"Pet brokerage" permitted by SE in I2

Section 4: Change **UZO Section 3-2-10, Permitted Use Table, Services** as follows:


Allow SIC 7999 Amusement and recreation services, not elsewhere classified (indoor) by special exception in A (Agricultural) and AW (Agricultural Wooded) in addition to where it is currently allowed.

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

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF
DAYTON, INDIANA THIS 17 DAY OF December, 2024.


Presiding Officer

ATTEST:


Clerk-Treasurer