

**ORDINANCE NO. 2022-08**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF  
TIPPECANOE COUNTY, INDIANA**

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,  
INDIANA, THAT THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY,  
INDIANA, BEING A SEPARATE ORDINANCE AND PART OF THE MUNICIPAL CODE  
OF LAFAYETTE, INDIANA, IS HEREBY AMENDED AS FOLLOWS:**

**Section 1: Change UZO Section 5-5-3 PERMITTED HOME OCCUPATIONS by  
adding the following:**

(15) An office of a state-licensed medical professional with no more than one  
treatment room.

**Section 2: Change UZO Section 5-5-4 PROHIBITED HOME OCCUPATIONS by  
eliminating the following and renumbering the rest of the list in this section:**

- (e) Physician, dentist, optometrist, podiatrist, chiropractor, naturopathic  
doctor, hypnotherapist, acupuncturist, or any medical or dental clinic,  
office, or hospital;

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
LAFAYETTE, INDIANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

ATTEST:

\_\_\_\_\_  
Perry Brown, Presiding Officer

\_\_\_\_\_  
Cindy L. Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Cindy L. Murray, City Clerk

This Ordinance approved and signed by me on the \_\_\_\_\_ day of  
\_\_\_\_\_, 2022.

\_\_\_\_\_  
Tony Roswarski, Mayor

ATTEST:

\_\_\_\_\_  
Cindy L. Murray, City Clerk



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Area Plan Commission of Tippecanoe County, Indiana

March 17, 2022  
Ref. No.: 2022-049

Lafayette Common Council  
20 N. 6<sup>th</sup> Street  
Lafayette, IN 47901

**CERTIFICATION**

**RE: UZO AMENDMENT #103:**

This amendment would change the sections on "home occupations" to include the currently prohibited state-licensed medical professionals (UZO Sections 5-5-3 and 5-5-4).

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 16, 2022, the Area Plan Commission of Tippecanoe County voted 10 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 Lafayette Common Council that the proposed zoning ordinance amendment be approved.

Sincerely,

David Hittle  
Executive Director

DH/jae

Enclosure: Staff Report and Ordinance

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**Unified Zoning Ordinance Amendment #103  
ALLOWING MEDICAL PROFESSIONAL HOME OCCUPATIONS**

Staff Report  
March 10, 2022

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Currently, our ordinance allows many types of small businesses as "home occupations." As long as these businesses located in a residence meet UZO standards, and are not listed under "prohibited home occupations," they are allowed by right. There is no special exception or rezone required; they are permitted wherever a residence is permitted.

One of the prohibited home occupations listed is:

"(e) physician, dentist, optometrist, chiropractor, naturopathic doctor, hypnotherapist, acupuncturist, or any medical or dental clinic, office or hospital."

Staff has from time to time fielded questions from medical-related people, particularly licensed massage therapists, interested in running a home occupation. Because of the longstanding prohibition, they are told the ordinance does not allow this type of home occupation.

This prohibition was discussed at the August 2021 Administrative Officer's meeting and it was agreed that as long as the person was licensed by the state, it would not effect a neighborhood any more than a one-chair beauty shop or someone teaching piano would. A clinic, which would house more than one medical professional, would still be prohibited as a home occupation.

This proposed change to the ordinance was discussed at the December 2021 Ordinance Committee meeting and again at the January 2022 meeting. The Committee requested a list of "medical professionals" that require a state license that this amendment would now allow to be in a residence. That list includes the following medical professions:

- Acupuncture
- Anesthesiologist Assistant
- Athletic Trainers
- Behavioral Health & Human Services
- Chiropractors
- Dentistry
- Diabetes Educators
- Dietitians
- Genetic Counselors
- Massage Therapy

Medical (Physicians & Osteopathic Physicians)  
Midwifery  
Nursing  
Occupational Therapy  
Optometry  
Physical Therapy  
Physician Assistant  
Podiatric Medicine  
Psychology  
Respiratory Care  
Speech Language Pathology and Audiology  
Telehealth

The UZO currently prohibits “any medical or dental clinic, office or hospital” as a home occupation. This amendment would change that by eliminating the prohibition, and adding the following to the list of permitted home occupations: “An office of a state-licensed medical professional with no more than one treatment room.” If a profession is not listed above, it would not meet that qualification. Staff realizes a number of the professions listed above would be unlikely to locate in the practitioner’s home, but that is a moot point.

This amendment was approved by the Ordinance Committee at its March meeting. (The section regarding self-storage warehouse businesses has been tabled and will be discussed at the April Ordinance Committee meeting.)

**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 5-5-3 PERMITTED HOME OCCUPATIONS** by adding the following:

(15) An office of a state-licensed medical professional with no more than one treatment room.

**Section 2:** Change **UZO Section 5-5-4 PROHIBITED HOME OCCUPATIONS** by eliminating the following and renumbering the rest of the list in this section:

- (e) Physician, dentist, optometrist, podiatrist, chiropractor, naturopathic doctor, hypnotherapist, acupuncturist, or any medical or dental clinic, office, or hospital;

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