

Highland Park Neighborhood Form-Based Overlay

Frequently Asked Questions

1. What is a form-based overlay?

A form-based protective overlay is a land development regulation to foster predictable building results by using physical form (rather than separation of uses) as the organizing principle for the code. Traditional zoning focuses on how land is used (single family residential, business, agricultural, etc.) An overlay specifies some aspects of what a single-family home looks like from the outside rather than how it is used. The protective overlay is an enhancement of Highland Park's current R1, single family residential zoning.

2. Why do we need this overlay?

Highland Park's "look" was developed over 50 years between 1890 and 1940 with a unique blend of architectural styles. Neither the national historic district designation nor our single-family, R1, zoning protects how Highland Park looks. A survey of neighbors back in 2018 identified the character of the neighborhood as an important reason for wanting to own a home here. We also do have some property redevelopment and new construction from time to time. Back in 2015 there was a neighborhood effort to stop suburban style home development on Shawnee Avenue. We were successful but only through personal relationships that one neighbor had with the developers. Legally, there was nothing to stop the home design that so many found objectionable. In some sense, we dodged a bullet in 2015. The overlay will help Highland Park maintain its current look into the future.

3. This seems to be anti-garage, why?

If you drive through Lafayette's newer neighborhoods, the big two-car garage facing the street with a recessed front door, really says to the world that "a car lives here". Walk through Highland Park and you will notice that front doors and porches are the dominant features of the home and very often very close to the sidewalk or street. Our garages are often tucked in back or even behind the house. Everyone talks about how walkable our neighborhood is and that neighbors know neighbors. A lot of this is due to the design of Highland Park that we wish to preserve. It includes having garages less prominent to the street and protecting the triangles as open space where neighbors can gather, and kids can play.

4. How will this impact me day-to-day?

Truthfully, it probably won't. If you are planning to tear down and build a home in Highland Park, you will need to adhere to a minimum roof pitch and orient your garage as much as the lot will allow to be less prominent to the façade of the home. If you are remodeling it's even simpler. Certain kinds of finishing materials (e.g., unfinished concrete block or vapor barrier) cannot be used for the final finish. Vinyl siding is just fine. If you see something in the overlay that you think might be problem with your home today, don't worry. Non-conformance is a grand-fathered condition that can remain.

5. Are you trying to tell me what color to paint my house?

No! The overlay has no impact on paint colors, landscaping, placement of mailboxes, or parking on the street – all things that are common to see regulated in Lafayette’s suburbs with Homeowner Associations. Likewise, the overlay does not impact anything inside a home. This is not an HOA in disguise.

6. Doesn’t the national historic listing registration already protect Highland Park?

No, not really. Because the Highland Park Neighborhood is listed on the National Register of Historic Places, there is a 60-day waiting period and approval process with public notification for all structure demolitions (primary or secondary buildings) administered through the city engineer’s office. Once the property owner receives approval for demolition, any type of single-family residence can be constructed as long as the funds used come from a private source. Currently, the only protection our neighborhood’s historic status provides is the public notification and 60 day waiting period for demolition.

7. Does the city go around monitoring our homes for compliance to the overlay?

Generally, no. They do not have the time, money, or interest in this kind of regulation. Zoning issue enforcement is largely complaint driven. This means we, as neighbors, still have the chance to talk to each other and resolve differences before turning to the city for help on an issue that the overlay or just regular zoning might address.

8. Couldn’t we just adopt Lafayette’s historic preservation ordinance to keep Highland Park the way it is?

Absolutely, but this is a property-by-property decision. Any homeowner is free to petition the city to add their home into a local historic district. The current city administration isn’t adding properties to local historic districts unless the property owner requests it. Therefore, the historic preservation ordinance is not really an effective way to protect all Highland Park from suburban style development unless most homeowners individually petitioned the city to make a local historic district.

9. I’ve read it and it doesn’t seem like it does much?

The overlay was developed and draft by a committee of neighbors over two years. After many discussions, this is what the committee approved to move forward with. Therefore, it is necessarily composed of ideas that were accepted and compromises. It is at least a start and offers protections for a common type of suburban architecture that really doesn’t fit into the current look of Highland Park.

10. What is the process to amend the ordinance once it’s in place?

An amendment can be triggered anytime. A request could be made in writing from the neighborhood through Dennis Carson’s office (Lafayette Redevelopment) and to Area Plan to amend the ordinance. The APC staff would then meet with the neighborhood as needed and develop a draft amendment. This would then go to APC’s ordinance committee for review, then a vote before the full area plan commissions, and then a final vote in the Lafayette City Council.

11. When it comes down to an interpretation of something in the overlay, who is this person?

The administrative officer of Lafayette is the city engineer. They are the “zoning administrator” for purposes of zoning interpretations. This is the same for all building permits.

12. How does the overlay apply to renovation or remodeling?

Interior renovations are not subject to zoning approval. Roof pitch and garage placement may need to be considered. Certain finishing materials are not allowed.

13. Will the overlay discourage property owners from investing in their homes because the regulations will require more expensive materials or require a custom design?

No. The overlay has a very limited list of prohibited finishing materials. Vinyl siding (which is common in the neighborhood) is allowed. Some elements of the overlay that might add to constructions costs, such as porches or four-sided exterior finishes, are optional. There is a clear sentiment that these features which are really common in Highland Park shouldn't be required since they might increase the financial burden on a homeowner.

14. Will the overlay price out potential new home buyers that are looking to purchase their first home?”

Unlikely. The garage set-back or roof-pitch requirements can easily be factored into a new home's design and would add minimal, if any, cost to the home. We also know that “historic” homes come with their own special needs and costs which can be a real turn-off for new home buyers.

15. Who approves the overlay?

The overlay is a formal addition to the zoning ordinances of Lafayette. Therefore, it must be approved by the Area Plan Commission and the Lafayette City Council before it is effective. Both Area Plan and the city council will ask for public comment prior to voting on the overlay.

16. Are other neighborhoods in Lafayette doing this?

A form-based overlay is in place for the Centennial neighborhood near downtown Lafayette. Their overlay is much more complex than what is proposed for Highland Park since they face a multitude of issues with multi-family, single-family and commercial properties. Centennial has embraced both form-based overlay and local historic district status to help stabilize and protect their neighborhood.

17. I still have questions, who can I talk with about this?

Please feel free to contact Ken Jones who chaired the Preservation Steering Committee that came up with the draft overlay or Joe Bumbleburg who was on the committee. Both are long-time Highland Park residents. Joe is also an attorney with a long history of working on some of Lafayette's most complex zoning issues over many years. You can reach either Ken or Joe at their emails below:

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