

ORDINANCE NO. 2014-01-CM
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change UZO Section 1-10-2 Words and Terms Defined by amending the following two definitions as shown below:

MULTI-FAMILY DWELLING. A *dwelling* on a separate *lot* containing more than two *dwelling units*, or a *dwelling* containing two or more *dwelling units* when that *dwelling* is part of a project approved as a multi-family subdivision as regulated by Section 5.12 of the Unified Subdivision Ordinance.

PRIMARY USE BUILDING. A *building* (including any other *building* attached in a substantial way, such as by a roof) in which the *primary use* of the *lot* or *parcel* is conducted. Except as otherwise provided in this definition, only one **PRIMARY USE BUILDING** is permitted per *lot* or *parcel*.

A *single-family dwelling* is a **PRIMARY USE BUILDING**.

A *two-family dwelling* is a **PRIMARY USE BUILDING**.

A *building* containing *multi-family dwelling units* is a **PRIMARY USE BUILDING**. With respect to *multi-family* and *two-family dwellings*, multiple **PRIMARY USE BUILDINGS** may occupy the same *lot*, if all such **PRIMARY USE BUILDINGS** are in single ownership and the operating or managing office for such *use* is located on the same *lot*, and the *lot* has been approved and recorded as a multi-family subdivision.

If multiple *buildings* (other than those containing *dwelling units*) on a *lot* or *parcel* are engaged in the same *primary use*, the *building* housing that *use's* operating or managing office is considered the **PRIMARY USE BUILDING**; all other buildings are considered *accessory buildings*.

Where multiple *buildings* (other than those containing *dwelling units*) occupy the same lot or parcel, but are all operated or managed from the same *building*, the *building* housing the managing office(s) shall be the **PRIMARY USE BUILDING**, and all other *buildings* shall be accessory to the **PRIMARY USE BUILDING**, but only if all *buildings* containing multiple uses on such *lot* or *parcel* are in single ownership.

An *integrated center* is a **PRIMARY USE BUILDING**.

The **PRIMARY USE BUILDING** constructed on any qualifying *lot, parcel* or tract to which land has been added by Exemption B or E pursuant to the definition of *subdivision*, shall be located in whole or in part on the portion of that *lot, parcel* or tract from which it acquired its building site as defined in the *Unified Subdivision Ordinance*.

No **PRIMARY USE BUILDING** shall be located wholly on land included in an Exemption B or E transfer unless that transfer was recorded prior to July 1, 2002.

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

(Adopted And Passed) (Denied) by the Board of Commissioners of Tippecanoe County, Indiana, this 3rd day of February, 2014.

VOTE:

yes

John Knochel
JOHN KNOCHEL - President

yes

Tom Murtaugh
TOM MURTAUGH - Vice President

yes

David Byers
DAVID BYERS, Member

ATTEST:

Jennifer Weston
Jennifer Weston, Auditor

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
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SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

January 16, 2014
Ref. No.: 14-002

Tippecanoe County Commissioners
20 N. 3rd Street
Lafayette IN 47901

CERTIFICATION

RE: UZO AMENDMENT #80--DUPLEX APARTMENT COMPLEXES IN R2 ZONES:

An amendment to the Unified Zoning Ordinance that changes the definitions of "multi-family dwelling" and "primary use building" in order to allow duplex apartment complexes in R2 zoning districts

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on January 15, 2014, the Area Plan Commission of Tippecanoe County voted 13 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 Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

**UNIFIED ZONING ORDINANCE AMENDMENT 80
Duplex Apartment Complexes in R2 Zones**

**UNIFIED SUBDIVISION ORDINANCE AMENDMENT 8
Multi-Family Subdivision**

**STAFF REPORT
January 9, 2014**

UZO Amendment 80 & USO Amendment 8

Duplex Apartment Complexes in R2 Zones & Multifamily Subdivisions

Staff Report
January 9, 2014

On August 5, 2013, the Lafayette City Council adopted Resolution 2013-11 requesting the plan commission evaluate the city's proposal to allow apartment complexes containing only duplex buildings on a single separate lot in R2 zones. Presently, any apartment complex with a total of 3 or more dwelling units (no matter the building configuration) is permitted only in R3 and other multi-family zones. The request was referred to the Ordinance Committee for review and discussion.

The Ordinance Committee first agreed that the UZO definition of **Primary Use Building** needed to be revised regardless of the outcome of the Lafayette City Council request. Jay Seeger and staff drafted revisions to the definitions of **Primary Use Building** and **Multi-Family Dwelling**. Two options were developed for USO 5.12 Multifamily Subdivisions, one that cleaned up existing language only and one that satisfied the Lafayette request. Ultimately the Ordinance Committee recommended the changes that would accomplish Lafayette's request to allow a limited type of apartment complex in R2 zones.

After the Ordinance Committee voted on November 6, staff discovered an unintended consequence that would allow apartment buildings other than duplex buildings in R2 zones. Changes that now prevent this have been approved by Jay, Ordinance Committee members, the Lafayette City Attorney and other attorneys interested in this proposal. Because the language in the amendments filed for APC hearing are different than the language that came out of Ordinance Committee, Jay has recommended this procedure for the APC meeting:

1. Place both the UZO and the USO amendments on the floor as we normally do;
2. Make, second and vote on a motion to amend the proposed amendments. The changes to be made will be provided to the President and the member making the motions.

The amendments attached to this staff report are the already corrected versions. Staff will make one presentation, both amendments together, but you will have a separate ballot for each amendment.

RECOMMENDATION:

Approval of the Ordinance Committee's recommendation as amended.

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