

ORDINANCE NO. 2017-14-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 adding the following:

TRANSIENT GUEST HOUSE. A *primary use* consisting of a *single-family, two-family, or multi-family dwelling* where none of the units are required to be owner-occupied, within which transient accommodations may be provided for rent for a period of less than one month, subject to the restrictions of UZO Section 4-11-13.

TRANSIENT GUEST RENTAL. An *accessory use* consisting of an owner-occupied *dwelling unit* within which limited transient guest accommodations may be provided for rent for a period of less than one month and no more than 60 days per calendar year, while the owner is not required to be present, subject to the restrictions of UZO Section 4-11-13.

TRANSIENT GUEST ROOM. Limited transient guest accommodations within an owner-occupied abode where up to a maximum of two rooms, a duplex unit, or two apartment units may be rented and the owner must be present on site. A transient guest room shall meet the requirements of a *home occupation* or *rural home occupation* and is subject to the restrictions of UZO Section 4-11-13(b).

Section 2: Change UZO Section 3-2 Permitted Use Table by adding the following two uses to the table:

“Transient Guest House” (Special Conditions: 4-11-13) permitted by right in the R3 zones, the R4 zones, MRU, CB and CBW; and by special exception in the R1 zones, R2 zones, and the Rural zones.

“Transient Guest Rental” (Special Conditions: 4-11-13) permitted by right in all zones which permit “Single-family dwellings” by right.

Section 3: Change UZO Chapter 4 by adding the following new **Section 4-11-13 TRANSIENT GUEST ACCOMMODATION:**

4-11-13 TRANSIENT GUEST ACCOMMODATION:

- (a) To ensure compatibility with neighboring uses:
- (1) The exterior of a *dwelling* used for a *transient guest room* or as a *transient guest rental* or as a *transient guest house* shall not be modified (or if built new, constructed) in any way that substantially lessens its basic appearance as a *dwelling*; and
 - (2) No exterior *signage* shall be permitted for a *transient guest rental*, or a *transient guest house*.

(b) The owner of a **dwelling** desiring to use such **dwelling** for a **transient guest room** or as a **transient guest rental** or as a **transient guest house** shall first obtain a permit for such use from the appropriate **Administrative Officer**.

Section 4: Change UZO Chapter 5, Section 5-5-3 PERMITTED HOME OCCUPATIONS by adding the following number (14):

(a) Home occupations may include, but are not necessarily limited to the following:

(14) A **transient guest room**

Section 5: Change UZO Chapter 5, Section 5-5-4 PROHIBITED HOME OCCUPATIONS by amending it as follows:

For reasons of incompatibility with permitted **uses**, and/or violations of neighborhood character, permitted **home occupations** shall not include the following:

(j) **Bed and breakfast**, ~~tourist home or boarding home;~~

Section 6: Change UZO Chapter 5, Section 5-5-7 PROHIBITED RURAL HOME OCCUPATIONS by eliminating (g) Tourist and/or boarding home in the list of prohibited **rural home occupations**.

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 7 day of August, 2017.

VOTE:

yes

yes

yes

David Byers
David Byers, President

Tracy Brown
Tracy Brown, Vice President

Thomas Murtaugh
Thomas Murtaugh, Member

ATTEST:

Robert Plantenga
Robert Plantenga, Auditor

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

July 20, 2017
Ref. No.: 17-226

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

CERTIFICATION

RE: UZO AMENDMENT #88 – TRANSIENT RENTALS:

Based on decisions reached at the May 3rd Ordinance Committee meeting, this revised amendment would add regulations regarding transient rental accommodations to Chapters 1, 3, 4, and 5. CONTINUED FROM THE FEBRUARY 15TH APC MEETING WHERE THIS AMENDMENT WAS TABLED.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on July 19, 2017, the Area Plan Commission of Tippecanoe County voted 13 yes - 1 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

*with approved
amended wording
from the APC mtg.
7/19/17*

**2ND REVISED UZO AMENDMENT #88
TRANSIENT RENTAL ACCOMMODATION**

STAFF REPORT
July 13, 2017

**2nd REVISED UZO AMENDMENT #88
TRANSIENT RENTAL ACCOMMODATIONS**

**Staff Report
JULY 13, 2017**

After discussions at Ordinance Committee in 2016; discussions of two different proposed amendments at the January and February APC meetings; tabling the discussions while the Indiana State Legislature decided whether or not to regulate them; then more discussions at Ordinance Committee in April and May; finally at the June Ordinance Committee meeting a zoning ordinance amendment addressing transient guest rentals was approved. This latest proposal differs substantially from the original amendment heard in January; however it would still create three different classes of transient rental accommodation.

- Transient guest **room**: This would allow an owner-occupant to rent up to two rooms on a short term basis. This type of use would be added to the list of permitted "Home Occupations" and also "Rural Home Occupations". All of the home occupation and rural home occupation requirements currently in the ordinance must be met (including having an extra parking space). Also, to qualify, the owner of the property must be present in the dwelling unit when the transient guest rooms are occupied by renters.
- Transient guest **rental**: This is an owner-occupied dwelling unit which the owner allows to be rented on a short term basis (less than one month at a time and no more than 60 days per calendar year) without the owner being present when it is being rented. This would be a new category in the Permitted Use Table of the UZO and would be permitted by right in all zones which permit "single-family dwellings" by right.
- Transient guest **house**: A primary use consisting of a single-family, two-family or multi-family dwelling where none of the units are required to be owner-occupied, within which transient accommodations may be provided for rent for a period of less than one month. Guest houses are permitted by right in Multi-family zones, MRU, and our Central Business zones. It would also be allowed by special exception in our single-family and two-family zoning districts as well as the rural zoning districts.

The "transient guest house" appears to be the type of short term rental that neighborhoods as well as city government object to the most. The fear is that too many guest houses in a single neighborhood could have a detrimental effect on that neighborhood. It would mean houses possibly sitting empty for long periods of time, or the other extreme with loud parties and no one present to be held accountable. Other localities have found that people buying houses specifically for guest houses can increase the cost of houses and price out other buyers interested in living in the neighborhood. This proposal would allow these by right only in our most dense residential areas (multi-family zones, central business zones). To locate in a lower

density neighborhood, (single-family or two-family) the ABZA must find it would not be a nuisance to the neighborhood and grant a special exception for each location.

This amendment still prohibits signage on site and the exterior of the dwelling cannot be modified to lessen its appearance as a residence. The amendment would also require a permit from the appropriate Administrative Officer for all three types of temporary guest rentals; this will allow jurisdictions to be aware of the locations of guest rentals. The City of West Lafayette may not adopt this but instead continue to enforce its own rental regulations. Staff supports all jurisdictions' decisions and requests approval of this revised amendment.

RECOMMENDATION:

Approval

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
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 1-10-2 Words and Terms Defined** by adding the following:

TRANSIENT GUEST HOUSE. A *primary use* consisting of a *single-family, two-family, or multi-family dwelling* where none of the units are required to be owner-occupied, within which transient accommodations may be provided for rent for a period of less than one month, subject to the restrictions of UZO Section 4-11-13.

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