UNIFIED ZONING ORDINANCE AMENTMENT 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

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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.

ORDINANCE NO._____

AN ORDINANCE AMENDING CHAPTER 3 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 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.

ORDINANCE NO._____

AN ORDINANCE AMENDING CHAPTER _____ OF ORDINANCE NO._____ BEING THE UNIFIED SUBDIVISION 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 Subdivision Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change **USO Section** 5.12(2)(a) to read as follows:

> Multi-family subdivisions must be zoned R3, R3W or R4W prior to the proposal for a subdivision under this section. However, if a multi-family subdivision is comprised solely of buildings containing only two dwelling units, the multi-family subdivision may be zoned R2, R3, R3W or R4W.

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