

ORDINANCE NO. 81- /

AN ORDINANCE AMENDING SECTIONS 2 and 5 OF ORDINANCE NO. 79-31.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE, THAT:

Section I: Subsection 2.2, Words and Terms Defined, of Section 2 of Ordinance No. 79-31 being the Unified Subdivision Ordinance of Tippecanoe County, be and is hereby amended by adding the following:

MULTI-FAMILY SUBDIVISION. A subdivision intended to be the site of more than one multi-family structure each such structure containing two or more dwelling units.

Section II: Subsection 5.12, Multi-family Subdivisions, of Section 5 of Ordinance No. 79-31 being the Unified Subdivision Ordinance of Tippecanoe County, be and is hereby added, to read as follows:

Multi-Family Subdivisions

(1) General.

Unless otherwise excluded under Section A of the definition of Subdivision, or under the provisions for Parcelization indicated in Section 3.5 of this ordinance, the development of more than one multi-family structure on a single ownership parcel constitutes a subdivision of land as defined herein. Yet the creation of a separate lot for each principal use building, that is, each multi-family structure, poses unique and complex problems for the subdivider of land to be so used. Many of the standards set forth in the Unified Zoning Ordinance to be applied to individual residential lots cannot be met without destroying the unifying concept of a well-designed complex of multi-family structures. Most notable among these standards are lot size, frontage and setback requirements, all of which assume a progression of uniform lots along a roadway, more typical of single family and some duplex developments. Despite these difficulties associated with the subdivision of land for multi-family development, the purposes of this ordinance, as listed in Section 1.3, must be met. Thus, with regard to proposed multi-family subdivisions, the emphasis of the Commission shall be on the number of principal use buildings, the number of proposed dwelling units and required parking spaces, and the provision of required public improvements. To this end, the necessity of placing interior lot lines on sketch plans and preliminary and final plat shall be at the subdivider's option, so long as all principal use buildings and all accessory buildings remain in the ownership or leasehold of a single entity. That option shall be revoked at such time as the ownership or leasehold of fewer

than all such buildings is to be transferred to another entity. Such transfer shall necessitate a resubdivision of the affected property, complete with appropriate lot lines.

(2) Procedural Requirements and Submission Specifications.

- (a) Multi-family subdivisions must be appropriately zoned for multi-family structures prior to the proposal for a subdivision under this section.
- (b) The subdivider of land to be used for the development of multi-family structures shall adhere to the procedural requirements and submission specifications for sketch plans and preliminary and final plats as provided in Sections 3 and 6 of this ordinance, except as follows:
 - (i) the number of principal use buildings, and the number of proposed dwelling units and required parking spaces shall be indicated on sketch plans and preliminary and final plats;
 - (ii) the subdivider may opt to omit interior lot lines under the circumstances indicated in Section 5.12(1); and
 - (iii) no multi-family subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if there be no Official Map, unless such street is:
 - (A) an existing state, county, or local highway or a street either shown upon a plat approved by the Commission and recorded by the County Recorder, or recorded by the County Recorder prior to February, 1965. Such street or highway must be suitably improved and accepted for public maintenance, or be secured by a performance bond required under this ordinance. Wherever the area to be subdivided is to utilize existing road frontage, the half of the road fronting the subdivision shall be suitably improved as provided in Section 5.12(3)(a)(i) or Section 5.12(3)(a)(ii) as follows; or
 - (B) a street platted as a part of the multi-family subdivision.
- (c) Should the subdivider exercise the option of omitting interior lot lines, the standards of the Unified Zoning Ordinance shall be applied to the entire tract. That is, the entire tract will be treated as one lot, subject to all restrictions and requirements

of the Unified Zoning Ordinance pertaining to multi-family dwellings on a single lot. In effect, this will permit the placement of more than one principal use building on a single lot. Should there be a necessity to resubdivide, as would occur in the event of a transfer of ownership or leasehold of fewer than all principal use and accessory buildings, the standards of the Unified Zoning Ordinance for multi-family dwellings shall be applied to each and every separate lot so created through the resubdivision process; variances may be sought from the appropriate Board of Zoning Appeals.

(3) Requirements for Improvements.

(a) The subdivider of land to be so used for the development of multi-family structures shall be subject to the requirements of Section 5 of this ordinance, except as follows:

(i) Widening and Realignment of Existing and Proposed Arterials.

Where a multi-family subdivision borders an existing narrow arterial or when the Comprehensive Plan, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening an adjacent arterial that would require use of some land in the subdivision, the subdivider shall be required to dedicate such areas for widening or realignment of such arterials. Where any portion of a multi-family subdivision abuts any such arterial, that arterial shall be improved only to one-half (1/2) of the full width of a collector facility as required by this ordinance. If the site is transected by an existing arterial which the Comprehensive Plan, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening, the subdivider shall be required to dedicate right-of-way for such arterial. Where any portion of a multi-family subdivision abuts any such arterial, that arterial shall be improved to the full width of a collector facility as required by this ordinance. Where an arterial proposed in the Comprehensive Plan or Thoroughfare Plan borders or transects a proposed subdivision, the necessary right-of-way shall be reserved as provided for in Section 5.9 of this ordinance.

- (ii) Widening and Realignment of Existing and Proposed Collectors and Local Roads.

Where a multi-family subdivision borders an existing narrow collector or local road or when the Comprehensive Plan, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening an adjacent collector or local road that would require use of some land in the subdivision, the subdivider shall be required to dedicate such areas for widening or realignment of such collectors or local roads. Where any portion of a multi-family subdivision abuts any such collector or local road, that collector or local road shall be improved to one-half (1/2) of the full width of that designated facility as required by this ordinance. If the site is transected by an existing collector or local road which the Comprehensive Plan, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening, the subdivider shall be required to dedicate right-of-way for such collector or local road. Where any portion of a multi-family subdivision abuts any such collector or local road, that collector or local road shall be improved to the full width of that facility respectively as required by this ordinance.

- (iii) In the event of resubdivision, where public improvements were built following a previously approved set of construction plans, public improvements then need not be reconstructed because of the adoption of new criteria by a participating jurisdiction.

Enacted at Lafayette, Indiana, this 19th day of January, 1981.

BOARD OF COMMISSIONERS OF THE
COUNTY OF TIPPECANOE, STATE OF
INDIANA.

BY: William G. Vanderveen
William G. Vanderveen, President

Bruce V. Osborn
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ATTEST:

Michael E. Smith
Michael E. Smith, Auditor