

ORDINANCE NO. 2024-6

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON, INDIANA, THAT ORDINANCE NO. 97-11, BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY IS HEREBY AMENDED AS FOLLOWS:

(Underlined text shall be added. Struck-through text shall be deleted.)

Section 1: Change UZO Chapter 1: GENERAL PROVISIONS

1-4-1 **RESIDENTIAL ZONES:**

- R1: Single-family residential
- R1A: Single-family residential
- R1B: Single-family residential
- R1U: Single-family residential
- R1T: Single-family residential
- ~~R1Z: Zero-lot-line single-family residential~~
- R2: Single- and two-family residential
- R2U: Single- and two-family residential
- R3: Single-, two- and multi-family residential
- R3U: Single-, two- and multi-family residential
- R3W: Single-, two- and multi-family residential
- R4W: Single-, two- and multi-family residential

1-10-2 WORDS AND TERMS DEFINED:

END UNIT. A **townhouse** with one **side setback**, one **front setback**, and one **rear setback**.

INTERIOR UNIT. A **townhouse** with one **front setback**, one **rear setback**, and no **side setbacks**.

TOWNHOUSE. As regulated by the Indiana Residential Code, a **single-family dwelling** unit that is part of a row of two or more attached **single-family dwelling** units, where each unit is located on an individual **lot** under fee-simple ownership, served by public water and sewer, and shares at least one common wall with an adjacent **single-family dwelling** unit.

TOWNHOUSE GROUP. A single row of **townhouses** consisting of at least two but no more than ten attached **single-family dwelling** units.

~~ATRIUM. An open, unroofed court within the walls of a **zero-lot-line dwelling**.~~

~~PERIMETER LOT. A **lot** in an R1Z zone that either adjoins or faces any other **lot** zoned R1, R1A, R1B, R1U, A, AA, AW or RE. (Amend 27)~~

ZERO-LOT-LINE (ZLL) DWELLING. ~~A *building*, on a separate *lot*, containing one *dwelling unit* built so that one or more of the *building's* sides rest directly on a *lot line*.~~

ZONAL BASE RATE. The area of *signage* which is multiplied by various factors to determine the maximum sign area per *sign-lot*. The **ZONAL BASE RATE** is:

- (1) 6 sq.ft. in R1, R1A, R1B, R1U, R1T R4Z, R2, R2U and RE **zones**;
- (2) 20 sq.ft. in R3, R3U, R3W, and R4W **zones** and for institutional *uses* (SIC 801-972) permitted under 3-2 below in **residential, rural and flood plain zones**;
- (3) 30 sq.ft. in NBU and MRU **zones**;
- (4) 40 sq.ft. in NB, MR, OR, GB, HB, CB, CBW, I1, I2 and I3 **zones**; and
- (5) 10 sq.ft. in A, AA, AW, and FP **zones**. (Amend. 27 and 69)

NO-PARKING SETBACK. An open space in which all parking is prohibited, consisting of the first 5 feet of the **front setback** of any **commercial- or industrial-zoned lot**, and the first 5 feet of the **side or rear setback** of any **lot** not zoned R1, R1A, R1B, R1U, R1T R4Z, R2 or R2U.

RESIDENTIAL ZONE. An R1, R1A, R1B, R1U, R1T R4Z, R2, R2U, R3, R3U, R3W or R4W **zone** or a residential component of a **Planned Development zone**. (Amend 52)

Section 2: Change UZO Chapter 2: ZONE REGULATIONS

Delete the entirety of Chapter 2-5 presently containing the R1Z "ZERO LOT LINE (ZLL) SINGLE-FAMILY RESIDENTIAL ZONES" regulations and replace with Chapter 2-5 R1T "TOWNHOUSE SINGLE-FAMILY RESIDENTIAL ZONES" as follows:

2-5 TOWNHOUSE R1T SINGLE-FAMILY RESIDENTIAL ZONES

2-5-1 INTENT: To provide areas for attached single-family dwellings on small lots under fee simple ownership (not condominium) and served by public water and sewer. Residential lots are combined into a **townhouse group** which consists of at least two **end units** (units with one side yard) and may include up to eight **interior units** (units with no side yards). Per Indiana Residential Code, all residential units in a **townhouse group** are divided from each other by lot lines running through fire-rated party walls. Two development standards are presented based on whether the unit contains front-loaded, off-street vehicular access or rear-loaded, off-street vehicular access. Those units that qualify for and employ the minimum parking standard for the **urbanized sewered areas** shall employ the rear-loaded development standards.

2-5-2 PERMITTED USES AND STRUCTURES

Primary uses: see 3-2

Accessory uses: see 4-1

2-5-3 USES AND STRUCTURES ALLOWED BY SPECIAL EXCEPTION

Primary uses: see 3-2

2-5-4 MINIMUM LOT AREA:

- Served by sanitary sewer: 1500 sq.ft.
- Not served by sanitary sewer: **townhouses** not permitted in areas not served by sanitary sewer.
- See 4-3 for additional information

2-5-5 MINIMUM LOT WIDTH:

- Served by sanitary sewer: 20'
- Not served by sanitary sewer: **townhouses** not permitted in areas not served by sanitary sewer.
- See 4-3 for additional information

2-5-6 LOT COVERAGE:

Maximum coverage by all buildings - 80%

Minimum vegetative cover - 10%

2-5-7 MINIMUM FRONT, REAR OR SIDE SETBACK ALONG STREET FRONTAGE:

- Along a local street or place:
 - Front-Loaded: 25'
 - Rear-Loaded: 5'
- Along a collector street:
 - Front-Loaded: 25'
 - Rear-Loaded: 10'
- Along a secondary arterial:
 - Front-Loaded: 30'
 - Rear-Loaded: 10'
- Along a primary arterial:
 - Front-Loaded: 40'
 - Rear-Loaded: 15'

2-5-8 MAXIMUM FRONT, REAR OR SIDE SETBACK ALONG ALL STREET FRONTAGES:

- Front-Loaded: none
- Rear-Loaded: 30'

2-5-9 MINIMUM REAR SETBACK NOT ALONG STREET FRONTAGE:

- Primary Use Building: 20'
- Accessory Building: 6'

2-5-10 MINIMUM SIDE SETBACK NOT ALONG STREET FRONTAGE:

- Primary Use Building (**end unit**): 6'
- Accessory Building: 4'
- See 4-4 for additional information

2-5-11 PERMITTED NUMBER OF DWELLING UNITS PER **TOWNHOUSE GROUP**:

- Minimum: 2
- Maximum: 10

2-5-12 MAXIMUM **BUILDING HEIGHT**: 45' (three-story maximum)
See 4-5 for exceptions

2-5-13 MINIMUM OFF-STREET PARKING REQUIREMENTS:

- Outside of **urbanized sewer area**: 1 space per dwelling unit
- Inside of **urbanized sewer area**: none

2-5-14 OFF-STREET PARKING LOCATION REQUIREMENTS:

- For sites where public **alleys** are either present or planned, parking integrated into the residential unit's **lot** shall be located behind the **primary use building** and accessed from the rear yard via a public **alley**. The parking shall take the form of either an attached/detached rear-loaded garage, rear-loaded carport, or rear-loaded paved surface space.

2-5-15 ON PREMISE SIGNS: See 4-8

2-5-16 BUFFERING REQUIREMENTS: See 4-9

2-28-12 AMENDING RECORDED FINAL DETAILED PLANS (Minor Modifications):

- (b) For any newly constructed **condominium** project, ~~attached **zero-lot-line (ZLL) townhouse** project~~, or other attached building project, the property owners shall provide exact measurements locating **buildings** and common **lot lines** after foundations have been put in place. The revised **plat** reflecting exact locations needs to be approved and signed by the appropriate **Administrative Officer** as Amended Final Detailed Plans and recorded prior to the issuance of a Certificate of Occupancy.

Section 3: Change UZO Chapter 3: PERMITTED USE TABLE

Delete all references in Chapter 3's Permitted Use Table to the R1Z "ZERO LOT LINE (ZLL)" zone and replace with the R1T "TOWNHOUSE" zone as follows:

- Parking Group Column: Create new parking group to match parking requirements laid out in Chapter 2
- Special Conditions Column: None
- SIC Group Column: None
- Permitted Primary Uses Column: **"Zero-lot-line dwelling"**
- Permitted Primary Uses Column: **"Townhouse"**

- Amendments Column: None
- Residential Zones Column: Replace R1Z with R1T
 - Permitted Uses
 - **Townhouse**
 - Agriculture production – crops
 - Forestry
 - Pipelines, except natural gas
 - Local telephone communications
 - Electrical power transmission
 - **Community-scale Solar Energy Systems**
 - Natural gas transmission
 - Water supply systems
 - **Child care homes**
 - **Public Parks**
 - Special Uses
 - **Group homes**
 - **Haven Home**
 - Arboreta and botanical or zoological gardens
 - Police protection
 - Fire protection

Section 4: Change UZO Chapter 4: ADDITIONAL USE RESTRICTIONS

4-2-1 SUMMARY OF STANDARD AREA, WIDTH, COVERAGE, AND HEIGHT REQUIREMENTS:

- Remove the R1Z row in the table and replace with R1T development standards as reflected in updated Chapter 2.
- Remove all references to R1Z in the footnotes of the table.

4-2-2 SUMMARY OF STANDARD SETBACK REQUIREMENTS:

- Remove the R1Z row in the table and replace with R1T development standards as reflected in updated Chapter 2.
- Remove all references to R1Z in the footnotes of the table.

4-4-6 SETBACKS FOR PARKING:

(b) A **single-family dwelling** in any residential **zone** may have one of its 2 required **parking spaces** in a driveway or turnaround in its **front setback** (but not under roof) if:

- (1) its **lot area** and **lot width** do not exceed the minimums as set forth in the R1B **zone** for **single-family dwellings** that are not **townhouses**; or
- (2) **its lot area and lot width** do not exceed the minimums for **R1T zones** for **single-family dwellings** that are **townhouses**; and
- (3) **the lot** on which it is situated meets all requirements of 4-3-2 above as applicable.

4-6-3 REQUIRED AUTO PARKING SPACES FOR ALL USES LISTED IN THE PERMITTED USE TABLE:

- Create new “Parking Group 57” specifically for Townhouses:
 - Outside of **urbanized sewer**ed area: 1 space per dwelling unit.
 - Inside of **urbanized sewer**ed area: none

4-6-14 SETBACKS FOR AUTO PARKING:

(b) A **single-family dwelling** in any residential **zone** may have one of its 2 required **parking spaces** in a driveway or turnaround in its **front setback** (but not under roof) if:

- (1) its **lot area** and **lot width** do not exceed the minimums as set forth in the R1B **zone** for **single-family dwellings** that are not **townhouses**; or
- (2) its **lot area** and **lot width** do not exceed the minimums for R1T **zones** for **single-family dwellings** that are **townhouses**; and
- (3) the **lot** on which it is situated meets all requirements of 4-3-2 above as applicable.

4-8-5 MAXIMUM SIGN AREA PER SIGN-LOT, BY ZONE:

- Replace “R1Z” with “R1T” in the chart.

4-9-3-a TYPE OF BUFFERYARD REQUIRED ALONG A LOT LINE SEPARATING A ZONE UNDERGOING DEVELOPMENT OR REDEVELOPMENT AND AN ABUTTING ZONE:

- Replace “R1Z” with “R1T” in the chart.

4-11-1 MINIMUM FLOOR AREA FOR RESIDENTIAL USES:

Single-family dwellings that are not **townhouses** shall have a floor area that exceeds 750 sq.ft. **Dwelling units** in **two-family dwellings** shall have a floor area that exceeds 600 sq.ft.

Section 5: Change UZO Chapter 5: SUPPLEMENTARY REGULATIONS

5-2-1 SUBDIVISIONS:

- (a) The subdivision of land in accord with the requirements of the adopted *Unified Subdivision Ordinance* is permitted in these **zones**: R1, R1A, R1B, R1T, R1U, ~~R1Z~~, R2, R2U, R3, R3U, R3W, R4W, NB, NBU, OR, MR, MRU, GB, HB, CB, CBW, I1, I2, I3, A, AA, AW, FP and RE (Amend 27 and 69). The intended **primary use** of each proposed **lot** within a proposed **subdivision** determines the specific **zone** or **zones** appropriate to the land to be subdivided, as per 3-2 above.
- (b) However, the following kinds of **subdivisions** are only permitted in R1, R1A, R1B, R1T, R1U, ~~R1Z~~, R2, R2U, R3, R3U, R3W, and R4W **zones**:

- (1) major **subdivisions** intended entirely for residential **use**, and
- (2) any portions of major **subdivisions** intended for residential **use**;
- (3) other **subdivisions** intended entirely for residential **use** granted preliminary **plat** approval by the **APC** after May 1, 1975, and
- (4) any portions of other **subdivisions** intended for residential **use** granted preliminary **plat** approval by the **APC** after May 1, 1975.

Section 6: Change UZO: APPENDICES

B-3-2 FEATURES OF A PD FINAL PLAT:

(r) for newly constructed **condominium, townhouse, or other attached building project zero-lot-line** PDs, exact measurements locating **buildings** and common **lot lines** after foundations have been put in place, on an amended **plat** as per 2-28-12 above;

D-2 CALCULATING MAXIMUM SIGN AREA FOR A SIGN-LOT:

- Replace "R1Z" with "R1T" in the chart.

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

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF DAYTON,
INDIANA THIS 21 DAY OF May, 2024.



Presiding Officer

ATTEST:



Clerk-Treasurer

ORIGINAL



ATTEST: Youngt Cadwalla
Clerk-Treasurer