

THE
AREA PLAN COMMISSION
OF TIPPECANOE COUNTY

ORDINANCE & BYLAW COMMITTEE

NOTICE OF PUBLIC HEARING

DATE.....JANUARY 7, 2026
TIME.....4:35 PM
PLACE TIPPECANOE ROOM
COUNTY OFFICE BUILDING
20 NORTH 3RD STREET
LAFAYETTE, IN 47901

AGENDA

- I. **APPROVAL OF MINUTES**
From the December 3, 2025 meeting.
- II. **UPDATING THE HEIGHT REQUIREMENT IN R3W AND R4W**
An amendment to change the way West Lafayette measures the height of buildings in R3W and R4W.
- III. **UPDATING THE SIZE LIMITATION ON ADUs**
This is an ongoing discussion to receive input from Ordinance Committee members regarding accessory dwelling unit size. (Please find attached a chart showing size limits on ADUs in other Indiana counties.)
- IV. **WHAT’S NEXT FOR UPCOMING MEETINGS**
- V. **CITIZEN COMMENTS**
- VI. **ADJOURNMENT**

Membership of the APC Ordinance & Bylaw Committee:
(Committee members are appointed by the APC President to one-year terms starting each January.)

Gary Schroeder
Jackson Bogan
Tom Murtaugh
Larry Leverenz
Vicki Pearl
Diana Luper
Kathy Parker
Jerry Reynolds

APC \ AGENDAS \ OC

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the Area Plan Commission of Tippecanoe County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For more information visit www.tippecanoe.in.gov/ada

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
ORDINANCE & BYLAW COMMITTEE
MINUTES OF A PUBLIC HEARING**

DATE.....DECEMBER 03, 2025
TIME.....4:50 P.M.
PLACE..... COUNTY OFFICE BUILDING
20 N. 3RD STREET
LAFAYETTE, IN 47901

This meeting was held in-person. Members of the public could watch the livestream of the meeting at <https://www.youtube.com/c/TippecanoeCountyGovernment>

MEMBERS PRESENT

Jackson Bogan Vicki Pearl
Larry Leverenz Jerry Reynolds
Kathy Parker Gary Schroeder

MEMBERS ABSENT

Tom Murtaugh
Diana Luper

STAFF PRESENT

Ryan O’Gara Amanda Esposito
Kathy Lind Nathan McBurnett
Kristine Roehl Eric Burns, Attorney

Gary Schroeder called the meeting to order at 4:50 PM.

I. APPROVAL OF MINUTES

Jackson Bogan moved to approve the minutes from the October 01, 2025, public hearing. Jerry Reynolds seconded, and the minutes were approved by a unanimous voice vote.

II. UPDATING LOT COVER PERCENTAGES IN SELECT ZONES:

This amendment, proposed at the request of Ordinance Committee, would allow larger houses in our single-family zones without requiring a building coverage variance.

Kathy Lind, APC staff, stated that a month or two prior, Tom Murtaugh requested that APC look at building coverage percentages in the ordinance and change it. Measuring building coverage includes the size of the ground floor, any detached garage or shed, and anything with a roof. Vegetation coverage is the amount of green space a property has. Green space is calculated by taking the building coverage and adding sidewalks, patios, and driveways and then subtracting that from the lot area. A chart was shown indicating the existing standards in the zoning ordinance. R1 zones have a minimum of 10,000 sq. ft. for the lot size with a 75 ft. long width, with the current building cover maximum at 30%. The last column of the chart showed the maximum size house that can be built on the smallest lot in that zone.

Jackson Bogan asked if just the ground floor was included in that square footage.

Kathy Lind confirmed that it was just the ground floor. Staff recommended a 5% increase in the building cover maximum for R1, R1A, and R1B.

Jackson Bogan asked if there was a driver of this amendment.

Kathy Lind said she believed the reason Tom Murtaugh brought it up was due to Millbrook, the Estridge project. They requested a rezoning to R3 instead of R1. It was an R3 rezone with a commitment that they would only build single-family houses, but then they could build 4,000 sq. ft. houses.

Gary Schroeder asked if this change solves the problem.

Kathy Lind said it was a step in the right direction. Having 4,000 sq. ft. on a minimum of 10,000 sq. ft. lot is pretty massive, so they decided to go halfway. Millbrook went to R3 to get around that issue instead of doing variances for a whole subdivision.

Gary Schroeder asked what that allows them to build, where it lists R3 with R1 lot. They could do 4,000 sq. ft.

Kathy Lind said that's still an option for them, it wasn't taken off the table.

Diana Luper said there was something going to the next meeting and asked if this change would have saved them or if they would still be in the same boat.

Kathy Lind said they would still be in the same boat because their house is 6,300 sq. ft. on a 15,000 sq. ft. lot.

Gary Schroeder noted that looking at the chart, there isn't an R3 with an R1 lot on the proposed changes.

Kathy Lind said staff are not proposing any changes to R3. R3 with R1 lots is still a possibility, it just wasn't included in the chart.

Eric Burns said that's not a substitution, that's just in addition to.

Jackson Bogan asked if there was a reason that the percentages for the maximum building coverage were not the same. He asked why someone couldn't build a bigger house when the lot gets bigger and build 40%.

Kathy Lind said typically the smaller lots (like R1B, R1C, R1U developments) mean smaller houses but they're denser than an R1 subdivision would be, which is typically more suburban in style with more of a yard.

Jackson Bogan said that would be a lot of houses to put on that size of lot, percentagewise.

Kathy Lind said the difference is urban and suburban.

Ryan O'Gara included that the whole point of the suburban zones is to create bucolic open spaces with bigger yards, bigger setbacks, more green space, more separation between houses, and to codify that in law to force the separation. The R3 zone is available if someone wants to use it, such as the Blackthorne subdivision.

Jackson Bogan asked if they could explain R3 with R1 lots. He asked if that was a commitment and if that's what Estridge did.

Kathy Lind said that R3 zone allows single-family, two-family, and multi-family building by right. So, they chose to rezone R3 with a commitment that they would only build single-family.

Gary Schroeder asked if the builders had been talked to about this and if they had input.

Kathy Lind replied that they hadn't. She also didn't go through the BZA database line by line, but most lot coverage variances are between 31-33% so those wouldn't need a variance under this change.

Jerry Reynolds asked if this was something they needed to move on.

Ryan O'Gara replied no, because we don't have case history to support.

Kathy Lind said that the case history we do have would support this. She asked if the Committee would like to table this.

Gary Schroeder said he would like to get more input.

Kathy Lind said it might be good for Tom Murtaugh to be back since he initiated it.

Gary Schroeder asked for clarification on Millbrook that did R3 with R1 commitments and what their lot coverage would be, if it was building coverage max 40%, green space 30%.

Kathy Lind said that was correct, so they could build 4,000 sq. ft. houses. They went halfway so it would be 35% and 35%.

Jackson Bogan said when this is revisited, what if for discussion's sake they wanted all the maximums at 40%. That would remove R3 with R1 lots because it would no longer be needed.

Kathy Lind said she only included that on the chart because it had been used once before, but it was not in the ordinance. The only difference between R3 and R1 is the building and vegetative coverage, the size and width are the same.

Gary Schroeder said Millbrook opened the thought process, but he would like to get Tom's and the builders' input. Westport is a nice subdivision with large houses and not very big yards and people like that. He asked if a planned development must be done for that.

Kathy Lind answered that he was correct. She asked if there should be a motion to table this topic till January.

Jackson Bogan moved to table updating the lot coverage percentage and select zones until the January meeting to allow time to get feedback from the builders and others. Jerry Reynolds seconded.

Vicki Pearl said she was going to suggest February since there was a lot happening this month.

Jackson Bogan moved to amend his motion from January to February. Jerry Reynolds seconded.

Gary Schroeder said there was a motion and a second to amend Jackson's motion to table the discussion until February. He asked for any other comments or other discussion. Hearing none, the motion carried by unanimous voice vote.

III. UPDATING THE HEIGHT REQUIREMENT IN R3W AND R4W:

These two West Lafayette multi-family zones are the only districts that require measuring the height of a building from the ground to the height of the highest finished floor. This amendment, at West Lafayette staff's request, would simplify measuring building height to the highest peak of the roof...the same as all other zones.

Kathy Lind stated that in Tippecanoe County, the height of a building is measured from the ground to the peak of the tallest roof. Multi-family zones in West Lafayette have a different requirement where it is measured from the ground to the finished floor of the uppermost story. If you picture a three-story building, the third floor would be 14 ft. above the ground, only if the first floor is half buried. These buildings were common from the 60s and 70s that had half the ground floor buried. They are seeing a lot of variances for height in those zones in West Lafayette or developments will do a planned development. West Lafayette staff are requesting that to be changed. Lafayette has a 35-ft. lot height limit in R3 zones. West Lafayette wants to go to 40 ft. Kathy went through the BZA database for a sample of height variances. Seven of the 11 examples would not have needed a variance if the height limit had been raised to 40 ft.

Gary Schroeder asked if Lafayette had an appetite to go to 40 ft. so there would be one standard.

Kathy Lind said they did ask, and Lafayette is happy to stay with 35 ft.

Gary Schroeder said it seemed like the situation back in the 60s and 70s was due to fire protection.

Jerry Reynolds said they didn't have a lot of the trucks and equipment that they have today.

Gary Schroeder called for questions or comments from the Board.

Gary Schroeder remembered there was something proposed in West Lafayette that might have had height as part of it, but also a density.

Kathy Lind said there was a density standard for central business district, and it was denied.

Gary Schroeder wondered if that appetite had changed because you end up building units that are not up to market and are small.

Kathy Lind said it was the West Lafayette area near New Chauncey, and they thought it was too tall for being that close to New Chauncey and was denied.

Gary Schroeder mentioned the density part, when you have different sizes of units with a certain number of units per acre. In the past, a lot of units were built that did not utilize the land well.

Kathy Lind said there is still a density cap in R3W zones and for years has wanted to look at all the R3 districts and fix what doesn't make sense. They will be looking at that in the future.

Jerry Reynolds asked if by raising the height standard, if it would affect the sprinkler laws. Years ago, Shashone Apartments went half underground to stop the sprinklers. They had an issue on Fourth Street where they went higher, and they had to put sprinklers on the second floor.

Jackson Bogan asked if it was anything over two stories.

Chad Spitznagle, Housing Director, City of West Lafayette, said all multi-family now is required to have a sprinkler system. One-family, two-family, and townhomes are not required to have a sprinkler system. Regarding the question on R4, there has been hesitation in going to a no-density cap because it's unlimited and you don't know what kind of project you're going to get. There should be an open discussion on what kind of limitations in an R4 make sense, such as 15-60 units per acre and anything beyond that needing a PD.

Gary Schroeder said Lafayette does not have a density standard. What dictates the standard already, without having a number, is the height, ground coverage, parking, and setbacks.

Kathy Lind said that 15 units per acre is really low when PD's going in are 60-100 units.

Gary Schroeder asked what the committee wanted to do with this update, whether staff had it in ordinance form.

Kathy Lind said she could put it on the January APC meeting and bring back the ordinance amendment form.

Jackson Bogan asked if they needed a motion on that decision.

Gary Schroeder indicated they didn't and that it would be brought back.

IV. UPDATING THE SIZE LIMITATION ON ADUs:

This isn't an amendment yet, but a request for input from the Ordinance Committee regarding accessory dwelling unit size.

Nathan McBurnett, APC staff, reported that since legalizing accessory dwelling units (ADUs) within the unincorporated County in March, they have gotten a handful of inquiries. People want larger ADUs than is permitted by ordinance. The original idea for ADUs was for a size limit on small urban lots in West Lafayette but ended up with the same size limitation in the County. The question being posed to the Committee is whether the size limitation is as appropriate for the County as it is for an urban environment.

And whether there's an appetite for increasing the size limitation or making it variable. A couple individuals were looking at turning their existing home into an ADU and then proposing a larger structure that would then become the primary dwelling.

Gary Schroeder asked if the size of an ADU can be varied and whether they can get a variance.

Nathan McBurnett answered yes to both questions.

Gary Shroeder said he would like to get Tom Murtaugh's input. He asked if Lafayette adopted ADUs.

Nathan McBurnett said they were only adopted by the unincorporated County.

Gary Schroeder didn't know whether there were caps or not, but that they would still be capped by lot coverage, setbacks, and green space.

Nathan McBurnett said ADUs are exempt from a lot of those standards.

Jackson Bogan asked if the size of the lot comes into play. For example, a house sitting on 4 acres vs. one on six-tenths of an acre.

Nathan McBurnett said that it doesn't currently, but it is something that makes sense.

Vicki Pearl said it comes into play more than anything because farm families with two-acre tract lots are different than being in the city. She needs to do more homework but her first that is that most banks will not do a loan on one lot with two houses.

Kathy Lind asked if that is because the way the law is right now.

Vicki Pearl said it's more about finding comparables that have sold within six months' time.

Ryan O'Gara said they are asking for advice in terms of banking and insurance, because they need to know what the ramifications might be for having two homes on the same lot.

Vicki Pearl said they have a product it can be done on, but doesn't know if, outside of a portfolio loan, that mortgage brokers will do that. Back in the day they were called mother-in-law suites or granny flats.

Jackson Bogan asked if someone could have R3 with R1 on it that takes up 40% of the lot and have a 750 ft. ADU as well.

Nathan McBurnett replied no, they are only allowed in A and RE zones.

Ryan O'Gara included that most subdivision HOA's would also prohibit them as part of agreements.

Larry Leverenz knew of properties with two houses on them and asked if there was an idea of how many of these existed.

Amanada Esposito added that there are also many more that have barns or sheds with small apartments in them.

Nathan McBurnett stated that he did not know.

Kathy Lind didn't know either and said over the past year there have been at least 2 minor subdivisions in Lafayette that had two houses, and they needed to divide the lot into two lots for mortgage purposes.

Nathan McBurnett added that they ended up getting variances from every zoning standard and it was a headache.

Gary Schroeder asked if the question to the Committee was whether to pursue this limit increase.

Nathan McBurnett said the amendment needs to be tweaked anyway and if the Committee thinks the limit should be increased, they also need to recommend what it should be increased to.

Ryan O’Gara asked if the industry could support it. He asked if we were creating something that can’t be accomplished.

Gary Schroeder said if there were a lot of ADUs out there then they would solve their own problem of not having comparables. Sometimes people may not need a mortgage to do their project or would need to pick a different financing product. You may need more of a farm-type loan than a standard one.

Vicki Pearl said Rural 1st is promoting that product, the ability to have a granny flat, and will do those types of loans.

Gary Schroeder said it’s available in different sources and the issue is more about what should be done on coverage and size. He would like to talk about it again when Tom Murtaugh is available.

Ryan O’Gara said we can touch base in January and continue to February.

Gary Schroeder asked for public comment. There were none.

V. CITIZEN COMMENTS

Gary Schroeder asked if there were any other citizen comments. There were none.

VI. ADJOURNMENT

Jerry Reynolds moved to adjourn. The meeting adjourned at 5:23 pm.

Respectfully Submitted,
Danielle Bistline
Recording Secretary

Reviewed By,



Ryan O’Gara
Executive Director

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 the following definition in **UZO Section 1-10-2 WORDS AND TERMS DEFINED:**

BUILDING HEIGHT. ~~In all zones except R3W and R4W, The vertical distance from the finished ground level at the wall of the *building* nearest and most parallel to the *front lot line* (measured as an average of the ground level at its 2 furthest corners) to the top of the roof. In R3W and R4W zones, the vertical distance from the lowest point of the average finished ground level all around the *building* to the finished floor of the upper *story*.~~

Section 2: Change **UZO Section 2-11-11** Maximum *Building Height* in R3W to 40'.

Section 3: Change **UZO Section 2-12-11** Maximum *Building Height* in R4W to 40'.

Section 3: Change **UZO Section 2-14-10** NBU Maximum *Building Height: University-proximate* multi-family dwelling to 40' instead of "14' at the finished floor of the upper story."

Section 4: Change **UZO Section 4-2-1 Summary of Standard area, width, coverage, and height requirements** as follows:

For R3W and R4W *building height*, 40' and for NBU, *University-proximate* multi-family *building height*, 40'. Eliminate footnote 5: The height of the finished floor of the upper story cannot exceed 14'.

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

Jurisdiction	Size Requirements	Link to Code
<i>Tippecanoe County</i>	<p><i>Maximum: the lesser of (1) 750sqft OR (2) 50% GFA of principal dwelling</i></p> <p><i>Minimum: 400sqft</i></p>	Tippecanoe County UZO
Allen County	Maximum 700sqft	Allen County UZO
Boone County	<p>Attached: (1) 1,200sqft OR (2) if in basement, entire building footprint</p> <p>Detached: Whichever is smallest between (1) 1,200sft, (2) 50% footprint primary dwelling, or (3) 10% lot area</p>	Boone County
Clinton County	Must be “clearly secondary and incidental to” primary dwelling	Clinton County UZO
Elkhart County	<p>Minimum (above ground): 600sqft</p> <p>Maximum: 1,000sqft</p>	Elkhart County
Hancock County	Maximum 850sqft	Hancock County
Hendricks County	Maximum 75% footprint of primary dwelling unit	Hendricks County
Lake County	The lesser of (1) 49% floor area of principal dwelling unit or (2) 580sqft	Lake County
LaPorte County	The greater of either: (1) 33% of living area of principal dwelling or (2) 800sqft	LaPorte County
Monroe County	<p>Lots at least 5ac in size: 1,000sqft</p> <p>Lots between 0.5ac-4.99ac in size: 800sqft</p>	Monroe County UDO
Putnam County	Maximum 50% square footage of principal dwelling unit	Putnam County UDO