

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN
REAL ESTATE, FROM RI TO PDR.

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

Section 1. The Unified Zoning Ordinance of Tippecanoe County,
Indiana, being a separate ordinance and not part of a unified county
code, is hereby amended to rezone the following described real estate
situated in Perry Twp. Tippecanoe County, Indiana, to wit:

A Part of the Northeast Quarter of Section 19, Township 23
North, Range 3 West, Perry Township, Tippecanoe County, Indiana,
described as follows:

Beginning at a point on the western line of the Northeast
Quarter of said Section 19, said point being located North 0°
29' 30" West, 659.20 feet from the southwestern corner of the
North Half of the Northeast Quarter of said Section 19; thence
North 0° 29' 30" West, along the western line of the Northeast
Quarter of said Section Nineteen, 315.80 feet; thence north-
easterly on a curve to the right, having a central angle of
90° 23' 10", a radius of 175.00 feet, an arc distance of 276.07
feet to the centerline of County Road 100 North; thence traversing
said centerline the following three (3) courses: North 89° 53'
40" East, 1,025.00 feet; thence northeasterly on a curve to the
left, having a central angle of 23° 06' 20", a radius of 980.00
feet, an arc distance of 395.20 feet; thence North 66° 47' 20"
East, 75.00 feet; thence South 1° 41' 00" West, leaving the
centerline of County Road 100 North, 283.86 feet; thence South
54° 56' 30" East, 201.45 feet; thence South 41° 47' 00" East,
530.00 feet; thence South 1° 23' 30" West, 465.00 feet to the
southern line of the North Half of the Northeast Quarter of
said Section 19; thence South 89° 55' 40" West, along the
southern line of the North Half of the Northeast Quarter of
said Section Nineteen, 490.00 feet; thence North 0° 04'
20" West, 150.00 feet; thence North 46° 52' 00" West, 109.54
feet; thence South 89° 55' 40" West, 249.99 feet; thence
North 0° 01' 50" West, 432.50 feet; thence North 90° 00' 00"
West, 1,328.39 feet to the point of beginning, containing
30.74 acres, more or less.

The above bearings are based on Deed Records.

EXCEPT: (That portion of the above described real estate
lying below the flood hazard elevation as determined
by the Department of Natural Resources).

A Part of the Northeast Quarter of Section 19, Township 23
North, Range 3 West, Perry Township, Tippecanoe County,
Indiana, described as follows:

Commencing at the southwestern corner of the North Half of
the Northeast Quarter of said Section 19; thence North 89°
55' 40" East, along the southern line of the North Half of
the Northeast Quarter of said Section Nineteen, 2,143.08
feet; thence North 1° 23' 30" East, 220.00 feet to the point
of beginning of this description; thence North 45° 20' 00"
West, 60.00 feet; thence North 43° 11' 00" East, 65.55 feet;
thence South 1° 23' 30" West, 90.00 feet to the point of
beginning, containing 0.05 of an acre, more or less.

Amendments as follows:

A. Changes to the Declaration of Covenants,

1. Article VI, add - no lot may be further subdivided, or
divided for the sale or exchange of land between adjacent
property owners.

2. Article VI, Section 11 - all utility lines shall be underground.
3. Article VII, Section 3 - a statement added that Article V can not be amended or deleted without approval of the Area Plan Commission Executive Director.
4. An additional provision to Article II, Section 1 as follows or different wording approved by Staff:
Acceptance of the street rights-of-way and their improvements by the public for maintenance shall not occur unless said improvements have been constructed, reconstructed, repaired, or replaced to the standards of the accepting body in effect at the time of dedication and acceptance. The accepting body shall not be responsible for any costs incurred in said construction, reconstruction, repair, or replacement.
5. Article VI, Add - Septic systems for Lots 17 and 18 shall be in the frontyard.
6. Article VI, Section 8 - revised to more accurately reflect the methods of storm water management.
7. A statement needs to be added to Article V, Section 1 requiring approval of the landscape plan for each lot, as described above, by the Area Plan Commission staff prior to the issuance of the Improvement Location Permit for that lot.
8. Article V, Section 1(c) rewritten more clearly.

B. Changes to the plan

1. The note on Sheet 2 with the "Typical Section - Private Drive" needs to be altered based on the discussion in this Staff Report. The Typical Section also needs to show 6 ft. wide, 6" deep shoulders.
2. The turn around at the end of Roseberry Ridge reduced to a 50 ft. radius. The minimum building setback line will however remain the same to insure 100' of lot width at the building line and the houses on these lots moved back from the street as far as possible.
3. The septic systems on Lot 17 and 18 place in the frontyard.
4. The two phases can not be developed or recorded simultaneously.
5. Drainage Board approval obtained prior to and made a part of the final detailed plan submittal.
6. An expanded tree preservation and removal program incorporated in the final detailed plans.
7. A street sign symbol needs to be added to the intersection of Blackberry Lane and Blackberry Court.
8. The sheltered bus pick-up and mailboxes located at the Roseberry Ridge/CRI00N intersection either be placed in easements specific for these purposes or that the Common Area be increased so that the shelter and mailboxes are not located on Lots 5 and 6 respectively.
9. Utility, drainage and no-access easements need to be identified in the final detailed plans.
10. The mounding and screen planting should also have easements associated with it and the Declaration should provide for maintenance of this improvement by the association rather than by individual lot owners.