

ORDINANCE NO. 2009-13-CM

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 79-31

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED SUBDIVISION ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change USO Section 2-2 Words and Terms Defined, to read as follows:

RURAL ESTATE SUBDIVISION. A unified rural residential development zoned RE, rural estate zone, or RE and FP. (The FP-zoned portion may include tilled land, and may make up portions of residential lots.) A rural estate subdivision shall not be located within an IURC approved service area (CTA) of a sanitary sewer provider or within the service area of a municipally owned sewer system unless it is farther than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system. ~~shall be located more than ½ mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier.~~ More than 50% of its acreage is either:

- (1) wooded and untilled,
- (2) non-tillable, or
- (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A rural estate subdivision has a maximum density of no more than 1 dwelling unit per 2 acres, and a minimum residential lot area of 1 acre, exclusive of any outlot containing drainage easements and/or rural estate roads, and exclusive of any public street right-of-way. (Amend 27)

RURAL ESTATE ZONE. A rural zone containing part or all of a rural estate subdivision, ~~located more than ½ mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier.~~ Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions shall not be located within an IURC approved service area (CTA) of a sanitary sewer provider or within the service area of a municipally owned sewer

system unless it is farther than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system. More than 50% of the acreage of the rural estate subdivision of which it is a part is either:

- (1) wooded and untilled,
- (2) non-tillable, or
- (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A rural estate subdivision request includes no more than 12 residential lots, and shall include no FP-zoned lands; FP-zoned land cannot be rezoned. (Amend 27)

Section 2: Change USO Section 5.13 (2) (a) Rural Estate Subdivisions, to read as follows:

- (a) Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions shall not be located within an IURC approved service area (CTA) of a sanitary sewer provider or within the service area of a municipally owned sewer system unless it is farther than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system. ~~be located no closer than ½ mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if impeded physically, by a stream or ravine or similar barrier.~~

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

(Adopted And Passed) (~~Denied~~) by the Board Of Commissioners of Tippecanoe County, Indiana, this 3rd day of September, 2009.

VOTE:

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Absent
President

Yes

[Signature]
Vice President

Yes

[Signature]
Member

ATTEST:

Jennifer Weston
Auditor