

ORDINANCE NO. 20-09

TO AMEND CERTAIN PORTIONS OF THE UNIFIED SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY, INDIANA, DESIGNATING THE TIME WHEN THE SAME SHALL TAKE EFFECT.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, THAT ORDINANCE NO. 20-79 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.

This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

INTRODUCED ON FIRST READING ON THE _____ DAY OF _____, 2009.

The jurat on this document was not printed on discussion copies, in order to save paper and copying resources. If you have questions about this, please contact the Office of the Clerk-Treasurer at clerk@westlafayette.in.gov.

Thank you.

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

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www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

August 20, 2009
Ref. No.: 09-266

West Lafayette Common Council
609 W. Navajo Street
West Lafayette IN 47906

RECEIVED

AUG 20 2009

CLERK - TREASURER

CERTIFICATION

RE: USO AMENDMENT #5:

An amendment to the Unified Subdivision Ordinance regarding the definition of rural estate.

Dear Council:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 19, 2009, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to approve the enclosed amendment to the Unified Subdivision Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the West Lafayette Common Council that the proposed subdivision ordinance amendment be approved.

Sincerely,



Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

**USO AMENDMENT #5
DEFINITION OF RURAL ESTATE SUBDIVISION**

**STAFF REPORT
August 13, 2009**

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CLERK - TREASURER

USO Amendment #5 DEFINITION OF RURAL ESTATE SUBDIVISION

Staff Report
August 13, 2009

This proposed change to the Unified Subdivision Ordinance is required so that the definitions found in both the subdivision ordinance and the Unified Zoning Ordinance remain identical. USO Amendment #61 contains changes to its definitions of "rural estate subdivision" and "rural estate zone". These changes were discussed and approved by Ordinance Committee in order to better define the current definitions specifically regarding the phrase, "physically impeded" found in both definitions.

In addition to the two changes in USO Section 2-2 Words and Terms Defined, USO Section 5.13 (2) (a) Rural Estate Subdivisions also needed to be amended. This section of the USO had similar language to that found in the definitions of "rural estate subdivision" and "rural estate zone". The change here would simply mirror the changes in both USO and UZO definition sections.

The proposed changes are shown below. The new wording is underlined; wording to be removed is struck through.

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:

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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)

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USO Section 5.13 (2) (a) Rural Estate Subdivisions:

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STAFF RECOMMENDATION:

Approval