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ORDINANCE NO. 82-12

AN ORDINANCE AMENDING CHAPTERS 1 and 2 and the Table of Contents of ORDINANCE NO. 65-200, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE, STATE OF INDIANA, AS FOLLOWS:

Section I: That Section 1.2, Definitions, of Chapter 1 of Ordinance No. 65-20 being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by adding the following:

"condominium" means real estate lawfully subjected to IC 32-1-6 (the Horizontal Property Law) by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners;

"parcel" means a piece of land, the location, shape and size of which is determined by the official record of the last transfer of its ownership transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted or the last division by recordation of a plat prior to the enactment of that ordinance provided such plat is not in violation of any previous ordinance;

"parcelization" means a division of land, complying fully with Section 3.5 of the Unified Subdivision Ordinance of Tippecanoe County and otherwise exempt from all other provisions of that ordinance, into tracts two (2) acres or more in size but less than ten (10) acrs, up to a maximum of four (4) such divisions in any parcel of land;

"subdivision" means the division of an existing parcel of land into at least two (2) smaller parcels so that either now or in the future the subdivider can do any of the following with one or more of the divided parcels:

1. transfer ownership
2. construct buildings
3. create new building sites for leasehold.

the actual location, shape and size of an existing parcel to be divided is determined by the official record of the last transfer of its ownership transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted or by its last conditional transfer of ownership by recorded contract transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted. The following kinds of divisions of existing parcels of land are exempt from the rules of the Unified Subdivision Ordinance of Tippecanoe County:

- A. A division of land into two (2) or more tracts all of which are at least ten (10) acres in size;
- B. A division of land for the sale or exchange of tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- C. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- D. A division of land for the acquisition of street right-of-way, or easement; and
- E. A division of land for the sale or exchange of tracts between adjoining land owners, provided that no additional building sites other than for accessory buildings are created by the division.

Additionally, a division of land into tracts two (2) acres or more in size, up to a maximum of four (4) such divisions in any parcel of land which complies fully with Section 3.5 of the Unified Subdivision Ordinance of Tippecanoe County is exempt from all other provisions of that ordinance. Such a land division shall be called a parcelization;

Section II: That Section 2.5, Residential Subdivisions, of Chapter 2 of Ordinance No. 65-200 being the Unified Zoning Ordinance of Tippecanoe County, be amended to read as follows:

2.5 Subdivisions, Planned Developments and Condominiums

The subdivision of land pursuant to the requirements of the Subdivision Ordinance of the Cities of Lafayette and West Lafayette, the Towns of Battle Ground and Dayton, and Tippecanoe County, Indiana, shall be permitted in these districts: A, FP, FC, R1, R1A, R1B, R2, R3, R4, CB, AB, LB, LBS, GB, SC, I and IR. The intended principal use of each of the proposed lots within a proposed subdivision shall govern the specific district or districts appropriate to the land to be subdivided, as per Section 3.1 of this ordinance.

However, the following classification of subdivisions shall only be permitted in R1, R1A, R1b, R2, R3 or R4 districts:

major subdivisions intended entirely for residential use, and

any portions of major subdivisions intended for residential use;

other subdivisions intended entirely for residential use granted preliminary plat approval by the Commission after May 1, 1975, and

Any portions of other subdivisions intended for residential use granted preliminary plat approval by the Commission after May 1, 1975.

Planned Developments shall be permitted only in these districts: PD-R, PD-C, PD-I, PD-L and PD-E, as per Section 5.2 of this ordinance. In order to provide greater design flexibility, and to encourage innovative land development techniques and a more efficient use of land, the design and development of uses within these districts may deviate from the standards prescribed by the Subdivision Ordinance.

Condominiums, as defined and regulated in IC 32-1-6 (the Horizontal Property Law), shall be considered for zoning purposes to be Planned Developments, and consequently shall be permitted only in these districts: PD-R, PD-C, PD-I, PD-L and PD-E as per Section 5.2 of this Ordinance.

SECTION III: That the Table of Contents of Ordinance No. 65-200 being the Unified Zoning Ordinance of Tippecanoe County, be and is hereby amended by deleting:

Section 2.5 Residential Subdivisions14

and adding:

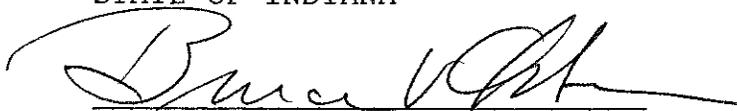
Section 2.5 Subdivisions, Planned Developments and Condominiums14

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

ADOPTED AND PASSED by the Tippecanoe County Commissioners this

6 day of July, 1982.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF TIPPECANOE
STATE OF INDIANA


Bruce V. Osborn


Sue M. Reser
