

ORDINANCE NO. 2019-04

AN ORDINANCE OF THE CITY OF TIPTON PROVIDING THAT THE TEXT OF THE ZONING ORDINANCE BE AMENDED

WHEREAS, IC 36-7-4-602 provides that a Zoning Ordinance may be amended; and

WHEREAS, the City of Tipton Plan Commission did initiate a process to consider amendments to the Zoning Ordinance as it pertains to the downtown overlay district requirements, and

WHEREAS, the Plan Commission did in considering the proposal pay reasonable regard to the comprehensive plan, current conditions and character of structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction and responsible development and growth, and

WHEREAS, the Plan Commission did hold a public hearing on the matter on March 14, 2019, and

WHEREAS, the Plan Commission did certify to the Common Council of the City of Tipton on March 20, 2019 its favorable recommendation on the amendment proposal.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Tipton, Indiana that:

SECTION 1. The City Zoning Ordinance No. 2010-03 as amended and entitled "City of Tipton Zoning Ordinance", and particularly Section 403 entitled "Downtown Overlay District", be and the same is hereby amended by making certain changes as follows:

Attachment A of this Ordinance makes deletions and additions to the text of the City of Tipton Zoning Ordinance. Parts to be deleted are struck through while parts to be added are in 'red'.

Attachment B of this Ordinance adds a new section 308.04 G to the text of the City of Tipton Zoning Ordinance.

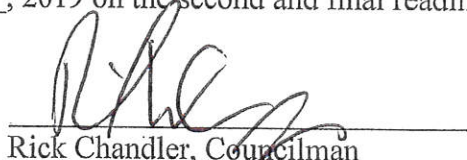
SECTION 2. The Common Council now finds that the above text amendment is consistent with the comprehensive plan, current conditions and character of structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction and responsible development and growth.

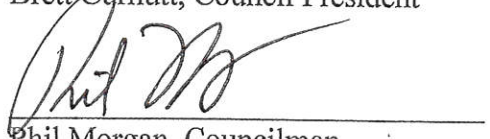
SECTION 3. This Ordinance shall be in full force and effective upon passage by the Common Council of the City of Tipton and its publications as provided by law.

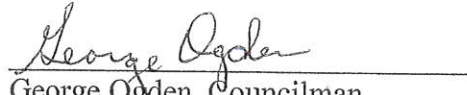
Passed on the 8 day of APRIL, 2019 on the first reading; and

Adopted this 22 day of APRIL, 2019 on the second and final reading.


Brett Curnutt, Council President


Rick Chandler, Councilman


Phil Morgan, Councilman

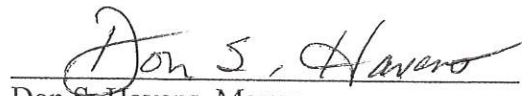

George Ogden, Councilman

Richard Rippy, Councilman

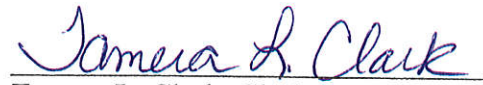
Presented by me, Tamera L. Clark to the Mayor of the City of Tipton, on the 22 day of APRIL, 2019 at the hour of 6:05 P.M.


Tamera L. Clark, Clerk-Treasurer

This ordinance is hereby APPROVED by me, Don S. Havens, on the 22 day of APRIL, 2019 at the hour of 6:05 P.M.


Don S. Havens, Mayor

Attest:


Tamera L. Clark, Clerk-Treasurer

Prepared by Steve Niblick, Tipton Plan Department Executive Director
Reviewed by Matthew B. Quigley, Attorney for the City of Tipton

Attachment A

403.02 DISTRICT BOUNDARIES: The boundaries of the Downtown Overlay District are hereby established as the territory described below which is within City of Tipton Plan Commission jurisdiction and within an area that has the presence of, or historically has had, traditional Downtown type commercial structures or other areas closely geographically and visually related that would adversely affect the character of the Downtown Overlay district if an inappropriate structure not compatible with the district were permitted.

The territory of the Downtown Overlay District is described as that area bounded by the following described streets and alleys in the City of Tipton, IN.

A. ~~The territory of the Downtown Overlay District is described as that area bounded by the following described streets and alleys in the City of Tipton, IN. Beginning at the intersection of Washington Street and East Street; then west on Washington Street to the north/south alley between Main Street and West Street; then south on said alley to the east/west alley between Washington Street and Jefferson Street; then west on said alley to West Street; then south on West Street to the east/west alley between Madison Street and Adams Street; then east on said alley to Independence Street; then north on Independence Street to Madison Street; then east on Madison Street to East Street; then north on East Street to Washington Street, which is the point of beginning.~~

A. **Beginning at the intersection of Washington Street and East Street; then west on Washington Street to Independence Street; then north on Independence Street to the first east/west alley north of Washington Street; then west to the north/south alley between Independence Street and Main Street; then north to the northern property line of Encompass Credit Union; then west to Main Street; then south to the east/west alley between Walnut Street and Washington Street; then west to the north/south alley between West Street and Main Street; then south to Washington Street; then west to a north/south alley between West Street and Conde Street; then south to the east/west alley between Madison Street and Adams Street; then east to Independence Street; then north to Madison Street; then east to the railroad track; then northwest along the railroad track to point of beginning.**

403.04 Permitted Uses: All land uses which, in accordance with Table A of the Ordinance and the underlying zoning district, are listed as permitted, or special exception and have obtained special exception approval of the Board of Zoning Appeals, are permitted in the Downtown Overlay District, except any uses listed in 406.04 A below.

A. The following uses are not permitted within the Downtown Overlay District:

Nursing and Retirement Home
Tattoo Parlor
Radio or TV Transmitting Tower
Mobile Homes-When used for Commercial or Industrial Purposes
Storage Units
Sexually Oriented Businesses
Automobile Sales and Service Station
Boat Dealerships

403.06 Minimum Standards: All development within the Downtown Overlay District must meet the following minimum standards.

A. Minimum lot area is 15,000 **square feet**. Minimum lot area is calculated as the total horizontal area within the boundaries of a lot.

403.08 Site Design of the development shall meet the following standards:

A. Landscaping: A landscaping plan shall be submitted with the Development Plan Review Application. The landscaping plan shall be drawn to scale and adhere to all standards and regulations of this ordinance. The variety and types of species are subject to Plan Commission approval.

2. ~~In addition,~~ **S**Street trees are required in the Downtown Overlay District to be planted along the frontage of City Streets and State Roads. Deciduous Trees of at least eight (8) feet in height and two and a half (2 1/2) inch caliper at twelve (12) inches above ground at planting are required along the frontage to the street or highway. The species of the trees and spacing is subject to the approval of the Tree Advisory Committee as per Chapter 14, Art. IV, of City Code.

B. Off-Street Parking: An off-street parking plan shall be submitted with the Development Plan Review application. This plan shall be drawn to scale, including dimensions and distances. The off-street parking plan shall adhere to all the standards and regulations of this Ordinance. All off-street parking and loading areas shall be surfaced so as to provide a durable and dustless surface ~~(as defined) within the Downtown Overlay District~~ **constructed to comply with the requirements of Section 308.04 G of this ordinance**. The Zoning Administrator and/or Plan Commission has the authority to waive parking requirements as per Section 308.02 H.

403.09 Building Design Standards for the Downtown Overlay District are intended to promote new construction or rehabilitation of existing buildings that are compatible to the traditional downtown buildings.

B. Building facades may be constructed from masonry, as defined below or other materials or products which provide the same desired stability and quality, such as composite stone, plaster, or "Dryvit". Buildings that face two streets or highways must treat both elevations as facades. Wood treatment or similar appearing material framing windows and doorways and used as architectural accents is permitted.

1. Masonry Construction: Includes all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Plan Commission or its duly designated representative.

- a. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard or of durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.

C. Roofing and Mechanical Equipment: The materials and finishes of exposed roofs shall compliment the exterior walls. An exposed roof shall be defined as that portion of the roof that is visible from Downtown or roads intersecting Downtown within the defined Downtown Corridor Overlay District.

1. Standing-seam metal roofs of a complimentary color are permitted.

2. Roof mounted equipment on exposed roofs shall be screened from view.

3. All building mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or a residentially zoned district or use shall be screened from view. Such screens or enclosures shall be treated as an integral part of the building's appearance.

4. Flat roofs are the preferred building style. Gable walls facing the street are discouraged as are hip roof and gambrel roof construction.

Attachment B

308.04 Downtown Parking Lot Standards

G. Regardless of the number of parking spaces in a parking lot, the pavement cross section shall be a minimum of:

1. 1.5" HMA (Hot Mix Asphalt) 9.5mm Surface on 2" HMA 19.00mm Intermediate on 8" Compacted Aggregate No 53 on Compacted Subgrade, or
2. 6" of 4,000# Portland Cement Concrete Pavement on Compacted Subgrade, or
3. An alternate cross section certified by a Professional Engineer licensed in compliance with the laws of the State of Indiana to be equal to one of the above cross sections in strength and approved by the Board of Works of the City of Tipton.