

ORDINANCE NO. 2025 - _____

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF TIPTON COUNTY, INDIANA AMENDING THE TIPTON COUNTY ZONING ORDINANCE 2008-12, AS AMENDED

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

WHEREAS, the Plan Commission did initiate a process to consider amendments to the Zoning Ordinance as it pertains to accessory dwelling units, 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 September 3, 2025, and voted 9-0, to give a favorable recommendation on the amendments, and

WHEREAS, the Plan Commission did certify to the Board of Commissioners on September 4, 2025, the attached amendments with a favorable recommendation,

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tipton County, Indiana, that:

Section One: The Tipton County Zoning Ordinance adopted November 10, 2008, is amended as follows:

Attachment A of this Ordinance makes additions and changes to the text of the Tipton County Zoning Ordinance entitled, Section 514 Accessory Dwelling Units and Section 201 Definitions.

Attachment B of this Ordinance makes additions and changes to the text of Table A – District Use Standards by adding a new use.

Section Two: The Tipton County Board of Commissioners 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 Three: This amendment to the Zoning Ordinance shall be in full force and effective upon passage by the Tipton County Board of Commissioners and its publication as provided by law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS THIS _____
DAY OF _____ 2025.

TIPTON COUNTY BOARD OF COMMISSIONERS

Dennis Henderson, President

Tracey Powell, Member

Nancy Cline, member

ATTEST:

Jon DeBaun, Tipton County Auditor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Mark R. Regnier.

Prepared by Judith Coker, Tipton Plan Department Executive Director
Reviewed by Mark Regnier, Attorney for the Tipton County Board of Commissioners

Attachment A

514 Accessory Dwelling Units: Accessory Dwelling Units (ADU) as defined are subject to the following requirements:

514.01 Permitted Uses: Accessory Dwelling Unit (ADU) shall be permitted by right in the AG and RR zoning districts, as well as any Residential zoning districts. ADUs shall be considered as special exceptions by the Board of Zoning Appeals in the B-4 zoning district. ADUs shall be prohibited in the I-1, I-2 zoning districts except with a use variance granted by the Board of Zoning Appeals. See Section 304 Table A.

514.02 ADU Requirements: ADUs shall conform to the following requirements:

A. The ADU kitchen must at a minimum contain the following; cabinets, countertop sink with running water and stove (hotplates, microwaves, or toaster ovens are not acceptable stove substitutes). An independent second kitchen by itself does not constitute an ADU.

B. The owners(s) of the single-family lot upon which the ADU is located shall occupy at least one (1) of the dwelling units on the property.

C. An ADU shall not be larger than the square footage of the single-family residence with garage space not being included in the calculation.

D. The minimum lot area per family requirement (Section 304 Table B) shall not apply to ADUs under this section.

E. ADU setbacks shall conform to Section 306.03 – Supplemental Yard Regulations, and will be required to conform to the same setbacks as the primary dwelling.

F. ADU heights shall be a maximum of thirty-five (35) feet in height above the average ground level.

G. ADUs as a detached structure must be located a minimum of 10 feet from any other structure on the parcel.

514.03 Construction requirements: ADUs may be constructed as a new structure or as a conversion of an existing structure. All new ADUs shall be constructed per all local applicable codes and ordinances. No existing structure shall be converted to accommodate an ADU unless:

A. The ADU is designed to blend with the architectural and exterior appearance of the principal dwelling. The single-family appearance of the principal dwelling is not altered;

B. At least one (1) exterior entrance must be allowed to the ADU;

C. Where a detached garage space is converted to living space, the garage door shall be replaced with materials that match the exterior of the house;

D. The conversion is in compliance with all other applicable codes and ordinances.

E. If an ADU already exists on a property by BZA approval, that use may continue, provided that an ADU application has been submitted and all other ADU requirements are met.

514.04 Subdivision prohibited: An ADU may not be sold as a separate piece of property, or as a condominium unit, ~~unless allowed by the existing zoning on the property.~~

514.05 Application process: Any homeowner seeking to establish an ADU shall apply for approval in accordance with the following procedures:

A. The homeowner shall apply for an Improvement Location Permit with the Tipton County Plan Department. A complete application shall include a properly completed application form, floor and structural plans, a site plan, and a permit from the Tipton County Health Department (if required) for the sanitary system.

B. Before issuance of the certificate of occupancy for an ADU, the homeowner must provide a copy of a statement recorded with the Tipton County Recorder. The statement must read:

An application for a permit for an accessory dwelling unit has been submitted to Tipton County by the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of the Tipton County Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.

514.06 Discontinuance: If an ADU is to be removed, appropriate notice to the Plan Department must be given. If a homeowner wants to remove the statement as required by Section 514.05 B of this ordinance from the property's title, then the Plan Department shall issue an appropriate release upon evidence that the ADU has been removed. The release shall be recorded by the homeowner with the Tipton County Recorder and Election Office and a copy of the recorded release shall be provided to the Plan Department.

In the event of illness, death, or other unforeseen event which prevents the owner's contained occupancy of the premises, the director shall, upon a finding that discontinuance of the ADU would cause a hardship on the owner, suspend the owner occupancy requirement for a period of one year. The director may grant an extension of such suspension for one additional year, upon a finding of continued hardship

New definition in Section 201:

Accessory Dwelling Unit (ADU) means a residential living dwelling on the same parcel as a single-family dwelling or a parcel on which a single-family dwelling is present or may be constructed. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached dwelling, a dwelling that is part of an accessory structure, such as a detached garage; or a dwelling that is part of an expanded or remodeled dwelling.

Attachment B

	<u>AG</u>	<u>RR</u>	<u>B1</u>	<u>B4</u>	<u>AB</u>	<u>I1</u>	<u>I2</u>	<u>Buffer Class</u>	<u>Parking Class</u>
8. Artificial Lake or Reservoir of Three Acres or More	S	S	S	S	S	S	S	A	C
9 Oil and Gas Production (not to include refining)	S	X	S	S	S	S	S	E	B
10. Agricultural and Environmental Research Centers	S	X	P	P	P	P	P	B	B
11. Water Areas, Marshland	P	P	P	P	P	P	P	A	C
12. Fill of Natural Wetland, Water Areas or Marshland	S	S	S	S	S	S	S	A	C
	<u>AG</u>	<u>RR</u>	<u>B1</u>	<u>B4</u>	<u>AB</u>	<u>I1</u>	<u>I2</u>	<u>Buffer Class</u>	<u>Parking Class</u>
<u>RESIDENTIAL</u>									
1. Residential Subdivision (2 or more lots as defined)	S	P	X	X	X	X	X	A	A
2. Dwelling – Single-family, Detached (as defined)	P	P	X	X	X	X	X	A	A
3. Dwelling – Single-family, Attached (as defined)	S	S	X	X	X	X	X	A	A
4. Dwelling – Two-family (as defined)	S	S	X	X	X	X	X	B	A
5. Dwelling – Multi-family (as defined)	S	S	X	X	X	X	X	B	A
6. Dwelling – Cabin or Cottage (as defined)	P	S	X	X	X	X	X	A	A
7. Dwelling – Seasonal Farm Worker Housing	P	S	X	X	S	X	X	A	A
8. Dwelling – Accessory Dwelling Unit (as defined) (see Section 514)	SP	SP	S	S	S	X	X	A	A
9. Conversion Dwelling (as defined) (see Section 515)	S	S	S	S	S	X	X	A	A
10. Manufactured Home (as defined)	P	P	X	X	X	X	X	A	A
11. Residential Subdivision, Minor	P	P	X	X	X	X	X	A	A
12. Residential Subdivision, Major	S	P	X	X	X	X	X	A	A