

ORDINANCE NO. 2025 - _____

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF TIPTON COUNTY,
INDIANA AMENDING THE TIPTON COUNTY SUBDIVISION CONTROL ORDINANCE,
AS AMENDED

WHEREAS, IC 36-7-4-701(b) provides that a Subdivision Ordinance may be amended;
and

WHEREAS, the Plan Commission did initiate a process to consider amendments to the
Subdivision Control Ordinance as it pertains to the dividing of land, 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 Subdivision Control Ordinance is amended as follows:

Attachment A of this Ordinance makes additions and changes to the text of the Tipton
County Subdivision Control Ordinance entitled, SECTION 2 DEFINITIONS.

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 Subdivision Control 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

SECTION 2 DEFINITIONS

2.1 Usage

2.2 Definitions

Model Home A dwelling unit used initially for display purposes which typifies the kind of units that will be constructed in the subdivision.

Monument A physical structure which marks the location of a corner or other survey point.

Nonresidential Subdivision A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Off-Site Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Official Map The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of subdivision plats Plan Commission and the subsequent filing of such approved plats.

Official Master Plan (See Comprehensive Plan.)

Ordinance Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parcel A part or portion of land having a legal description formally set forth in a conveyance together with the boundaries thereof, in order to make possible its easy identification.

Perimeter Street Any existing street to which the parcel of land to be subdivided abuts on only one side.

Parent Tract A single parcel of land, as it existed upon the effective date of this Ordinance or October 1, 2025, from which one or more lots or parcels may be or have been

subdivided. The Parent Tract serves as the basis for determining permitted divisions, exemptions, or subdivision classification. Any lot, parcel, or tract created by subdivision, platting, or legal division from a Parent Tract after the effective date of this Ordinance or October 1, 2025, shall not be considered a separate Parent Tract.

Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the County and its present and estimated future traffic volumes and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification of the Official Map.

Structure Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.

Subdivider Any person who (1), having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who (3) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision The division or re-division of any parcel of land shown as a unit, or as contiguous units on the preceding transfer of property into two (2) or more parcels, sites, or lots, for the purpose, whether immediate or future, of transfer of ownership.

The following divisions of land shall be considered exempt from the requirements of this Ordinance:

- (a) The sale or exchange of land between adjoining lot owners or for the combining with an existing adjacent parcel, provided no additional building sites are created and that all involved parcels comply with the Tipton County Zoning Ordinance.
- (b) A division and/or allocation of legal ownership interests in land, by Court Order or Decree.
- (c) Any land being divided or acquired by a public agency or utility for a street/highway or utility right-of-way or easement, other than those required for a subdivision as defined in this ordinance.

(d) A division of land which had an existing residential, business or agricultural structure located on the parcel upon the adoption of this ordinance and which meets the Tipton County Zoning Ordinance standards and regulations.

(e) A change or correction in lot lines of a recorded plat that does not increase the number of lots or create non-conforming lots.

(f) A division of land into cemetery plots.

(g) A division of a single lot from an existing tract of land for the purpose of constructing a Single-family or Two-family dwelling shall not be considered a subdivision, provided that:

- No more than a total of two (2) B lots are allowed under this provision from the parent tract, unless a formal subdivision is filed.
- Each lot meets all requirements of the Tipton County Zoning Ordinance, including but not limited to minimum lot size and area, frontage, access, setback requirements, and shall be eligible for an Improvement Location Permit.
- The division is reviewed by all relevant checkpoint agencies to ensure compliance with drainage, health, highway, and utility requirements.
- The division does not involve the creation of a new public or private road, street, or easement for ingress/egress beyond that already existing.
- The division is approved administratively by the Tipton County Plan Commission Development Plan Review Committee and recorded with the County Recorder;
- Future divisions of the same parent tract may be subject to full subdivision review.

Subdivision Agent Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and is not involved developing, marketing or selling real property in the subdivision.

Subdivision, Major (See major Subdivision.)