

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF TIPTON, INDIANA AMENDING THE CITY OF TIPTON ZONING ORDINANCE 2010-03, AS AMENDED FIVE (5) MISCELLANEOUS PROVISIONS

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 improvement location permits, 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 January 14, 2021, and

WHEREAS, the Plan Commission did certify to the Common Council of the City of Tipton on January 18, 2021 the attached amendments with a favorable recommendation,

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

SECTION 1. The City of Tipton Zoning Ordinance 2010-03 adopted February 8, 2010 is amended 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'.

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 25 day of JANUARY, 2021 on the first reading; and

Adopted this 8 day of FEBRUARY, 2021 on the second and final reading.


Rick Chandler, Council President

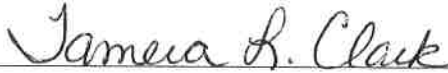

Sophie Hufford, Councilwoman


Keni Ehman, Councilman


Nathan Kring, Councilman


Richard Rippey, Councilman

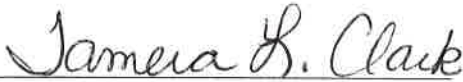
Presented by me, Tamera L. Clark to the Mayor of the City of Tipton, on the 8 day of
FEBRUARY, 2021 at the hour of 6:20 P.M.


Tamera L. Clark, Clerk-Treasurer

This ordinance is hereby APPROVED by me, Thomas E. Dolezal, on the 8 day of
FEBRUARY, 2021 at the hour of 6:20 P.M.


Thomas E. Dolezal, 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

Amendment no. 1 Addition to Section 104 Compliance.

COMPLIANCE: No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

In addition to compliance with this Ordinance, all structures and uses of land shall comply with all other federal, state and local laws, regulations and procedures.

Amendment no. 2 Addition to Section 108 Application.

APPLICATION: It is not intended by this Ordinance to interfere with, abrogate, or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this Ordinance to repeal, abrogate, annul or in any way interfere with any existing provision of laws or ordinances, or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises that is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where private covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.

All development regulated by this Ordinance shall comply with all other federal, state and local rules, regulations, agreements, covenants or permits.

Amendment no. 3 Amendment to Section 303 TABLE A District Use Standards

TABLE A
District Use Standards

	<u>A1</u>	<u>S1</u>	<u>R1</u>
<u>RESIDENTIAL</u>			
11. Mobile Home – As Principal Structure (as defined) Not Located in Mobile Home Parks	S	SX	X
12. Mobile Home – As Second Temporary Structure For Caretaker Dwelling (see Section 507)	S	SX	X
13. Mobile Home – As Dwelling when Located in Conjunction with a Permitted Business	S	SX	X

Amendment no. 4
Addition to Section 306.13 F.

Article Three Section 306 Supplemental Yard Regulations Bufferyards

F. On any property where a buffer yard enjoins an easement for utilities or public drains, in addition to the prohibition of no structures or buildings of any size or type being placed in the easement by the property owner, no trees of any type may be planted in the easement.

Where the area of the property adjacent to the easement is of insufficient size or contains any features making the installation of a buffer yard problematic, the Board of Zoning Appeals may waive the bufferyard requirements for that side of the property.

Amendment no. 5
Amendment to Section 504.09 C.

C. Fences in residential districts or abutting residential uses may not have a height greater than 36 48 inches in the front yard setback, with the exception of a fence that does not encroach into the front yard setback to a greater extent than the farthest point of the principal structure. The finished side of the fence should face toward the neighboring residential property.