

**NOTICE OF THE TIPTON COUNTY BOARD OF COMMISSIONER'S INTENT TO ADOPT, REJECT  
OR AMEND PROPOSED CHANGES TO COUNTY ZONING ORDINANCE**

Notice is hereby given that during their regularly scheduled public meeting on July 3, 2023 at 9:00 a.m., in the first floor meeting room of the Tipton County Courthouse, 101 E. Jefferson Street, Tipton, Indiana 46072, the Board of County Commissioners of Tipton County, Indiana will consider action to either adopt, reject, or amend a proposed ordinance favorably recommended by the Tipton County Plan Commission to the Board of County Commissioners, making changes to the Zoning Ordinance of the County of Tipton, Indiana, pursuant to Petition CO-PUD-11-23.

A full copy of the proposed ordinance is attached hereto and is also available in the office of the Tipton County Plan Commission, first floor, Tipton County Courthouse, 101 E. Jefferson Street, Tipton, Indiana 46072 between the hours of 8:00 a.m. and 4:00 p.m. Monday thru Friday., and can also be viewed on the Tipton County Website at: [www.tiptongov.com/county](http://www.tiptongov.com/county)

This meeting on July 3, 2023 at 9:00 a.m. is open to the public.

Mark R. Regnier  
Tipton County Attorney

ORDINANCE NO. BOC 2023 - \_\_\_\_

AN ORDINANCE OF THE COUNTY OF TIPTON, INDIANA PROVIDING THAT  
THE ZONING ORDINANCE OF THE COUNTY OF TIPTON, INDIANA BE  
AMENDED BY CHANGING AN ESTABLISHED ZONE TO ZONE  
CLASSIFICATION PUD AND AMENDING ORDINANCE BOC2022-04

WHEREAS, the Board of Commissioners of Tipton County, Indiana approved Ordinance No. BOC 2022-04 (the "Original Ordinance") on May 9, 2022; and

WHEREAS, this Ordinance (the "First Amendment") incorporates additional acreage into the Planned Unit Development approved in the Original Ordinance and modifies the zoning classification of the Real Estate (defined below) to be consistent with the zoning classification approved in the Original Ordinance; and

WHEREAS, THE TIPTON COUNTY PLAN COMMISSION by a majority vote gave a favorable recommendation that its Petition CO-PUD-11-23 be adopted and that the Board of County Commissioners rezone the Real Estate;

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

SECTION 1. The County Zoning Ordinance No. 2008-12 as amended and readopted as amended and entitled "Tipton County Zoning Ordinance" (the "Zoning Ordinance"), and particularly the zone maps which are made a part of the Zoning Ordinance, be and the same is hereby amended making certain changes as follows:

By amending the Original Ordinance to incorporate the real estate identified by legal description in Exhibit A, attached hereto and incorporated herein (the "Real Estate"), into an existing Planned Unit Development, thereby changing the Real Estate on the zone maps from its established AG Agricultural District classification to the PUD Planned Unit Development classification.

SECTION 2. Applicability of Ordinance.

2.1 The Original Ordinance is hereby amended by the provisions of this First Amendment. In all other respects, the Original Ordinance shall remain in effect and unchanged. To the extent that the provisions of the Original Ordinance conflict with the provisions of this First Amendment, the provisions of this First Amendment shall prevail.

2.2 Development of the Real Estate shall be governed by the provisions of this First Amendment and the Original Ordinance as amended and applicable to the Real Estate, except as modified, revised, supplemented or expressly made inapplicable by this First Amendment.



SECTION 3. Concept Plan.

3.1 The primary plan, attached hereto as Exhibit B (the "Primary Plan"), is hereby incorporated in accordance with Article 6 of the Zoning Ordinance and shall hereby replace and supersede the Primary Plan adopted in Section 3 of the Original Ordinance.

3.2 All other provisions of Section 3 of the Original Ordinance shall remain applicable to the Real Estate.

SECTION 4. The Board of County Commissioners now finds that the above zone change will not be injurious to the public health, safety, morals and general welfare of the community and the use or value of the area adjacent to the property included in this First Amendment will not be affected in a substantially adverse manner and the need for the change in zoning herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Commissioners further find that the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with the Comprehensive Plan.

SECTION 5. The Executive Director or his/her designee is hereby authorized and directed upon the enactment and approval of this First Amendment, to cause a change to be made on the zone maps, to make certain notations electronically or in ink thereof and to record the date of passage of this First Amendment.

This Ordinance shall be in full force and effective upon passage by the Board of County Commissioners of the County of Tipton, Indiana and its publications as provided by law.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS THIS \_\_\_\_\_ DAY  
OF 2023.

TIPTON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Dennis Henderson, President

\_\_\_\_\_  
Tracey Powell, Member

\_\_\_\_\_  
Nancy Cline, Member

\_\_\_\_\_  
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 Steve Niblick, Tipton Plan Department Executive Director

Reviewed by Mark Regnier, Attorney for the Tipton County Board of Commissioners

## EXHIBIT A

### "Real Estate"

## LEGAL DESCRIPTION - NASH PROPERTY

A part of the Southwest and Northwest Quarters of Section 18, Township 21 North, Range 4 East, and part of the Southwest Quarter of Section 7, Township 21 North, Range 4 East all of the Second Principal Meridian, Tipton County, Indiana, described as follows:

Beginning at the Northeast corner of the Northwest Quarter of said Section 18, thence South 01 degree 02 minutes 17 seconds West (Indiana State Plane Coordinate System East Zone) along the East line of said Northwest Quarter, a distance of 2656.21 feet to the Northeast corner of the Southwest Quarter of Said Section 18; thence South 01 degree 19 minutes 15 seconds West along the East line of said Southwest Quarter, a distance of 850.76 feet to a 5/8 inch rebar with red plastic identifying cap stamped "HENDERSON LS20300025" hereinafter referred to as "rebar"; thence South 89 degrees 35 minutes 25 seconds West parallel with the North line of said Southwest Quarter, a distance of 1485-91 feet to a rebar on the West line of the East Half of said Southwest Quarter; thence North 01 degree 22 minutes 31 seconds East along said West line, a distance of 850.79 feet to a rebar on the North line of the Southwest Quarter of said Section 18; thence South 89 degrees 35 minutes 25 seconds West along said North line, a distance of 128.11 feet to the Southeast corner of the land described in Deed Book 163 page 947 as held in the office of the Recorder for Tipton County, Indiana; thence North 01 degree 10 minutes 08 seconds East along the East line of said described land, a distance of 2689.15 feet to a rebar on the South right-of-way line for State Road 28, the following four calls being along said South line; 1) thence South 89 degrees 56 minutes 56 seconds East a distance of 735-92 feet to a rebar; 2) thence Easterly 275.10 feet along an arc to the left having a radius of 10,045.00 feet and subtended by a long cord having a bearing of South 88 degrees 41 minutes 13 seconds East and a length of 275.09 feet to a rebar; 3) thence South 89 degrees 28 minutes 18 seconds East a distance of 252.33 feet to a rebar; 4) thence North 88 degrees 01 minute 20 seconds East a distance of 343.04 feet to a rebar on the East line of the Southwest Quarter of said Section 7; thence South 00 degrees 49 minutes 04 seconds East along said East line, a distance of 23.84 feet to the Point of Beginning, containing 128.04 acres, more or less.





**CONCEPTUAL SITE PLAN**  
**TIPTON, INDIANA**  
**APRIL 5, 2023**