

ARTICLE FIVE
DEVELOPMENT STANDARDS

501 **PROCEDURE:** The following specified uses must meet the development standards as listed in this Article in addition to the requirements of all other Articles of this Ordinance. In a district which the specified use is permitted, the Zoning Administrator shall ascertain that the specifications of the Article are met. In a district in which the specified use is allowed by special exception, the Board shall ascertain that the specifications of this Article are met prior to approval of the special exception.

502 **CONFINED FEEDING OPERATIONS:** The plan commission acknowledges that the Indiana Department of Environmental Management (IDEM) has promulgated rules governing confined feeding in Indiana and is the body that approves applications for same. The Plan Commission will regulate confined feeding only in respect to required setback distances and issuance of Improvement Location Permits. All confined feeding operations, as defined by IC 13-11-2-40 (d), must meet the following standards:

502.01 Setbacks: The outer perimeter of confined feeding operations, as defined, including housing for animals, open pits, lagoons, or manure slurry holding tanks, pens or lots shall not be located any closer than:

- A. 500 feet from a highway right-of-way;
- B. 1,500 feet from a neighboring residence;
- C. 2,500 feet from a public building (church, school, etc.);
- D. 2,500 feet from a built up area of five or more homes i.e., within a linear distance from each other of 2000 feet.

502.02 Lagoons: Because of odors, fly, mosquito or other insect problems associated with the use of open earthen pits, or slurry tanks, additional separation distances must be provided for operations using such facilities, with minimum setbacks as follows:

- A. 1,000 feet from a public right-of-way;
- B. 2,500 feet from a neighboring residence;
- C. 3,500 feet from a public building (church, school, etc.)
- D. 3,500 feet from a built up area of five or more homes i.e., within a linear distance from each other of 2000 feet.

502.03: Reciprocal Setbacks: All required separation distances are reciprocal which means that new confined feeding operations shall not be located within the required separation distances and that new development, including residential, commercial and/or industrial development, cannot be located within the separation distance from an existing confined feeding operation.

502.04: Expansion of Existing Operations: An existing confined feeding operation may be expanded, extended, or enlarged at the same immediate location provided the following:

A. The expansion, extension, or enlargement does not encroach into any required setback to a greater extent than that which exists prior to the expansion, extension, or enlargement.

502.06: Confined feeding operations shall meet all applicable regulations of the Indiana Department of Environmental Management.

502.07: The spreading of accumulated waste through land application shall be located so as to provide for the minimum separation distance provided below. If the required distances cannot be met, then the owner shall incorporate within 48 hours or inject the waste into the soil to minimize the odors:

A. 500 feet from a residential district line or from an existing residence other than that of the farm operator.

B. 1,000 feet from a built-up area of five or more contiguous residences.

503 TEMPORARY USES: An Improvement Location Permit for a temporary use may be issued by the Zoning Administrator subject to the standards in Table H and after receipt of Board of Health approval, if applicable. Access and parking for all temporary uses shall be provided to the Zoning Administrator's satisfaction. All temporary use sites shall be adequately cleaned up at the conclusion of the event. Signs for temporary uses shall comply with Section 505 of the Ordinance. Any temporary use exceeding the standards of Table H shall be considered a special exception in the district in which it is located. Events which are reasonably expected to exceed an attendance level of 5,000 over an 18 hour period are required a mass gathering permit by the State Department Health of the State of Indiana.

503.01 Amusement and charitable activities, sponsored by public agencies, churches, civic and charity groups, schools and other non-profit organizations on a temporary basis, are permitted in any zoning district, provided it is on the site of said sponsor or on public property with the approval of the appropriate governmental body. No permit is necessary. If an amusement or charitable activity does not meet the standards, it shall be considered under the appropriate use as listed in Table H.

503.02 Temporary activities conducted at the County Fairgrounds in the Special Use District under the supervision and direction of the County Extension Office, the Fair Board or the Board of County Commissioners, per agreement in conjunction with annexation, is a permitted use. No permit is necessary.

503.03 The sale or offering for sale of goods or services from any vehicle, including trailers, buses, or vans, shall be deemed to be a commercial use and shall be subject to all the regulations prescribed for the zoning district in which the same is conducted, but this regulation shall not be deemed to prohibit any vending from vehicles on a public street that is not otherwise prohibited by law.

TABLE H
Temporary Uses

USE	DISTRICT	MAXIMUM LENGTH OF TIME	PERMIT	CONDITIONS
1. Carnival, Circus, Fair, Festival, or Concert	B-1, B-2, and by special exception approval in S-1, A-1, I-1, I-2	15 days per year per site	Required	Lights, noise and traffic plans to be approved
2. Outdoor Promotional Attraction, Tent Sale, Auto Show, Farm Products Promotions, Farm Equipment Show	B-1, B-2, S-1, A-1, I-1, I-2	30 days per year per site	Required	Lights, noise, and traffic plans to be approved
3. Farm Tours, Hayrides (commercial), Pick-Your-Own Produce	S-1, A-1, I-1, I-2	4 months per year	Not Required	None
4. Farm Fair	S-1, A-1, I-1, I-2	30 days per year per site	Required	None
5. Farmers Market	B-1, B-2, S-1, A-1, I-1, I-2	90 days per year per site	Required	Agricultural products only
6. Sawmills on Property Where Timber is Cut	S-1, A-1, I-1, I-2	6 month per year	Required	Must meet Section 309 if within 100' of off-property residence
7. Temporary Group Camp	B-1, B-2, S-1, A-1, I-1, I-2,	1 week per 6 months	Required	Lights and noise to be controlled
8. Contractor Office and Equipment Storage or Real Estate Sales Office	All districts if incidental to construction or development	Must be removed upon completion of construction or development	Not Required	Includes mobile homes but no cooking or sleeping facilities

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9. Christmas Tree Sales	B-1, B-2, S-1, A-1, I-1, I-2,	45 days per year	Required	Unsold merchandise must be removed by January 1 st
10. Fireworks, Sales and Display	B-1, B-2	45 days per year	Required	All applicable State and Federal laws must be met. Unsold merchandise to be removed by July 10 th
11. Religious Tent Meeting	B-1, B-2, S-1, A-1, I-1, I-2,	30 days per 6 months	Required	Off-street parking as required for churches
12. Basement Home	A-1, S-1, R-1,	Not to exceed 2 years from permit issuance	Required	Does not include permanent earth-sheltered home
13. Yard, Garage or Porch Sale	Any District	2 days twice per year per site	Not Required	Only normal household items. Multiple participants allowed
14. Sale of Personal Property at Place of Residence	Any District	3 months per year per item per site	Not Required	Items allowed such as automobiles, motorcycles, recreational vehicles, etc. May not be disabled vehicles (as defined). Must be titled to resident. Limit two items at a time.
15. Auction/Pre-priced Sale	Any District	3 days per year	Not Required	Parking to be controlled

504 ACCESSORY USES AND STRUCTURES: Accessory uses and structures, as defined, shall meet the following requirements:

504.01 An accessory structure shall not be erected or an accessory use located prior to the establishment or construction of the principal building or use to which it is accessory or to which it is intended to be accessory, except for agricultural structures.

504.02 An accessory structure or accessory use may be permitted on a parcel of land separated by a public right-of-way or easement from the parcel containing the principal structure but any accessory structure must meet principal structure yard requirements and Section 504.01 of this Ordinance.

504.03 The square footage of the footprint of an accessory structure located in a residential district may not exceed the square footage of the principal structure.

504.04 Swimming pools shall meet the following requirements:

- A. An in-ground swimming pool shall be entirely enclosed by buildings, fences, or walls or equipped with an electronic pool cover.
 - 1. Said fences or wall must be a minimum of 4 feet in height and must be equipped with self-latching gates or doors, with the latching device located not less than 4 feet above the ground.
 - 2. Electronic pool covers must be in working condition at all times.
 - 3. All fencing must be in place and approved by the Zoning Administrator before the water is put into the pool.
- B. Above-ground swimming pools, hot tubs, and saunas are considered accessory structures and are subject to setback regulations for accessory structures. They are not subject to any of the standards in Section 504.04 A above, provided they do not violate other sections of this Ordinance.
- C. In addition to the above regulations, commercial swimming pools are subject to the standards as set forth by the Indiana State Board of Health Rule 410 IAC 6-2.

504.05 No major recreational vehicle shall be parked or stored on any lot in any Residential District, except in a carport or enclosed building or behind the nearest portion of a structure to the street. This provision, however, does not restrict the parking of a recreational vehicle on a residential lot for a period not to exceed 48 hours during loading or unloading. No such vehicle shall be used for living or housekeeping purposes when parked or stored on a residential lot, or on any location not approved for such use.

504.06 Trucks or tractor-trailer combination vehicles in excess of one ton capacity shall not be parked or stored in any residential district except in an enclosed building. Operating refrigeration units will be permitted in the General Business, Light Industrial, and General Industrial districts only.

504.07 In all zoning districts satellite dish antennae (satellite earth stations) of up to 12 feet in diameter are permitted as accessory structures. A satellite dish antenna may be either roof-mounted or ground-mounted and must meet the following standards:

- A. A roof-mounted antenna shall not extend above the required height of the zoning district in which it is located and shall not overhang within 2 feet of any side or rear lot line.
- B. A ground-mounted antenna may be located in a side or rear yard, or in the front yard if it is at least 100 feet back from the front property line. The closest edge of any antenna may not be less than 2 feet to any side or rear lot line. Ground-mounted antenna may not extend above the accessory use height requirement.
- C. If any antenna cannot receive a usable satellite signal by complying with the above standards without substantial removal of mature trees or vegetation, a special exception may be requested from the Board of Zoning Appeals to locate the antenna in a front yard. A usable satellite signal is defined as a signal from a satellite which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.
- D. All antennae shall meet manufacturers specifications, shall meet all applicable Building and Electrical Code requirements, shall be of non-combustible and corrosive-resistant material, shall be erected in a secure, wind-resistant manner and shall be adequately grounded for protection against a direct strike of lightning.

504.08 Outdoor display of merchandise, where permitted, and outdoor storage for any use, shall not extend into any street right-of-way, required parking area or bufferyard area and shall be maintained in a neat and orderly manner at all times. The following outdoor storage regulations shall also be met:

- A. Any article or material stored temporarily outside an enclosed structure as an incidental part of the primary commercial operation, shall be so screened by opaque ornamental fencing, walls, or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots, when viewed by a person standing on ground level during any season of the year. This section does not apply to any commercial or industrial use unless the storage area is located within 100 feet of a residence or residential district line.

- B. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel and except for permitted agricultural uses and permitted uses in the Industrial District.
- C. All outdoor storage of raw materials, waste products, and similar materials shall be enclosed by an approved safety fence and shall be shielded from view of public streets and adjacent lots.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. This section does not apply to agriculture or agribusiness uses.

504.09 Fences are permitted as accessory structures in any district and do require an improvement location permit. Fences, excepting partition fences as defined by IC 32-26-9, must meet the following standards:

- A. Fences must be located entirely upon the lot which it serves, though it may be located immediately adjacent to the lot line.
- B. All fences shall be constructed and maintained at a uniform height from the same construction material and of a uniform color scheme.
- C. Fences in residential districts or abutting residential uses may not have a height greater than 36 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.
- D. No fence in any district, except for those servicing agricultural uses, shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects, nor be electrically charged.
 - 1. Barbed wire may be used at the top portion of a permitted fence or wall in the AG, Agricultural, I-1, Light Industrial or I-2, General Industrial districts, provided that the fencing does not abut a residential district or residential use.
 - 2. Barbed wire, where permitted, must be located more than 7 feet above the adjacent ground level. Such permitted barbed wire shall be considered part of the fence and subject to the fence height restrictions.
- E. All fences shall meet the requirements of IC 32-26.

F. No fence abutting a residential lot or district may exceed 6 feet in height. All fences constructed abutting a residential lot or district must be designed so as not to prohibit more than 50% of the light and/or ventilation to a residence.

G. Vision clearance must be maintained in order to provide an unobstructed view where a lot is situated adjacent to the intersection of streets or alleys. If the fence or plantings are to be in excess of 36 inches then a triangular area providing vision clearance must be maintained. The minimum area to be maintained clear of visual obstruction is described as a triangular space determined by two lot lines at the corner and a diagonal line connecting two points on the lot lines that are at least 15 feet from the corner of the lot.

F. Fences shall not be constructed over drainage or utility easement without the permission of the utility. Any fence construction may proceed only upon having a current utility locate.

504.10 A refuse disposal container (dumpster) and/or refuse storage area or corral for a commercial or industrial use shall not be located within any required front or side yard, parking area or bufferyard. Refuse disposal containers and areas shall be opaquely screened from public streets and adjacent properties. This screening may be achieved by walls, landscaping or the bufferyard, or by virtue of the location on the lot.

504.11 Collection stations for used merchandise or for recyclable items are permitted in the Agricultural, Convenience Business, General Business, Agribusiness, Light Industrial, and General Industrial districts and are not subject to side or rear setback regulations provided they are not located in a way to create a traffic hazard and do not violate other sections of this Ordinance. The collection stations shall be routinely emptied and no outdoor storage of items is permitted.

504.12 Newspaper, soft drink and ice vending machines, and other similar devices are permitted in areas zoned commercial or industrial and are not subject to setback regulations provided they do not violate other sections of this Ordinance.

504.13 No mobile home or manufactured home shall be stored or parked, vacant or otherwise, in any zoning district, except in conformity with the provisions of the district in which it is located.

505 SIGNS: The purpose of this section is to regulate all exterior signs placed for exterior observance so as to protect property values, to protect the character of the various communities in the County to facilitate the creation of a convenient, attractive, and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience, and general welfare, and to further the stated purposes and intent of this Ordinance.

Any sign erected on a lot or building for the purpose of identification or for advertising a use conducted therein or thereon shall be an accessory structure to the principal use.

It is further intended that all signs within a given development be coordinated with the architecture of the principal use in such a manner that the overall appearance is harmonious in color, form, and proportion and that the signs shall be structurally sound so as to ensure the safety of the general public.

No sign shall be permitted in any district except as herein provided. No sign shall be permitted which creates a safety hazard. No sign shall be permitted in the road right-of-way or between the street and the sidewalk. No sign, except as specified herein, shall hereafter be erected unless a sign permit has been issued by the Zoning Administrator.

Applications for sign permits shall include detailed drawings of the construction and design of the sign, and shall be accompanied by such fee as may be established by the Tipton City Council.

505.01 The following operations shall not be considered as creating a sign and therefore shall not require a sign permit:

- A. The changing of the advertised copy or message on an approved painted or printed sign or billboard or a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- B. Painting, repainting, cleaning and other normal maintenance and repair of an approved sign or sign structure, unless a structural alteration is made.

505.02 Signs Permitted in All Districts: The following signs are permitted in all districts. No sign permit is required for these signs.

- A. One residential identification sign, not to exceed 2 square feet in area, for each residential dwelling, may be affixed to a fence or structure, or be freestanding. In addition, house numbers not to exceed 2 square feet depicting the address of the property are permitted. Also, a sign for an allowable home occupation is permitted as specified in Section 512.
- B. Signs for the purposes of identifying the name of schools, churches, community buildings, or other public or semi-public institutional buildings, residential subdivisions, apartments or townhouse developments, or mobile home parks, shall be permitted provided the following conditions are met:
 - 1. The sign shall not exceed 24 square feet.

2. If freestanding, the sign shall be located not less than 15 feet from the road right-of-way. Freestanding signs may be double-faced, and such sign, including any structure to which it is attached, shall not exceed 5 feet in height.
 3. No sign mounted on a building shall project above the ridge line of a sloping roof nor above the eave line of a flat roof.
 4. The Zoning Administrator may authorize additional signs if a building fronts on more than one street.
- C. One bulletin board, not illuminated except by indirect light and not exceeding 24 square feet in surface area is permitted with any church, school, or other similar public or semi-public structure.
- D. Permanent off-site directional signs intended for the purpose of directing traffic to such civic or public facilities as churches, schools, or public parks, shall be permitted, provided such signs do not exceed 1 square foot in area and are not placed so as to create a traffic hazard and are permitted by INDOT, The Street Department or county Highway, as appropriate.
- E. Signs erected by a duly constituted governing body or a public utility, such as traffic control and safety signs, handicapped parking signs, railroad signals, entrance and exit signs, signs indicating scenic or historical places, welcome signs, city or county facilities and public directional signs, and memorial plaques, are permitted.
- F. Show window displays, including displays of merchandise, photographs, drawings, prices, promotional statements, etc., designed and intended to be viewed by pedestrians passing in front of the show window.
- G. An exterior building directory, on a multiple tenancy structure, is not to exceed one sign and not to exceed 6 square feet in area.
- H. Any flags bearing the official design of the nation, state, city, community, organization, corporation, or school are permitted, and up to one decorative flag per property is permitted.
- I. On-site directional signs shall be permitted for the purpose of directing traffic and parking on the same lot as the sign(s). Such signs shall not exceed 5 square feet, shall not be located in any public right-of-way, and such sign, including any structure to which it is attached, shall not exceed 4 feet in height.
- J. Signs located on-site warning the public against hunting, fishing, dumping, trespassing, dangerous animals, swimming or the like, shall be permitted. Such signs may be freestanding or attached to a fence, and

such signs shall be no more than 4 square feet in area. On lots of one acre or less the total square footage for such signs shall be no more than eight (8) square feet in area.

- K. Names of buildings, dates of construction, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type of construction and made an integral part of the building or structure.
- L. Signs accessory to an agricultural use located on a parcel of not less than 20 acres for the purpose of identifying such agricultural uses or advertising the products thereof. No such sign shall exceed 30 square feet in area, and all such signs on a given farm shall not exceed a total of 60 square feet in area. No such sign shall exceed 8 feet in height or be located closer than 10 feet to any street right-of-way.
- M. Signs erected by farm operators on their barns or other accessory buildings giving their name, the name of their farm and the year of the farm establishment.

505.03 Signs Permitted in Business and Industrial Districts: The following signs are permitted in business and industrial districts subject to the standards and restrictions set forth herein. A permit is required for these signs.

- A. One business sign mounted on the building occupied shall be permitted in connection with any legal business or industry, if the following requirements are met:
 - 1. No sign shall contain information or advertising for any product not sold on the premises.
 - 2. The business sign shall not have a surface area greater than 2 square feet for each foot of frontage of the building and shall not project above the ridge line of a sloping roof nor above the eave line of a flat roof.
 - 3. No sign shall project over any public sidewalk or right-of-way.
- B. The Zoning Administrator may authorize additional business signs if one of the following conditions are met:
 - 1. The business fronts on more than one thoroughfare.
 - 2. More than one business is located in one building. In such instance, the combined total area of the business signs shall not exceed 2 square feet per linear foot of the front foot of the building.

3. The business has a rear parking lot, in which case one additional business sign may be permitted on the side or rear of the building occupied, provided such sign is constructed to the same standards as are required in the front of said premises.
 4. The sign is part of a wall graphic, as defined in Article Two.
- C. In addition to an attached business sign (or signs), one single or double-faced, freestanding sign may be erected on a business or industrial site, provided the following conditions are met:
1. The sign shall contain only the logotype, trademark, or name of the company, commercial, or industrial center on the property. Only one freestanding sign shall be permitted on each individual business site; however, within commercial or industrial centers, one freestanding sign shall be permitted for each principal structure within the center. In such instances where an individual business site or commercial or industrial center has access on more than one thoroughfare, the Zoning Administrator may authorize such additional signs as are warranted. Additional freestanding signs may be approved as a special exception by the Board of Zoning Appeals, where specific and special circumstances warrant.
 2. Such sign, including any structure to which the sign is attached, shall not exceed 35 feet in height, shall be set back not less than 10 feet from the road right-of-way and shall not be located less than 10 feet from any adjacent property.
 3. The logo sign shall not be larger in total surface area than 25 square feet per face for each half acre of lot area on the premises or 300 square feet, whichever area is less.
 4. Businesses which require the frequent display of special prices and/or events shall be permitted, in addition to a logo sign, one permanent message sign which does not exceed 20 square feet per face for each half acre of lot area on the premises or 100 square feet whichever area is less. Where additional message logo signs have been allowed by Subsection (1) above, additional message signs shall be permitted also. All such signs shall be mounted on the same pole or structure as the logo or signs.
- D. In addition to other permitted signs, gasoline stations may have the following signs:
1. Signs on vending machines, provided that such machines are placed together in a single group against the building.

2. Wall signs, not exceeding 6 square feet in area for each sign, identifying the special functions of various service bays in the building facade, located above the doorways and containing no advertising.
 3. Signs on pump islands and/or canopies relating to self-service or full-service locations, prices (the numerals of which shall be between 4 and 8 inches in height), promotions for products and services, displays of products, fuel availability, and so forth.
 4. One sign stating hours of operation, in the form of a wall sign or window sign, not exceeding 4 square feet in area.
 5. A single wall sign not exceeding 2 1/2 square feet, identifying the owner or manager, the address of the property and the telephone number.
- E. Off-premise Signs: Off-premise signs (as defined) are permitted as described below. Off-premise signs shall be freestanding (as defined). For the purpose of this Ordinance, an off-premise sign shall be treated as a principal land use.
1. The following standards apply to freestanding off-premise signs:
 - a. Signs shall be permitted in the following zoning districts: B-4 General Business, AB Agribusiness, I-1 Light Industrial and I-2 General Industrial.
 - b. The maximum height of an off-premise sign above the road grade from which it is to be viewed shall not exceed 35 feet.
 - c. Lighting for off-premise signs shall be indirect and non-flashing in nature.
 - d. No off-premise sign shall be placed so as to obstruct the view of on-coming traffic or create any kind of traffic hazard.
 - e. All signs shall meet the Uniform Sign Code, 1979 Edition, as amended.
 - f. Each sign face shall contain no more than 300 square feet and no sign structure shall contain more than two such faces facing in the same direction and shall not be separated by more than 12 inches. However, a freestanding sign not exceeding 700 square feet in area per side may be permitted by special exception by the Board of Zoning Appeals.

- g. Back-to-back freestanding signs may be separated in the shape of the letter “V” if the greatest point of separation between sign faces does not exceed 15 feet.
 - h. The distance between legally erected freestanding off-premise sign structures shall be a linear measure taken along right-of-way lines along both sides of the street where the sign is to be located. Freestanding signs shall be at least:
 - (i) 1500 feet or more from one sign to another on either side of the street.
 - (ii) 1000 feet to any residential zone.
 - (iii) 1000 feet to a church, school, or health care institution.
 - i. The distance measured at a right angle from the right-of-way line to the leading edge of an off-premise sign structure shall be no less than 15 feet.
3. Notwithstanding the provisions of Article Seven of this Ordinance, a nonconforming off-premise sign structure may be continued but may not be extended, expanded, replaced, or otherwise increased in nonconformity except as specified herein or as permitted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance. Nonconforming off-premise sign structures may be maintained and repaired subject to the above restrictions.

505.04 Temporary Signs: Temporary signs are permitted within all districts subject to the requirements listed below. No permit is required for these signs unless otherwise specified.

- A. Temporary real estate signs are permitted on any property being sold, leased, or developed if they are not illuminated, not in any required side or rear yard, and are no larger than 7 square feet in any residential, or agricultural district, nor 32 square feet in any commercial or industrial district. Such signs shall be promptly removed when the sale, lease, or development of the property has been completed.
- B. Temporary signs announcing such events such as “Grand Opening,” “Under New Management” or “Going Out of Business”. Such signs require an annual permit and may be freestanding, building-mounted, or a banner and shall be subject to the following standards:
 - 1. A maximum of 30 square feet in area,
 - 2. If freestanding, not to exceed 8 feet in height or located closer than 10 feet to any lot line,

3. For a period not to exceed 45 days,
 4. Only contain information and/or advertising pertaining to the special event,
 5. On a given property, such temporary sign may be displayed only two times by the same proprietor in a 12 month period.
- C. Any temporary construction sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building or development or announcing the character of a building enterprise or the purpose for which the building is intended. Such signs shall be located on the site of the construction work, not to exceed 4 square feet in any residential district or 32 square feet in any business or industrial district.
- D. Seasonal displays and decorations, for events such as religious holidays and the Fourth of July, not advertising a product, service, or entertainment.
- E. Freestanding, off-site directional sign(s) providing information as to the location of grand openings, private garage or yard sales, and other temporary uses or of real estate that is for sale or for rent. Such signs shall be subject to the following conditions:
1. No such sign shall exceed 3 square feet in area or 4 feet in height,
 2. Such signs shall not exceed 5 in number per use being advertised,
 3. Such signs shall not be located in any public right-of-way,
 4. Such signs shall not be situated so as to cause an obstruction or distraction to passing motorists,
 5. Such sign placement shall have the approval of the property owner,
 6. Such signs shall be removed promptly after the sale or temporary activity is over.
- F. Temporary signs, announcing a campaign, drive, or event of a civic, charitable, educational, historical, or religious organization are permitted. Such signs may be either building-mounted or freestanding and shall not exceed 16 square feet in area. If freestanding, no such sign shall exceed 6 feet in height or be located closer than 10 feet to any street right-of-way. Such signs may be located on or off-site, and may be posted prior to the event for a period not to exceed 21 days and must be removed immediately after the completion of the event.

G. Political campaign signs erected on Election Day at officially designated polling places.

H. Temporary political campaign signs may be permitted on-site or off-site in any district subject to the following conditions:

1. No one such sign shall exceed 32 square feet in area, and no freestanding sign shall exceed 8 feet in height.
2. No signs shall be erected for more than 45 days prior to the nomination, election, or referendum which they advertise.
3. Political signs shall be permitted during local special events, such as fairs, carnivals, and festivals. Signs must be removed immediately after the completion of the event.
4. All signs shall be removed within 14 days after voting.
5. Nothing in this provision shall be construed to authorize the posting of political campaign signs upon trees, utility poles, traffic control signs, lights or devices, or in any place or manner prohibited by this Ordinance.
6. Any temporary political campaign signs placed on buildings or in building windows which are visible to the outside shall meet the above requirements.

505.05 Temporary Signs Permitted in all Districts: The following signs are permitted in all districts subject to the requirements listed below. A permit is required for these signs.

A. Temporary on-site signs advertising any temporary use specified in Section 503. Such signs may be freestanding or building-mounted, shall not exceed one in number per use, shall not exceed 32 square feet in area and, if freestanding, shall not exceed 8 feet in height. Such signs may be erected only for the duration of the temporary use and shall be located only as approved by the Zoning Administrator. In addition, there may be off-site directional signs as specified by Section 505.03 E.

505.06 Temporary Signs Permitted in Business and Industrial Districts: The following temporary signs are permitted in the business and industrial districts subject to the requirements listed below. A permit is required for these signs.

A. Inflatable balloons used for the purpose of product or business advertising shall be permitted as temporary signs in any business or industrial district for a period not to exceed 7 days. The Zoning

Administrator shall determine that no unsafe condition will exist due to the use of the device.

- B. Portable message boards that are not left outside overnight and do not exceed six (6) square feet on a single side (two sided signs are allowed) are permitted in the B-1 and B-2 districts. Portable message boards must be limited to one sign per business, not interfere with traffic, obstruct vision or impede pedestrians. Portable message boards must not be placed in the street or fire lanes and must be positioned so as to provide a minimum of five feet of unobstructed sidewalk width. A permit is required for a portable message board which is to be renewed annually.

505.07 Signs Prohibited in All Districts: The following signs are specifically prohibited in all districts:

- A. Any sign which is in need of maintenance, or which is no longer functional or is abandoned. Signs shall be considered no longer functional and abandoned when such sign is materially obstructed from view, when its essential elements are no longer readable, when a sign has been left by a business or other use which has ceased to operate, or when a condition of deterioration or dilapidation of the sign face or structure is in evidence. All signs shall be repaired, removed or relocated in compliance with the regulations of this Ordinance within a reasonable period of time after official notification by the Zoning Administrator.
- B. Any sign which is constructed, altered, located, or illuminated in any manner which causes undue glare, distraction, confusion, nuisance, noise, or hazard to traffic or to other properties. No sign may be illuminated after 11:00 P.M. if it is located within or adjacent to any residential district, except those businesses remaining open beyond that time, in which case illumination shall cease upon closing.
- C. No sign which has a rotating beam, beacon, flashing or alternating illumination shall be permitted for advertising or identification purposes where no hazard or need for caution exists. This section shall not be construed as prohibiting:
 - 1. Time or temperature devices customarily identified with banks or lending institutions.
 - 2. Barber poles, provided such devices meet all other applicable provisions of this Ordinance.
- D. Any sign that is attached to a tree or other living vegetation, utility pole, rock, curbstone, sidewalk, lamppost, hydrant, bridge, highway marker, or other sign, except for public informational signs as provided for in Section 505.02 E.

- E. Any sign displayed on a stationary vehicle, container or trailer when said vehicle or trailer is used primarily for the purpose of and serving the function of an off-site sign.
- F. Any sign so placed that it obstructs any window, door, fire escape, stairway, ladder, opening, or access intended for light, air, ingress to, or egress from any building.
- G. Any portable, mobile, or “tow-in” sign unless otherwise permitted as a temporary sign as provided in Section 505.06.
- H. Signs advertising activities which are illegal under federal, state, city or county laws or regulations.
- I. Any sign that violate any provision of IC 9-21-4-4/IC 9-21-4-5.
- J. Any sign that is not expressly listed in this Ordinance.

506 **MOBILE HOME PARKS:** Mobile home parks shall meet the following requirements:

- 506.01 No mobile home park shall have an area of less than 5 acres.
- 506.02 Each home site within the park shall have an area of at least 4,000 square feet.
- 506.03 There shall be at least 25 feet between homes.
- 506.04 No mobile home shall be closer than 40 feet to an adjacent property.
- 506.05 Not less than 10% of the gross area of the park must be improved for recreational activity of the residents of the park.
- 506.06 The park shall be appropriately landscaped and screened (as defined) from adjacent properties in accordance with an approved site plan.
- 506.07 All streets, sidewalks, and driveways shall be privately maintained and shall be constructed in accordance with the applicable standards contained in the City of Tipton Subdivision Control Ordinance.
- 506.08 Applicable requirements of IC 16-41-27 shall be met.
- 506.09 Mobile home parks with 5 or more homes shall also meet Indiana State Board of Health Rule 410 IAC as amended.

507 **MOBILE HOME AS CARETAKER DWELLING:** A mobile home as a second principal structure may be allowed by special exception in the AG and RR zoning districts provided:

507.01 The mobile home is to provide living quarters for the purposes of a caretaker dwelling.

507.02 There is a minimum of two acres of land, and principal structure setbacks are adhered to.

507.03 Board of Health approval has been granted.

507.04 The mobile home is removed from the property when the caretaker situation is no longer needed.

508 RECREATIONAL VEHICLE PARKS/CAMPGROUNDS: All recreational vehicle parks and campgrounds must meet the following requirements:

508.01 Recreational vehicle parks and campgrounds shall have direct access to a public street with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of all vehicles into and out of the park.

508.02 Conditions of soil, ground water level, drainage, geologic structure, and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding, or severe erosion.

508.03 The minimum area of a recreational park or campground shall be three acres.

508.04 The density of a park shall not exceed 17 recreational vehicles or camping spaces per acre of gross site area.

508.05 Recreational vehicles and camping spaces shall be separated from each other and from other park structures by at least 10 feet.

508.06 In addition to complying with any required side or rear yard requirements of the district in which the park is located:

A. No recreational vehicle or camping space shall be nearer than 50 feet to the right-of-way line of a highway or street.

B. Where the boundary line of a recreational vehicle park coincides with that of a residential district, a yard of at least 25 feet shall be provided for a camping space.

508.07 In the Agricultural District, food stores, restaurants, sporting good stores, laundromats, and similar convenience and service shops shall be permitted

in recreational vehicle parks and campgrounds which contain 50 or more spaces provided:

- A. Such shops and the parking areas required by their use shall not occupy more than 10% of the total area of the park.
- B. The use of such shops shall be solely by the occupants of the park, and
- C. Such shops shall be so located or designed within the park to present no visible evidence of their commercial nature to persons outside the park.

508.08 Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs, and other structures customarily incidental to a recreational vehicle park or campground shall be permitted as accessory uses.

508.10 All applicable regulations of the Board of Health shall be met.

509 ADULT BUSINESS: In the development and adoption of those regulations, it is recognized that there are some adult business uses which due to their very nature have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below, and, as such, serve a substantial government interest. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, county courthouse, municipal buildings, libraries, schools (both public and parochial) and residential areas, while, at the same time, allow for reasonable alternative avenues of communication. It is neither the intent nor effect of this Section to deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or the Indiana Constitution or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. All adult businesses shall comply with the following provisions:

509.01 The establishment of any adult business shall be prohibited if such business is within 500 feet of any other such adult businesses or within 500 feet of the property line of any church, public or parochial school, library, public park, municipal building or county courthouse or the boundary line of any residential zoning district or agricultural zoning district.

A. The distance between one adult business and another adult business shall be measured in a straight line, without regard to intervening structures or objects from the closest property line of each such business.

B. The distance between an adult business and any church, public or parochial school, library, public park, county courthouse, municipal building, residential zoning district or agricultural zoning district shall be measured in a straight line, without regard to intervening structures or objects from the closest property line of the adult business to the nearest property line of the church, public or parochial school, library, public park or county courthouse; or the nearest boundary line of the residential zoning district or agricultural zoning district.

C. If any adult business is part of or included within a shopping center, only the portion of said center or leased space occupied by such adult business shall be included in determining the closest property line of said adult business.

509.02 No adult business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to matters or performances as defined by IC 35-49-2, as amended by display, decorations, sign, show window or other opening from any public right-of-way.

509.03 All adult businesses shall comply with IC 35-49-2.

510 JUNK YARDS AND SCRAP METAL YARDS: All junk yards and scrap metal yards must meet the following requirements and all other conditions deemed necessary by the Board:

510.01 The minimum lot area shall be 10 acres.

510.02 All operations shall be conducted entirely within an enclosed building or opaque fence not less than 8 feet in height which bears no advertising, and does not violate Section 504.08 of this Ordinance. Such building or fence shall be constructed on or inside the front, side, and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property or highway. Storage, either temporary or permanent, between such fence and any property line is expressly prohibited. All applicable standards of IC 8-23-20 shall also be met.

510.03 All salvage processing shall be entirely within an enclosed building and no processing shall be permitted closer than 300 feet from a Residential or Suburban Residential District line, or a residential use in the Agricultural District.

- 511 AUTOMOBILE SERVICE STATIONS AND COMMERCIAL GARAGES: All automobile service stations and commercial garages established after the effective date of this Ordinance shall meet the following standards:

511.01 The minimum lot size shall be 20,000 square feet and, in addition:

- A. Gasoline service stations shall have 500 square feet of lot area for each additional pump over four and 1,000 square feet of lot area for each additional service bay over two.
- B. Commercial garages shall have 1,000 square feet of lot area for each additional service bay over two. There shall also be 300 square feet of additional land area for each space intended for storage of disabled vehicles.

511.02 The minimum lot width shall be 150 feet.

511.03 All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed structure.

511.04 Fuel pumps shall be at least 15 feet from any street right-of-way and any canopies shall meet the standards of Section 306.13 of this Ordinance.

511.05 There shall be no outdoor storage of merchandise such as tires or lubricants and there shall be no outdoor storage of discarded auto parts.

511.06 Vehicles shall not be stored outside while awaiting repairs for more than 7 days. No vehicles may be parked or stored on any public right-of-way.

511.07 Disabled vehicles may not be stored in the open at any time.

511.08 Parking areas, bufferyards, and signs shall meet applicable sections of this Ordinance.

- 512 HOME OCCUPATIONS: Simple and Major Home Occupations may be permitted where allowed subject to the provisions of this section:

512.01 Simple home occupations may be approved by the Zoning Administrator when it is determined the following standards are met:

- A. The home occupation is considered customary and traditional and incidental and subordinate to the residential use of the premises and not construed as a business.
- B. The home occupation shall be carried on by a resident of the premises with no more than one employee not a resident on the premises.

- C. There shall be no more than one separate home occupation per premises.
- D. The home occupation shall not be conducted in any accessory building and shall not occupy more than 25% of the floor area of the principal dwelling unit, except in the Agricultural District, where an accessory structure may be used provided that the home occupation not exceed 50% of the gross floor area of the principal residential structure, and that the accessory structure, if new, comply with principal structure setbacks. In no case shall both the principal structure and an accessory structure be used for the home occupation.
- E. There shall be no exterior indication of the home occupation or variation from the residential character of the premises.
- F. There shall be no direct sales or displays of articles other than those items produced or repaired on the premises of the home occupation.
- G. There shall be no outdoor storage of materials or goods produced and no display of goods visible from any adjoining property line or road.
- H. The home occupation shall not increase vehicular traffic flow and parking by any more than one additional vehicle at a time, other than that of the one permitted employee.
- I. Delivery of materials to or from the premises by commercial vehicles shall not exceed once per week and for a period any longer than one hour.
- J. There shall be no use which creates noise, vibration, smoke, dust, electrical interference, smell, heat, glare, fire hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residence.
- K. No more than one sign shall be allowed. Such sign shall be no greater than 2 square feet in size.
- L. A permit for a home occupation is not transferable and a new occupancy permit must be applied for whenever there is a change in the occupation, ownership or the property, or tenants in the dwelling unit.

512.02 Major Home Occupations may be approved by special exception in the Agricultural district or by the Zoning Administrator in the Business or Industrial districts when it is determined that the following standards are met:

- A. The home occupation is incidental and subordinate to the residential use of the premises.

- B. The home occupation shall be carried on by a resident of the premises with no more than 3 employees not residing on the premises.
- C. There shall be no more than one separate home occupation per premises.
- D. The home occupation may be conducted in the dwelling unit or in an accessory building. The home occupation shall not exceed 50% of the floor area of the principal building.
- E. There shall be minimal exterior indication of the home occupation or variation from the residential character of the premises.
- F. Any sales or displays of articles produced on or off the premises shall be effectively screened from adjoining properties and road.
- G. No more than 5 vehicles and/or pieces of equipment shall be operated from the site or stored there overnight and shall meet Section 512.02 H of this Ordinance.
- H. Any outdoor storage of materials, equipment, or goods produced shall be effectively screened from adjoining properties and roads.
- I. The home occupation shall not increase vehicular traffic flow and parking by any more than 2 additional vehicles at a time, other than those of the permitted employees. Any parking generated by the home occupation shall be off-street and not in any required front yard.
- J. No use shall create noise, vibration, smoke, dust, electrical interference, smell, heat, glare, fire hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residence.
- K. No more than one sign shall be allowed. Such sign shall be no greater than 4 square feet in size.
- L. A permit for a home occupation is not transferable and a new occupancy permit must be applied for whenever there is a change in the occupation, ownership of the property, or tenants in the dwelling unit.

513 BED AND BREAKFAST ESTABLISHMENTS AND COUNTRY INNS: Bed and breakfast establishments and country inns shall meet the following standards:

513.01 A bed and breakfast establishment shall have no more than 6 guest rooms or lodging units and a country inn shall have no more than 20 guest rooms or lodging units. These rooms or lodging units may be located within the

principal structure or in an accessory structure. Accessory uses which are clearly incidental to the guest accommodations may be provided.

- 513.02 The owner and operator of the bed and breakfast establishment or country inn shall live on the property.
- 513.03 At a bed and breakfast establishment food service is to be limited to a continental breakfast. At a country inn full meal service may be provided for guests and the general public. In addition, a country inn may provide banquet facilities, gift shops, and/or other small retail sales.
- 513.04 No alterations shall be made to the external appearance of any principal or accessory structures or of the property which changes the residential character of the bed and breakfast establishment or country inn.
- 513.05 One non-illuminated sign no greater than 4 square feet in size shall be permitted.
- 513.06 There shall be one additional off-street parking space provided for each guest room at the bed and breakfast establishment or country inn.
- 514 ACCESSORY APARTMENT: A structure may be converted to allow the incorporation of one dwelling unit in addition to the single-family residence, or two dwelling units in addition to the commercial use of the building, to extend the economic life of a large, older building. Accessory apartments are subject to the following requirements:
- 514.01 There shall be no visible change in the exterior appearance of the structure containing the accessory apartment, except for additional windows and those changes necessary to meet Section 514.04.
- 514.02 All improvements associated with construction of the accessory apartment shall meet all applicable building and health codes.
- 514.03 Any additional parking as needed or required by this Section shall be provided in an off-street space.
- 514.04 Each accessory apartment shall have safe and proper means of entrance and exit.
- 514.05 There shall be a maximum of one accessory apartment which can be created from any single-family dwelling, and it shall not exceed 25% the floor space of the entire building.
- 515 CONVERSION DWELLINGS: Except for accessory apartments, as defined, no structure may be converted to accommodate an increased number of dwelling units unless:

515.01 The single-family appearance of the structure is not altered;

515.02 Additional off-street parking shall be available as necessary; and

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

516 SIDEWALK CAFES: All sidewalk cafes shall meet the following requirements:

516.01 The café may be unenclosed, partially enclosed, or covered but must be clearly incidental to the operation of a restaurant on the same or adjacent private property.

516.02 The café shall not obstruct any entrances to adjoining buildings, any pedestrian traffic, or any access to the café from the sidewalk.

516.03 The café must keep at least 5 feet or 50% of the pavement width, whichever is more, free of obstruction.

516.04 All tables, awnings, canopies, partitions and accessory items shall be removed during the period of the year when the café is not in use.

516.05 The café must be approved by the appropriate governing body having jurisdiction and/or ownership of the sidewalk. Liability insurance must be provided to the satisfaction of the governing body.

516.06 The café shall meet all applicable health department, alcoholic beverage, and building code regulations.

516.07 If the café is within 500 feet of a residential district, there shall be no outdoor music or entertainment.

516.08 The café shall be designed to complement the character of the area and/or structures and shall be attractively landscaped and/or decorated.

516.09 The café and adjacent sidewalk areas shall be kept well maintained and free of debris.

517 MINERAL RESOURCES: Nothing in this Ordinance shall prevent the use and alienation of mineral resources by the owner or alienee. However, any such use shall be subject to the following standards:

517.01 No production shall be started nor shall any permit be issued until the Board shall have made a written determination with respect to the conditions under which such operation shall be conducted. The Board shall investigate the area to be developed, as well as the surrounding area, in order to determine the conditions to be prescribed so as to protect surrounding property.

517.02 In their review, the Board shall determine that the following standards are met, but may, where deemed necessary, make reasonable exceptions:

- A. That the site will be used for mineral extraction activities (as defined). Concrete batching plants and mixing plants for Portland cement or asphaltic concrete, and the manufacture of concrete, clay or cement products are only permitted if zoned industrial. All mineral extraction and related uses are subject to the performance standards prescribed in Section 309 of this Ordinance and shall be removed upon completion of active mining at the site upon which they are located.
- B. No production from an open pit shall be permitted which creates a finished slope steeper than two feet to one foot vertical for the excavation of sand and gravel, or which creates a finished slope steeper than one foot horizontal to one foot vertical for the excavation of products other than sand and gravel, except that in locations where the soil or rock content is such that vertical cuts are proven to be safe, a vertical cut thereafter of any depth shall be allowed.
- C. Property to be used for production shall be enclosed by a cyclone fence along the exterior boundaries for the promotion of safety and general welfare of the community.
- D. Where required, suitable plant material shall be placed and maintained to screen cut slopes from public view. There shall be no open storage of discarded machinery, trash, or junk which would present an unsightly appearance.
- E. Access roads to any site shall be limited to two, or at most three points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than 80 feet therefrom, and said 80 feet of road shall be improved with a dustless, all weather surface. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the highway department.
- F. Upon the completion of operations, the land shall be left in a safe condition as shown on the Plan of Rehabilitation (see Section 517.03) so that sufficient drainage is provided so as to prevent water pockets or undue erosion, with all grading and drainage such that natural storm water leaves the entire property at the original, natural drainage points, and that the area drainage to any one such point is not increased.
- G. Vehicles carrying materials from the site shall be loaded in such a manner as to prevent spilling rock, gravel, or sand or other materials of a similar nature while in transit upon roads and highways.

H. Mining shall be done so as to keep noise and dust to a minimum.
Explosives shall be used only between sun-up and sun-down except in the case of emergency.

517.03 All applications for mineral extraction shall be accompanied by a map or plat showing the existing conditions of the area proposed for mining (including existing contours and drainage); a plan of the operational and excavation areas; the time estimate for removal of the materials; and a plan of development showing the rehabilitation and reuse of the entire site following extraction (including proposed contours and drainage).

517.04 Mineral extraction must comply with all applicable sections of IC 14-36-1, and IC 14-36-2, and IC 14-36-2.

518 **HAZARDOUS WASTE/NUCLEAR WASTE:** In addition to review by the Board of Zoning Appeals, all processing, storage, recycling, recovery, and disposal of hazardous waste shall be in accordance with the provisions of IC 13-22, as amended, and all processing, storage, recycling, recovery, and disposal of nuclear waste shall be in accordance with the regulations of the Nuclear Regulatory Commission.

519 **LAND APPLICATION OF SLUDGE AND WASTEWATER:** Land application of sludge and wastewater shall be in accordance with the procedure, standards, and definitions of IC Title 13 and Article 330 IAC 3.3 of the Regulations of the State of Indiana, as amended.

520 **TELECOMMUNICATIONS FACILITIES:** All standards of this section apply to telecommunications facilities that are covered by the Telecommunications Act of 1996. It does not apply to personal television antennas, ham radio, or short wave radio antennas, or other communications equipment accessory to residential uses.

520.01 Prior to an improvement location permit, the applicant shall provide information demonstrating compliance with all FCC, FAA and ANSI standards and all other state or local standards.

520.02 All telecommunication towers must meet the standards of Section 307.01 which states communication structures, such as telecommunication towers (as defined) may exceed normal height requirements provided their total height does not exceed their distance from the nearest lot line.

A. If proper engineering data is provided that demonstrates the structure is engineered to be collapsible within an area of half its height, communications structures shall be, in addition to regular setback distances, setback a minimum distance from the property line or lease line of any adjoining property (which ever requires the greater setback) a distance that is equal to 50 percent of the height of the tower, but not less than 50 feet.

- 520.03 All new telecommunications towers shall be designed and constructed to accommodate a minimum of three service providers.
- 520.04 Ingress and egress to the site shall only be from approved access points. Surfacing of all roadways, driveways, and off-street parking areas shall comply with the standards of this Ordinance and the Subdivision Control Ordinance.
- 520.05 Telecommunications facilities shall be entirely enclosed by a woven wire or chain link fence. Such fence may be located in the front, side or rear yard.
- 520.06 Telecommunications facilities shall meet the standards of Section 306.13 for screening and buffering except for those sites that are adjoining property in which agriculture (as defined) is the primary use of the land.
- 520.07 Telecommunications towers shall not be illuminated, except in accord with other state or federal regulations.
- 520.08 No signs shall be permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state or local agency. Such signs shall not exceed 5 square feet.
- 521 POND: Construction of ponds greater than 100 square feet require an improvement location permit.
- A. Ponds of less than 100 square feet of surface size shall be constructed no more than four (4) feet in depth.
- B Ponds and wildlife wetland habitat of 100 square feet of surface size or larger shall:
1. Be constructed to have setbacks no less than;
 - a. 75 feet from the existing or purposed right-of-way (whichever is greater)
 - b. 75 feet from the side lot lines*
 - c. 75 feet from the rear lot lines*
 - d. 75 feet from mutual tile drains
 - e. 75 feet from regulated drains
 - f. 75 feet from fingers of septic systems

* Unless an adjoining property owner grants written permission for the pond construction to be closer to his property including crossing the property line in the case of shared pond. Written permission must be recorded. The pond boundary is defined as the edge of the ordinary high water in the pond. The ordinary high water is where vegetation stops along the edge of the water.

2. Cause no surface drain obstruction.
 3. Have spoils leveled to within three (3) feet of original ground level.
 4. Ponds to be constructed in compliance with the Soil Conservation Service. Technical guide, section IV, part no. 378 as amended.
 5. Wildlife wetland habitat shall be constructed in compliance with Soil Conservation Service technical guide, section IV, part no. 644 as amended.
 6. Be constructed under the consultation of the Soil Conservation Service and their supervision or direction if they deem necessary.
 7. Modification of existing ponds shall conform to this ordinance.
 8. Drainage approval must be received from the Tipton County Surveyor or Tipton County Drainage Board.
- C. After obtaining a permit, but prior to excavation, the perimeter of the pond shall be staked and the applicant or excavator must call for an inspection in order to verify that required setbacks are met.
- D. Any application for variance from the above requirements must be made to the Tipton City Board of Zoning Appeals.
- E. Exempt from this Ordinance are detention and/or retention ponds approved as part of a subdivision or Site Plan by the Tipton City Plan Commission and The Tipton County Drainage Board.
- F. A Certificate of Compliance will be issued after inspection to verify compliance with the permit.