

ORDINANCE NO. 2022 - _____

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 the US 31/SR 28 Overlay District ordinance, 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 7, 2022, and voted 6-2-1 (abstention) on November 3, 2022, to give a favorable recommendation on the amendments, and

WHEREAS, the Plan Commission did certify to the Board of Commissioners on November 10, 2022, 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:

The current Section 403 entitled US 31/SR28 - Overlay District Ordinance is repealed and replaced with Attachment A of this Ordinance entitled Section 403 – Prospect Overlay District.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS THIS _____
DAY OF _____ 2022.

TIPTON COUNTY BOARD OF COMMISSIONERS

Dennis Henderson, President

Tracey Powell, Member

Nancy Cline, member

ATTEST:

Gregg A. Townsend, 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

Attachment A

403 PROSPECT OVERLAY DISTRICT:

The US 31 Corridor is a four-lane Federal Highway that is planned to be a limited access, federal highway; and thus, it is of special and substantial interest to the public. The importance of this highway corridor to Tipton County in its current state and as planned requires that special attention be paid to development in this area. The purpose and intent of this section is to promote the health, safety, comfort, convenience and general welfare of the public by guiding the growth and development of those areas adjacent and adjoining to the US 31 Corridor. It is in the public interest to establish fair, objective and consistent standards for development within the Prospect Overlay District in order to encourage capital investment and economic development; to promote efficient land use and innovative site design; to preserve the natural environment; to protect the integrity of the planned limited access highway and secure the safety and convenience of vehicular and pedestrian traffic. To this end, the architectural design and compatibility of development within the Prospect Overlay District will be considered in the Development Plan approval process. The architectural design of the site and structures must be harmonious with the surrounding natural environment and compatible to adjacent land uses. Areas of consideration will be access, topography, green space and landscaping, scale and proportion, building materials, architectural features, and aesthetics.

403.01 APPLICATION: The standards and regulations established in this section are applicable to all lots that lie either wholly or partially within the Prospect Overlay District which is described below. Whenever there is a conflict between the requirements of this section and requirements of other sections of the Ordinance, the requirements of this section shall apply. Whenever there is conflict between the requirements of this section and the requirements of any other local, state or federal law, the more restrictive shall apply.

403.02 DISTRICT BOUNDARIES: The boundaries of the Prospect Overlay District are hereby established as the territory described below which is within Tipton County Plan Commission jurisdiction and lying on either side of the established right-of-way of the US 31 Corridor, and in addition to the established right-of-way, any future right-of way of the US 31 Corridor at such time and at such location future right-of-way is delineated as in the Record of Decision (ROD) following the Environmental Impact Study conducted by INDOT.

A. The territory of the Prospect Corridor is described as:

- a. That area 1000 feet on either side of the right-of-way or future right-of-way of the US 31 Highway from the South County line to the North County line for Tipton County;

- b. That area 1000 feet on either side of the right-of-way or future right-of-way for S.R. 931 from its divergence from US 31 to the North County line of Tipton County;
- c. A part of Sections 1, 12 and 13, Township 21 North, Range 3 East; along with a part of Sections 4, 5, 6, 7, 8, 9, 16, 17 and 18, Township 21 North, Range 4 East; along with a part of Sections 31,32 and 33, Township 22 North, Range 4 East; and a portion of Section 36, Township 22 North, Range 3 East of the Second Principal Meridian, Tipton County, Indiana, being described as follows:

Beginning at the Northwest corner of said Section 1, thence South 00 degrees 00 minutes 00 seconds West (assumed bearing) along the West line of said Section 1, a distance of 5,280 feet to the Northwest corner of said Section 12; thence South 00 degrees 00 minutes 00 seconds West along the West line of said Section 12, a distance of 5,280 feet to the Northwest corner of said Section 13; thence South 00 degrees 00 minutes 00 seconds West along the West line of said Section 13, a distance of 2,640 feet to the centerline of County Road 250 South; thence North 90 degrees 00 minutes 00 seconds East along said centerline, a distance of 2,640 feet to the Southwest corner of the North Half of said Section 18; thence hence North 90 degrees 00 minutes 00 seconds East along the South line of said North Half, a distance of 5,280 feet to the centerline of County Road 500 West; thence North 00 degrees 00 minutes 00 seconds East along said centerline, a distance of 1,320 feet to the Southwest corner of the North Half of the North Half of said Section 17; thence North 90 degrees 00 minutes 00 seconds East along the South line of said North Half, a distance of 5,280 feet to the Southwest corner of the North Half of the North Half of said Section 16; thence North 90 degrees 00 minutes 00 seconds East along the South line of said North Half, a distance of 2,640 feet to the West line of the West line for the City of Tipton's Zoning Jurisdiction; thence North 00 degrees 00 minutes 00 seconds East along said West line, a distance of 1,320 feet to South line of said Section 9; thence continuing North 00 degrees 00 minutes 00 seconds East along said West line, a distance of 5,280 feet to the South line of said Section 4; thence continuing North 00 degrees 00 minutes 00 seconds East along said West line, a distance of 5,280 feet to the South line of said Section 33; thence continuing North 00 degrees 00 minutes 00 seconds East along said West line, a distance of 1,320 feet to the Northeast corner of the South Half of the South Half of said Section 33; thence South 90 degrees 00 minutes 00 seconds West along the North line of said South Half, a distance

of 2,640 feet to the Northeast corner of the South Half of the South Half of said Section 32; thence South 90 degrees 00 minutes 00 seconds West along the North line of said South Half, a distance of 5,280 feet to the Northeast corner of the South Half of the South Half of said Section 31; thence South 90 degrees 00 minutes 00 seconds West along the North line of said South Half, a distance of 5,280 feet to the Northeast corner of the South Half of the South Half of said Section 36; thence South 90 degrees 00 minutes 00 seconds West along the North line of said South Half, a distance of 5,280 feet to the Northwest corner of said South Half; thence South 00 degrees 00 minutes 00 seconds West along the West line of said South Half, a distance of 1,320 feet to the Point of Beginning, containing 5, 920 acres, more or less.

403.03 Development Plan Review: Prior to the issuance of any improvement location permit or change of occupancy permit within the Prospect Overlay District, a development plan review must be completed in accordance to Section 401.02, Development Plan Review, of this Ordinance. Any construction, reconstruction or land use exempt from Development Plan Review, according to Section 401.02 B is exempt from the standards and regulations of this section.

403.04 Permitted Uses: All land uses which, in accordance with Table A of the Ordinance and the underlying zoning district, are listed as permitted, or special exception and have obtained special exception approval of the Board of Zoning Appeals, are permitted in the Prospect Overlay District, except any uses listed in 403.04 A below.

A. The following uses are not permitted within the Prospect Overlay District:

- Auction Barn
- Adult Business
- Confined Feeding
- Commercial Fish, Worm, Fur and Other Specialty Farms
- Slaughter House and Rendering Plant
- Fish Hatcheries
- Oil and Gas Production
- Seasonal Farm Worker Housing
- Penal or Correctional Institutions
- Cemetery
- Sanitary Landfill
- Sewage Treatment Plants
- Fairgrounds

Theater Outdoor
Race Track
Auction Sales Yard/Flea Market
Supply Yard
Automobile Impound Area
Junk Yard
Scrap Metal Yard/Salvage Yard
Compost Facility
Sawmills and Planing Mills
Explosives Manufacturing
Petroleum Refining
Ordnance Products
Manufactured Home Sales Lot
Mobile Home Park
Heavy Manufacturing
Asphalt or Ready Mix Plant
Incineration for Reduction of Waste Products or Refuse
Processing, Storage, Recycling, Recovery and Disposal of Hazardous Waste
Processing, Storage, Recycling, Recovery and Disposal of Nuclear Waste
Commercial WECS
Community-Scale / Large-Scale Solar Energy Systems
Airport
Heliport (Non-Medical)
Raising of Non-Farm Flow and Animals, Commercially (except Kennel)
Mineral/Sand/Gravel Extraction
Shoot Range (outdoor)

403.05 Accessory Buildings and Uses: All accessory buildings and uses, which are accessory to a use which is permitted in the Prospect Overlay District, shall be permitted. Accessory buildings and uses must be a part of and constructed in accordance with the approved Development Plan.

403.06 Minimum Standards: All development within the Prospect Overlay District must meet the following minimum standards.

A. Minimum lot area is 87,120 square feet or 2.0 acres. Minimum lot area is calculated as the total horizontal area within the boundaries of a lot.

1. No land, which is within public rights-of-way or public lands or public or private street or access easements, shall be used for computing the minimum lot area.
 2. No land, which is within a watercourse, drainage way, channel, stream, designated wetlands or floodway as specified by the Zoning Ordinance, shall be used for computing the minimum lot area.
 3. No land, which is under water, other than a temporary detention storage area or ornamental pond, shall be used for computing the minimum lot area.
 4. Lots which do not meet the minimum lot area which are within approved subdivisions and lots of record prior to the establishment of the Prospect Overlay District may obtain improvement location permits provided all other standards of the Ordinance can be met, including Development Plan Review, if applicable.
- B. Minimum gross floor area is 2,500 square feet, excluding basement or any accessory buildings. Permitted single family and two family residential dwellings, agricultural buildings, and accessory buildings need not meet the minimum gross floor area.
- C. Minimum height of a principal structure is 14 feet, with a minimum of 12 feet to the lowest eaves for a building with a gable, hip, or gambrel roof.
- D. Minimum lot width is 150 feet or one half the depth of the lot whichever is greater. Lots in approved subdivisions and lots of record established prior to the adoption of the Prospect Overlay District need not meet this requirement.
- E. Minimum front yard setback is 150 feet from the right-of-way line of the US 31 Corridor and 75 feet from the right-of-way line of any county road, intersecting US 31, or 50 feet from any primary or secondary access easement.
- F. Minimum side and rear yards from the property line is 45 feet with a minimum aggregate side yards of 90 feet.

403.07 Maximum Standards: All development within the Prospect Overlay District may not exceed the following maximum standards.

- A. Maximum Building Height is as specified in Section 307 of this Ordinance.
- B. Maximum Lot Coverage is as specified for the underlying zoning district in Table B of this Ordinance provided a minimum of 20% of the lot coverage is green space.

403.08 Site Design of the development shall meet the following standards:

- A. Landscaping: A landscaping plan shall be submitted with the Development Plan Review Application. The landscaping plan shall be drawn to scale and adhere to all standards and regulations of this ordinance. A minimum of 20% of the total area must be green space. All plants specified on the landscaping plan must be described as to location, number, species and size. The variety and types of species are subject to Plan Commission approval.
 - 1. Buffering is required as per section 306 and may be located in the front yard setback.
 - 2. Parking Lot landscaping and screening is required as per section 308.
 - 3. In addition, street trees are required in the Prospect Overlay District to be planted along the US 31 Corridor, in the front yard setback. Deciduous Trees of at least six (6) feet in height and two (2) inch caliper at twelve (12) inches above ground at planting are required every 50 feet along the corridor. Evergreen species of at least six (6) feet in height may be substituted for up to 50% of the deciduous trees.
- B. Off-Street Parking: An off-street parking plan shall be submitted with the Development Plan Review application. This plan shall be drawn to scale, including dimensions and distances. The off-street parking plan shall adhere to all the standards and regulations of this Ordinance. Off-street parking which is located in the front yard setback shall not be greater than 50% of all required parking.
- C. Outdoor Sales and Storage: All outdoor sales and storage shall be in and only in an approved designated area. No outdoor sales or storage shall conflict with the development plan as approved, including parking areas. No sales or storage shall be conducted in any trailer, container, or temporary shelter unless it is a part of the approved Development Plan. All approved outdoor sales and storage shall be appropriately screened.

D. Signage: A signage plan shall be submitted with the Development Plan Review application. This plan shall be drawn to scale, including dimensions and distances. The signage plan shall adhere to all the standards and regulations of this Ordinance. Additionally, there shall be no banners, sandwich boards, flags, pennants, or other temporary signs unless specifically designated in the development plan approval.

1. Off-premise signs, where permitted by Ordinance, may not be placed closer than 50' to the right-of-way line of the US 31 Corridor.

E. Access Roads: It is the intent of this section to discourage access from US 31 and SR 28 within the Prospect Overlay District. The preferred method of access is from access roads not from the highway. Where previously existing access points are recognized and permitted by INDOT it is preferred that these be limited to one per development and be right-in, right-out access points.

1. All access roads shall be considered a street either public or private and must meet the standards of the Subdivision Control Ordinance and any other applicable standards and regulations of Tipton County.

2. Access roads shall be designated primary or secondary access roads. Roads connecting to or extending from existing local roads are considered primary access roads. Secondary roads are those roads extending from primary access roads for the purpose of providing secondary access to development or potential development. Primary access roads must be dedicated to the public. Secondary access roads may be private if so noted on the plat and covered by a maintenance agreement recorded in the Tipton County Recorder's Office.

3. Access roads must be designed and constructed in such a manner as to coordinate with other development, potential development and existing roadways to form one main access road system with the minimum number of access roads necessary to provide safe and convenient access.

4. Access roads must the street requirements of the Subdivision Control Ordinance and the Master Thoroughfare Plan. Primary access roads are classified as collector streets and must meet collector street standards. Secondary access roads are classified as local streets and must meet local street standards of the Subdivision Control Ordinance and the Master Thoroughfare Plan.

5. Primary access roads must be constructed to all drives, but may be performance bonded to the full extent of the property line until such time the property beyond requires the construction of the road for access. Where deemed necessary in order to adequately serve all lots and potential lots, secondary access easements must be provided by method of public or private access easement or dedicated right-of-way easement.
6. All access roads must provide curb and gutter. Curbs and gutters shall be designed and constructed in accordance with the Master Thoroughfare Plan. Parking lanes are not required as all development will have adequate off-street parking.
7. All access roads must provide sidewalks. Sidewalks must be constructed in accordance with of the Subdivision Control Ordinance. Access roads, which front development on only one side of the road, are required sidewalks only on the side adjoining the development.
8. A 15-foot utility easement must be provided in addition to the road right-of-way.
9. Access points for access road easements must not be located closer than 300 feet from the road right-of-way of the US 31 Corridor.

F. Driveway Access: Driveways must be located, constructed and marked in such a way to provide safe ingress and egress. Driveway standards shall be as designated in Section 308.07 of the Ordinance, except for the following:

1. Driveways shall not be located closer than 50 feet from an interior property line or another driveway on the same property.

G. Building Orientation: All structures shall front onto US 31 or roads intersecting US 31 within the defined US 31 Corridor Overlay District or give the appearance of a front-like facade.

E. Buried Utilities: Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

A. Exterior metal walls shall be prohibited on the walls of all buildings constructed, altered, repaired or used which abut or are adjacent to US 31 or roads intersecting US 31 within the defined US 31 Corridor Overlay District.

B. Building facades may be constructed from masonry or glass, as defined below or other materials or products which provide the same desired stability and quality, such as composite stone, plaster, or “Dryvit”.

1. Masonry Construction: Includes all masonry construction which is composed of solid, cavity, faced, or veneered-wall construction, unless otherwise approved by the Plan Commission or its duly designated representative.

a. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard of durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.

b. Brick material used for masonry construction shall be composed of hard fired (kiln-fired) all-weather standard size brick or other all-weather facing brick.

c. Concrete finish or precast concrete panel (tilt-wall) construction shall be exposed aggregate, brush-hammered, sand blasted, or other concrete finish as approved by the Plan Commission or its duly appointed representative.

d. Split-face concrete block may be used on building facades only as approved by the Plan Commission or its duly appointed representative but shall not exceed 15 (fifteen) percent of the wall surface.

e. Concrete block is not considered an acceptable material for building facades.

2. Glass Walls: Includes glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads, and which may consist of a combination of metal, glass and other surfacing materials supported in a metal framework.

C. Roofing and Mechanical Equipment: The materials and finishes of exposed roofs shall compliment the exterior walls. An exposed roof shall be defined as that portion of the roof that is visible from US 31 or roads intersecting US 31 within the defined Prospect Corridor Overlay District.

1. Standing-seam metal roofs of a complimentary color are permitted.

1. Roof mounted equipment on exposed roofs shall be screened from view.

2. All building mechanical and electrical equipment located adjacent to the building and visible from a public thoroughfare or a residentially zoned district or use shall be screened from view. Such screens or enclosures shall be treated an integral part of the building's appearance.

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