

# ORDINANCE NO. 2025 - 04

## AN ORDINANCE OF THE CITY OF TIPTON PROVIDING THAT THE TEXT OF THE ZONING ORDINANCE BE AMENDED

WHEREAS, IC 36-7-4-602 provides that a Zoning Ordinance may be amended; and

WHEREAS, the City of Tipton Plan Commission did initiate a process to consider amendments to the Zoning Ordinance as it pertains to definitions, 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 March 13, 2025, and

WHEREAS, the Plan Commission did certify to the Common Council of the City of Tipton on March 14, 2025, its favorable recommendation on the amendment proposal.

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

SECTION 1. The City Zoning Ordinance No. 2010-03 as amended and entitled "City of Tipton Zoning Ordinance", be and the same is hereby amended by making certain changes as follows:

SECTION 2. Attachment A of this Ordinance makes additions to the text of the City of Tipton Zoning Ordinance.

SECTION 3. The Common Council now finds that the above text amendment is consistent with the comprehensive plan, current conditions and character of structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction and responsible development and growth.

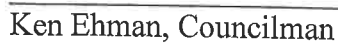
SECTION 4. This Amendment to the Ordinance shall be in full force and effective upon passage by the Common Council of the City of Tipton and its publications as provided by law.

Passed on the 14 day of APRIL 2025 on the first reading; and

Adopted this 28 day of APRIL 2025 on the second and final reading.

  
Nathan Kring, Council President

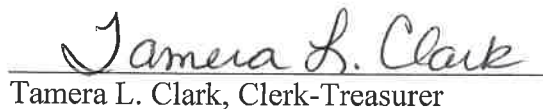
  
Richard Rippy, Councilman

  
Ken Ehman, Councilman

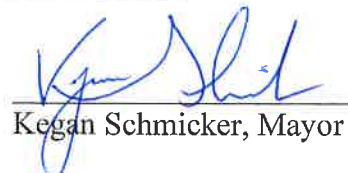
  
Richard Vautaw, Councilman

  
Timothy Richards, Councilman

Presented by me, Tamera L. Clark to the Mayor of the City of Tipton, on the 28 day of  
APRIL, 2025 at the hour of 5:43 P.M.

  
Tamera L. Clark, Clerk-Treasurer

This ordinance is hereby APPROVED by me, Kegan Schmicker, on the 28 day of  
APRIL, 2025 at the hour of 5:43 P.M.

  
Kegan Schmicker, Mayor

Attest:

  
Tamera L. Clark, Clerk-Treasurer

Prepared by Judith Coker, Tipton Plan Department Executive Director  
Reviewed by Matthew B. Quigley, Attorney for the City of Tipton

Attachment A

ARTICLE TWO  
DEFINITIONS

201     **GENERAL:** Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is mandatory and not permissive.

**Accessory Apartment:** An apartment that is a separate, complete housekeeping unit that is substantially contained within the structure of a single-family dwelling or a building but can be isolated from it and is incidental to the principal use of the building.

**Accessory Structure:** A detached subordinate structure, the use of which is clearly incidental to the main use of the land, and may include, but is not limited to the following: garages, barns, storage buildings, signs, except off-premise signs, private swimming pools, and private satellite dish.

**Accessory Use:** A subordinate use which is clearly incidental and related to that of a main structure or main use of land and may include but is not limited to the following: basketball and tennis courts, off-street parking, and outdoor storage.

**Adult Business:** An establishment which provides as a substantial or significant portion of its business matters or performances which are deemed to be harmful to minors under IC 35-49-2-2, as amended.

**Agriculture:** Any land for: cropland and orchards, pasture and grazing, livestock and poultry production, sod farming, confined feeding, and commercial fur production. Agriculture includes all accessory storage facilities, irrigation facilities, and other structures used for the conduct of the above except for dwellings. Agriculture also includes the processing and on-site sale of goods produced on the property. In residential districts, some of the above agricultural activities may not be permitted as shown in Table A of this Ordinance.

**Agribusiness:** A commercial or manufacturing establishment which provides needed services or supplies to the agricultural community. Uses include: contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling, and threshing services; spring water bottling; grist mill services; horticultural services; poultry hatchery services; production of animal fat and oil; canning of fruits, vegetables, preserves, jams, and jellies; canning of specialty foods; preparation of cereals; production of natural and processed cheese; production of condensed and evaporated milk; wet milling of corn; production of creamery butter; drying and dehydrating fruits and vegetables; preparation of feeds for animals and fowl; production of flour and other grain mill products; blending and preparation of flour; fluid milk processing; production of frozen fruits, fruit juices, vegetables, and other specialties; meat packing (not including rendering); fruit and vegetable pickling, vegetable sauces and seasoning, and salad

dressing preparation; poultry and small game dressing and packing, recycling and recovery of wood products, providing that all operations be conducted within an enclosed building; production of shortening, table oils, margarine, and other edible fats and oils; milling of soybean oil; milling of vegetable oil; sugar processing and production; production of wine, brandy and brandy spirits; and other agricultural related businesses not elsewhere defined or specified in this Ordinance.

**Alley:** A public service right-of-way which affords only secondary access to the back or side of property otherwise abutting on a street.

**Ambient Baseline Sound Pressure Level:** The L<sub>90</sub> A-weighted sound pressure emissions level (the level of sound exceeded 90% of the time) for a WECS Project area prior to construction as determined by a baseline acoustics emissions study.

**Applicant:** The owner of land proposed to be subdivided or his agent or his legal representative.

**Automobile Impound Area:** A facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. No vehicle shall be stored at said facility for longer than 120 days. An automobile impound area does not include the salvaging of vehicles.

**Automobile Service Station:** An establishment which offers the retail sale of gasoline, oil, and similar products; and one or more of the following: automobile washing; automobile maintenance, including mechanical repairs; automobile towing, including the parking of a wrecker and operative vehicles waiting for immediate repair; or tire and battery dealers. This does not include convenience store/gas station (as defined).

**Basement:** A portion of a structure which is wholly or partly underground, and having more than one-half of its height, measured from floor to ceiling, below the average grade of the adjoining ground.

**Bed and Breakfast Establishment:** A single-family dwelling which contains sleeping accommodations in the principal structure or accessory structure for which a fee is charged. (See Section 513 of this Ordinance.) This definition includes tourist homes which meet the above standards. Bed and breakfast establishments which exceed the above standards may be classified as either a country inn (as defined) or a motel/hotel (as defined).

**Berm:** A manmade, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

**Block:** A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, or railroad rights-of-way.

**Board:** The City of Tipton Board of Zoning Appeals.

**Bond:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission.

Wherever a bond is required by this Zoning Ordinance or by the Subdivision Control Ordinance, such bond should be determined and recommended by the Plan Commission, subject to final approval and acceptance by the appropriate municipal entity (City or County) to whom the financial security is given.

**Buffer, Buffer yard:** Any trees, shrubs, walls, fences, berms, or related landscaping features required under this Ordinance or the Subdivision Control Ordinance to be placed on private property and privately maintained or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes, and/or for creating sound barriers and/or visual privacy.

**Building:** A type of structure (as defined) which generally has walls and a roof.

**Building Line:** The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line. On corner lots there are two building lines.

**Building Site:** A lot, tract, portion of a subdivision, or parcel of land upon which a primary use or principal use building or other structure may lawfully be located or constructed, after obtaining an Improvement Location Permit or building permit and complying with all other applicable laws, ordinances, and regulations. For single-family/two-family residential uses, only one (1) dwelling shall be permitted per building site, lot or parcel.

**Business/Commercial:** The exchange of goods and/or services for money or for other goods and/or services.

**Cabin or Cottage:** A dwelling of simple design and construction equipped only for temporary or seasonal occupancy. A cabin or cottage may not be rented, leased, or otherwise made available for compensation of any kind. For the purpose of this Ordinance, a cabin or cottage is not a residence.

**Child Care Home:** A residential structure in which at least six children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for regular compensation; and (3) for more than four hours but less than twenty-four hours in each of ten consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven but not to exceed twelve children at any one time; and Class II Child Care Homes that serve more than twelve children but not more than any combination of sixteen full-time and part-time children under the age of seven at any one time.

**Children's Home:** A residence which provides care, food, and lodging for children who are not in the custody of parents or guardians. This includes children's homes as defined by IC 12-7-2-29 and those boarding homes for children which provide full time care (foster home) or emergency or short term placement for more than five children.

**Clinic:** Any establishment where human patients are examined and treated by doctors and dentists, but not hospitalized overnight.

**Club:** An establishment operated for social, recreational, or educational purposes but open only to members and not the general public.

**Commercial Garage:** An establishment which includes all uses permitted for automobile service stations (as defined) except for the retail sales of gasoline and oil. Commercial garages also include automobile body repairs and painting. Also included in this definition is the repairing of vehicles or the fixing up of old cars at a residence or any location for which money or other goods or services are received for the work.

**Commission:** The City of Tipton Plan Commission.

**Community Recreational Facility:** A public or private establishment which includes one or more of the following facilities: gymnasium, indoor swimming pool, weight reduction or exercise equipment, tennis or racquetball courts, and accessory recreational programs.

**Comprehensive Plan:** The City of Tipton Comprehensive Plan adopted by the Common Council on December 22, 2003.

**Condominium:** Real estate lawfully subjected to IC 32-25-1 (The Horizontal Property Law) by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

**Confined Feeding:** The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where food is supplied to the animals only by means other than grazing.

**Construction Plans:** Any maps and/or drawings and/or accompanying text showing the specific location and design of improvements to be installed in accordance with the requirements of Article Six, Planned Unit Development.

**Convenience Store/Gas Station:** A small retail grocery store and/or convenience store which sells gasoline and oil as an accessory and incidental use to the principal business activity. This definition does not include automobile service station (as defined). For the purposes of this Ordinance a convenience store/gas station will be considered a retail trade as listed in Table A.

**Conversion Dwelling:** A single-family dwelling which, because of its size and/or the character of the neighborhood in which it is located, is no longer suitable or economical for its intended use, and therefore is converted to apartments.

**Country Inn:** A lodging establishment which remains residential in character and is owned and operated by a resident of the property. (See Section 513 of this Ordinance.) A country inn which exceeds the above standards shall be classified as a motel/hotel.

**Craft/Hobby Shop:** A small retail store which provides one or more of the following: 1) sale of handmade items, 2) sale of craft and hobby supplies, 3) instruction in a craft or hobby, and/or 4) sale of related items. For the purposes of this Ordinance a craft/hobby shop (as defined) will be considered a retail trade as listed in Table A.

**Critical Wind Speed:** The wind speed at which WECS turbine sound pressure levels are at greatest variance with ambient background sound pressure levels.

**Day Care Center:** A child care facility operated for the purpose of providing care, maintenance, or supervision and instruction to children separated from their parents or guardians for more than four hours a day but less than twenty-four continuous hours for ten or more consecutive workdays. The following are not considered day care centers for the purposes of this Ordinance: 1) schools (as defined), 2) nursery schools (as defined), 3) churches which provide day care as defined by IC 12-7-2-28.8 (a), 4) child care homes (as defined), 5) home child care (as defined), 6) children's homes (as defined). A day care center may or may not be subject to Department of Public Welfare licensing.

**Developer:** The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, structures, mining, dredging, grading, paving, excavating, or drilling operations.

**Development Requirement:** A development requirement is any use requirement, restriction, provision or standard as authorized by IC 36-7-4-601 (d)(2) and Article Six of this Ordinance for the development of real property in a planned unit development district.

**Disabled Vehicle:** An abandoned vehicle as defined by IC 9-13-2-1, as amended, or any vehicle that is partially disassembled, inoperable, or unlicensed, on any property in location visible from public property or adjoining private property for more than twenty days or on public property without being moved for 3 days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, that is parked in areas zoned for agriculture and is used for parts replacement for machinery currently being used in the farming operation.

**Division:** (See Subdivision).

**DNR:** Department of Natural Resources.

**Drainage:** The act, process, or mode of the outflow, removal, or carrying away of water.

**Dustless Surface:** A surface adequately covered in accordance with good construction practice; with a minimum of either two applications of bituminous surface treatment concrete, or concrete and which must be maintained in good condition at all times.

**Dwelling Unit:** One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for one family, and which includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Dwelling, Single-family Attached or Townhouse:** A group of two or more single-family dwelling units which are joined to one another by a common party wall, a common floor-ceiling, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance and architectural facade or treatment of materials shall be varied from one group of units to another. No more than three abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one foot.

**Dwelling, Single-family Detached:** A site-built residential structure or manufactured home containing one dwelling unit which is not connected to any other dwelling.

**Dwelling, Two-family (duplex):** A building located on a single lot containing not more than two dwelling units, arranged one above the other or side by side, and occupied by not more than two families.

**Dwelling, Multi-family or Apartment:** A residential building containing three or more separate dwelling units located on a single lot or parcel of ground. A multi-family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this Ordinance, a multi-family dwelling may include cooperative apartment houses but shall not be construed to mean a single-family attached dwelling (as defined).

**Dwelling, Earth Sheltered Home:** A dwelling which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

**Engineering, Research and Development Laboratories:** Engineering, research, and development activities related to such fields as chemical, pharmaceutical, medical, electrical, and transportation. All engineering, research, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall



be detected outside of said building nor shall there be any health hazard created by said use.

**Erosion:** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

**Erosion Control Measure:** The practice or a combination of practices to control erosion and resulting sedimentation.

**Erosion Control Plan:** The written description of pertinent information concerning erosion control measures designed to meet the requirements of this Ordinance as submitted by the applicant for review and approval as needed for an Improvement Location Permit.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities, rural electric membership cooperatives, or municipal or other governmental agencies of underground or overhead gas, telephone, CTV, electrical, steam, or water transmission or distribution systems including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate essential services by these agencies. This does not include private commercial enterprises such as cellular communications facilities or cable operators or wind and solar electrical generation facilities, but only those public facilities necessary for the health, safety and general welfare of the community. In addition, this definition shall not apply to sewage treatment plants, electric generation facilities, underground gas storage, pipelines, pipeline pumping stations, public water wells, filtration plants, and similar structures.

**Existing Single-Family Dwelling:** A dwelling which currently exists, for which all proper, required permits have been obtained, and which was in existence at the time the amended Zoning Ordinance was enacted in February 2010, which enactment specifically retained and re-approved the then existing Subdivision Control Ordinance.

**Family:** One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group housing quarters. A family also includes foster homes as defined by IC 31-9-2-46.9 which provide full time care (foster homes) or emergency or short-term placement for five or fewer children.

**Financial Services:** A business such as agricultural credit institutions, banks and branch banks, bond companies, insurance, savings and loan associations, stock and securities brokers and analysts, and similar establishments.

**Floor Area, Gross:** The total number of square feet of floor space on all floors, including basements within the surrounding walls of a structure.

**Floor Area, Net:** Gross floor area (as defined) less permanent storage and warehouse areas, show windows, utility rooms, dressing or fitting rooms, vents, elevator shafts, stairwells, parking and loading facilities, unenclosed porches and courts. Attic and basement area not used for living space in dwellings shall also be excluded.

**Group Care Home:** A residential facility (as defined).

**Group Housing Quarters:** A structure occupied by individuals sharing common facilities. Group housing quarters shall differ from two and multi-family dwelling units in that the rooms contained in the structure do not constitute independent housekeeping establishments. Examples of group housing would include a boarding house, lodging house, club, fraternity, or residential hotel.

**Hardship:** A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. Self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships.

**Hazardous Waste:** For the purposes of this Ordinance, any waste which has been or will be assigned a Hazardous Waste Number by the EPA shall be considered to be classified as a hazardous waste.

**Home Child Care:** A day care center (as defined) located within the operator's own residence which provides care for compensation to no more than five children at a time. Home child care may or may not be subject to Public Welfare licensing.

**Home Occupation:** A business or activity for financial gain carried on by an occupant at his or her place of residence, which shall be accessory and incidental to the residential use of said residence. Home occupations may be either simple or major home occupations as established in Section 512 of this Ordinance.

**IC:** The Indiana Code, 1982 or most recent edition, and the most recent yearly cumulative supplement.

**Improvement Location Permit:** A permit or certificate of zoning compliance indicating that the proposed use, erection, construction, reconstruction, alteration, or moving of a building or structure, or use of land, referred to therein, complies with the provisions of this Ordinance.

**Intensity:** Intensity is the degree of impact which a land use may have on adjacent land uses. The higher the intensity, the more likely there will be a negative impact of one land use on another. There are requirements for buffer yards and other standards in this Ordinance to minimize impact between land uses of different intensity.

**Junkyard:** Any lot, parcel, or tract of real estate, usually outdoors, where waste or discarded used property, other than organic matter, including but not limited to one or more unlicensed or inoperable motor vehicles, machinery or equipment is accumulated and/or stored and is or may be salvaged for reuse or resale, reduction, or similar disposition.

**Kennel -** Any property where 4 or more dogs, cats, or other domestic animals over the age of 4 months are kept, raised, cared for, trained, sold, bred, boarded, shown, treated, or groomed either for commercial or non-commercial purposes. The phrase “animal kennel” may include “doggy daycare facilities.”

**Land Disturbing Activity:** A land disturbing activity is any man-made change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading. It includes only non-agricultural land disturbing activities on sites which also require an Improvement Location Permit or an approved subdivision plat.

**Land Divider:** The owner of a parcel of land to be further divided through making a Limited Requirement Division.

**Loading/Loading Area:** The portion of any lot which is required to be reserved for the parking, loading, or unloading of vehicles at any non-residential establishment according to the standards of this Ordinance. A loading area may not use the same area as a parking area (as defined.)

**Lot:** A parcel of land of at least sufficient size to meet minimum zoning requirements of Table B of this Ordinance as established by the zoning district in which the lot is located. A lot may be a single parcel of land separately described in a deed or plat which is recorded in the Office of the County Recorder or a combination of such parcels when adjoining one another and under single ownership and used as one. Such lots shall have frontage and access on an improved public street or an approved private street.

**Lot, Corner:** A lot located at the intersection of two or more street right-of-ways.

**Lot, Depth of:** A mean horizontal distance between the front and rear lot lines.

**Lot, Maximum Coverage of:** The maximum percentage of the lot area that is represented by the building area.

**Lot, Minimum Area of:** The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public street, private street, shared access easement, or floodplain, as defined in Section 402.

**Lot, Non-Conforming:** A lot of record that has less than the required minimum standards of Table B of the Ordinance as established by the zoning district in which the lot is located.

**Lot, Pipestem:** A lot which does not abut a public street other than by its driveway which affords access to the lot, also sometimes referred to as flag lot. The pipestem is that part of a lot which affords access and is less in width than the minimum lot width in the district in which it is located.

**Lot, Width of:** The distance between the side lot lines as measured on the building line.

**Lot Area:** The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**Lot of Record:** A lot that is part of a subdivision or described by metes and bounds whose existence, location, and dimensions have been legally recorded in the Office of the County Recorder pursuant to the regulations contained in the City of Tipton Subdivision Control Ordinance or recorded prior to the effective date of that Ordinance, September 11, 2000.

**Manufactured Home:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufacturing Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts of 1971. Such a unit shall also meet all of the following conditions:

- A. contains at least nine hundred and fifty square feet of occupied space per dwelling unit. Occupied space is defined as the total area of earth horizontally covered by a manufactured home; excluding accessory appendages such as, but not limited to, garages, patios, breezeways, and porches;
- B. must be a double-section or multi-section manufacturing housing unit exceeding twenty-three feet in width;
- C. be constructed after January 1, 2005;
- D. be placed onto a permanent underfloor foundation installed in conformance with the Indiana One and Two Family Dwelling Code or the Indiana Uniform Building Code in the case of multi-family dwelling units, and the manufacturer's installation specifications;
- E. be placed onto a permanent perimeter enclosure constructed in accordance with the Indiana One and Two Family Dwelling Code, or the Indiana Uniform Building Code in case of multi-family dwelling units;
- F. have wheels, axles, and hitch mechanisms removed;
- G. have siding material of a type customarily used on site-constructed residences;

- H. have roofing material of a type customarily used on site-constructed residences. Roofing material shall be installed in accordance with the manufacturer's specifications.

**Manufactured Housing:** Single-family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and shall include structures known as manufactured homes or mobile homes.

**Manufacturing:**

**Light Manufacturing:** The processing and fabrication in enclosed areas of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed materials; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; light-weight non-ferrous metal castings; film processing; electrical machinery and components; light sheet metal products; plastic goods; pharmaceutical goods; and food and dairy products, but not animal slaughtering, curing, or rendering of fats. If any of the above production activities exceed the light manufacturing standards contained above, they shall be considered to meet the manufacturing (as defined) standards contained in this Ordinance.

**General Manufacturing:** The manufacturing, fabrication, processing and storage, either in enclosed or unenclosed areas of all articles, substances, or commodities such as paper and allied products, chemicals and allied products, stone and glass products, iron and steel products, non-ferrous fabricated products, automobile assembly and heavy and industrial machinery assembly, except for manufacturing which can be classified as light manufacturing (as defined).

**Mineral Extraction:** Mining or quarrying and removal of earth materials. Mineral extraction also includes storage, stockpiling, distribution, and sale of rock, sand, gravel, earth, clay and similar materials and rock crushing, screening, blending, washing, loading, and conveyor facilities.

**Mobile Home:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site and which is designed to be used as a year-round residential dwelling. Mobile homes must be newer than 20 years old to be considered conforming to this Ordinance. A mobile home shall be installed in conformance with the Indiana One and Two-Family Dwelling Code. Any mobile home of less than 440 square feet shall be considered a recreational vehicle under the terms of this Ordinance.

**Mobile Home Park:** An area of land on which two or more mobile homes are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in providing that accommodation. (See

Section 506.) Two mobile homes on a single parcel of land, when one is a second principal structure for the purpose of a caretaker dwelling, is not considered a mobile home park (see Section 507).

**Motel/Hotel:** A structure or portion thereof or a group of structures which provide sleeping accommodations in separate units or rooms for transients on a daily, weekly, or similar short-term basis. Such an establishment may be designated as a hotel, motel, resort, inn, court, motor inn, motor lodge, tourist cabin, tourist court, apartment hotel, or otherwise. The motel/hotel may include separate cooking facilities for each unit. There may be additional services such as restaurants, meeting rooms, and recreational facilities; however, it shall not include business from rooms. A motel/hotel does not include group housing quarters (as defined), bed and breakfast establishments (as defined) or country inns (as defined).

**Non-Conforming Structure:** Any structure or part of a structure legally existing at the time of enactment of this Ordinance or any of its amendments, or any structure for which a variance has been granted subsequent to enactment of this Ordinance, which does not conform to the provisions of this Ordinance.

**Non-Conforming Use:** Any use or arrangement of land or structures legally existing at the time of the enactment of this Ordinance or any of its amendments, or any use or arrangement of land or any of its structures for which a use variance has been granted subsequent to enactment of this Ordinance, which does not conform to the provisions of this Ordinance.

**Nuclear Waste:** Radioactive byproduct materials generated by laboratory, hospital, and industrial research and commercial production; and radioactive fuel elements, assemblies, etc. generated by utility companies; military, industrial, and commercial production as defined by the Atomic Energy Act of 1954 as may be amended and administered by the Nuclear Regulatory Commission. Any radioactive material whether gaseous, liquid, or solid and associated carrier materials whether gaseous, liquid, or solid which has been declared "deminimus" and no longer under control of the NCR. Such material may or may not be designated as hazardous by the EPA.

**Nursery School (Pre-School):** An establishment operated for the purpose of providing, usually part-time, instruction of children under six years of age.

**Occupancy, Certificate of Occupancy:** A permit or certificate issued by the signature of the Zoning Administrator upon completion of the construction of a structure, or change in use of structure or parcel of land and indicating that the use and/or structure is in compliance with all applicable City Ordinances and that the structure and land may be used for the purposes set forth in the Improvement Location Permit.

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

**Parking/Parking Area:** The portion of any lot which is required to be reserved for the parking of vehicles using that lot according to the standards of this Ordinance. A parking area may not use the same area as loading area (as defined).

**Peak Flow:** The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

**Performance Guarantee:** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the requirements and specifications of the Planned Unit Development District Ordinance and approved secondary plan.

**Permanent Foundation:** A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. A permanent foundation must meet the applicable specifications of the Indiana One- and Two-Family Dwelling Code.

**Permanent Perimeter Enclosure:** A permanent perimeter structural system completely enclosing the space between the floor joists of a manufactured home and the ground. A permanent perimeter enclosure must meet the applicable specifications of the Indiana One- and Two-Family Dwelling Code.

**Planned Unit Development:** A planned unit development (PUD) as specified in IC 36-7-4-1500 series, is development of real property under single ownership or under multi-ownership but unified control and is planned and developed as a whole in a single development operation or a definitely programmed series or phases of development operations. A planned unit development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. See Article Six of this Ordinance.

**Planned Unit Development Administrative Officer:** The person appointed by the Plan Commission to administer Article Six, Planned Unit Development, of this Ordinance.

**Planned Unit Development District:** A zoning district for which a Planned Unit Development Ordinance is adopted according to the IC 36-7-4-1500 series and Article Six of this Ordinance.

**Planned Unit Development District Ordinance:** A zoning ordinance which designates a parcel of real property as a planned unit development district; specifies uses or a range of uses permitted in the planned unit development district; specifies development requirements in the planned unit development district; specifies the plan documentation and supporting information that may be required; specifies any limitation applicable to a planned unit development district; and meets the requirements of IC 36-7-4-1500 series and Article Six of this Ordinance.

**Principal Structure:** The structure in which the principal use of the lot is conducted.

**Principal Use:** The primary use to which a premises is devoted, and the main purpose for which the premises exist.

**Principal Use Building:** A building in which the principal or primary use of the lot or parcel is conducted. For single-family, two-family and multi-family residential uses, it is the main dwelling unit. Only one (1) Primary Use Building is permitted per lot or parcel. If multiple buildings on a lot are engaged in the same primary non-residential use, the building housing that use's operating or managing office is considered the Primary Use Building; all others are considered accessory buildings.

**Professional Office:** Any structure or portion thereof used or intended to be used as an office for abstractors, advertising consultants, collection agencies, detective and protective service agencies, employment agencies, interior designers, realtors, attorneys, engineers, architects, surveyors, accountants, bookkeeper agents, tax consultants, insurance agents, labor and business organizations, political organizations, professional societies, and similar professional offices.

**Recreational Vehicle:** A vehicle which is 1) built on a single chassis; 2) is 400 square feet or less when measured at the largest horizontal projections; 3) designed to be self-propelled or permanently towable by a light duty truck; 4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Release Rate:** The amount of storm water released from a storm water control facility per unit of time.

**Repair Services:** A business which includes the repair of electrical appliances, musical instruments, watches, clocks, jewelry, shoes, small gasoline-powered items such as lawn mowers, and similar small items and the reupholster and repair of furniture. This may include the accessory resale of items repaired at the establishment.

**Residential Facility:** A group care home for the purpose of providing a family-like and long-term living environment to individuals who are not related to the head of the household and who are developmentally disabled, mentally ill, aged, blind, or deaf; or in need of adult supervision; which provides room and board and other services in accordance with their individual needs. Emergency shelters for abused, neglected, abandoned, or homeless individuals are also included in this category, but does not include social rehabilitation facilities (as defined) or children's homes (as defined). Structures which are divided into separate dwelling units (as defined) will be considered multi-family dwellings or apartments as listed in Table A.

**Retail Trade:** Buildings for display and sale or rental of merchandise at retail such as the following: antiques, apparel, arts and crafts supplies, automotive parts, bakeries, bicycle sales and accessory repair, books and magazines, camera shops, carpet, convenience stores (as defined), department stores, drapery, drug stores, fabrics, florists (not to include



greenhouses), furniture, gift shops, groceries, hardware, craft/hobby shops (as defined), household appliances, office and business machine supplies, paint stores, pet shops, (not to include kennels), records and music stores, shoes, specialty food stores, sporting goods, toy stores, variety stores, video tape sales and rentals, and other similar type uses not elsewhere defined or specified in this Ordinance.

**Right-of-Way:** A general term denoting land, property, or interest therein acquired for or devoted to the public welfare; most often intended for access, transportation, or utility transmission.

**Satellite Dish Antenna:** An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit and is three (3) feet in diameter or less.

**School:** A public or private institution offering an educational curriculum or educational instruction or any institution under State Department of Public Instruction jurisdiction, except for home schools.

**Scrap Metal Yard/Salvage Yard:** A facility or land area for the storing, keeping, selling or dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. This definition includes material recovery facilities and used motor vehicles, machinery or equipment which is used, owned, leased or possessed for the purpose wrecking, or salvaging parts therefrom.

**Screening:** Screening relative to this Ordinance shall mean a fence, evergreen hedge or wall at least six feet in height, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bushes or trees, or of a constructed wall or fence. Evergreen plantings, if utilized shall be selected so as to mature to a height of at least six feet.

**Shopping Center:** Any group of two or more trade or service uses which are: designed as a single commercial group, whether located on the same lot; under common ownership or management; connected by party walls, partitions, canopies or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walk-ways and access-ways designed to facilitate customer interchange between the uses; share a common parking area; and otherwise present the appearance of one continuous commercial area. This definition includes enclosed shopping centers or malls, strip shopping centers and/or specialized centers such as outlet malls or auto malls.

**Sidewalk Cafe:** A restaurant which has as an incidental or accessory use, a group of tables, chairs, benches or decorative devices maintained upon a public sidewalk adjacent to the restaurant for the sale to the public of food or beverages as otherwise permitted by law. This definition does not include tables or benches for eating purposes provided by a restaurant as accessory uses on the restaurant property

**Sign:** Any surface, fabric, or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure (including billboards, poster panels, or other graphic displays) designed to carry the above visual information. Sign regulations are specified in Section 505 of this Ordinance.

**Sign, Building Mounted:** A sign attached to a building or structure other than a structure used exclusively for sign support.

**Sign, Freestanding:** A sign not connected to a building or structure, other than a structure used exclusively for sign support.

**Sign, Off-premise:** A sign which communicates the availability of goods, services, ideas, or business establishment not available on the premises on which the sign is located.

**Sign, On-premise:** A sign which communicates the availability of goods, services, ideas, or business establishment available on the premises on which the sign is located.

**Sign, Portable:** A freestanding, on-premise advertising device which is designed to be moved from one location to another and is not permanently affixed to the ground or to a structure, or is only affixed by means of tiedown straps or stakes.

**Sign, Temporary:** An advertising device not attached to a permanent foundation and restricted as to duration of time allowed for display.

**Social Rehabilitation Center:** A secure or non-secure facility licensed by a department of state or local government in which persons reside while receiving, either within the facility or elsewhere, services which are designed to equip them for independent living within the community. Such services may include therapy, treatment, training, and/or counseling which is directed at one or more of the following groups: assisting persons to recover from the effects of drugs or alcohol or the dependence thereon; assisting persons with family, school, or social adjustment problems to return to normal family or communal life; or assisting persons to be housed under supervision while under the constraints of alternatives to imprisonment, including, but not limited to work-release, pre-release, and probationary programs. For the purpose of this Ordinance, this definition does not include state or federally owned and operated facilities.

**Soft-Sided Swimming Pool -** Any private pool that is constructed on or above the ground and is capable of holding water to a maximum depth of 42 inches, or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

**Special Exception:** A use which shall be allowed within a particular district contingent upon approval of the Board of Zoning Appeals because of its special nature. Special exceptions which may be considered in each district are listed in Table A.

**Staff:** All employees of the City of Tipton/City of Tipton Planning Department including, but not limited to, the Executive Director, the Building Commissioner, Assistant Planner,

the Zoning Administrator, the Administrative Assistant, Inspectors, the Plan Commission Attorney, and any clerical assistants. This also includes any consultants or other individuals performing duties on behalf of or request of the Planning Department.

**Structure:** Anything constructed or erected or applied, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, which includes, in addition to buildings, billboards, carports, porches, and other building features but not including sidewalks, fences, and patios.

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

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

**Supply Yard:** A commercial establishment storing or offering goods for sale which require large storage areas primarily outside such as steel, pipe, concrete, or metal supplies. Supply yards do not include the wrecking, salvaging, dismantling, or storage of automobiles and similar vehicles.

**Telecommunications Antenna:** A specific device, the surface of which is used to transmit and/or receive radio frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.

**Telecommunications Cell Site:** A tract or parcel of land that contains the cellular communications antenna, its support structure, accessory building, and parking and may include other uses associated and ancillary to cellular communications transmissions.

**Telecommunications Co-location:** Telecommunications antenna and related equipment which is 1) located on an existing communications tower which has at least one other telecommunications antenna and related equipment; or 2) located on an existing structure, for example, water towers, radio and television towers, tall buildings, commercial signs, church steeples, etc. in order to minimize the proliferation of new towers/facilities.

**Telecommunications Equipment Shelter:** A cabinet or building located at the base of or near a wireless communication facility within which are housed, among other things, batteries and electrical equipment serving the telecommunications antenna.

**Telecommunications Facility:** A facility that transmits and/or receives electronic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development.

**Telecommunications Tower:** A mast, pole, monopole, guyed, or freestanding framework or other vertical elements that act as an antenna or to which an antenna is affixed or attached.

**Use:** The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**Variance:** Subject to the approval of the Board of Zoning Appeals, a modification of the strict terms of the relevant regulations of this Ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

**Wall Graphic:** A design which is painted on a side of a building for the purpose of improving a blank or dilapidated building surface, enhancing architectural detail, or generally intended to improve the visual aspect of the community. Wall graphics may include the name and/or logo of a local business but shall not advertise specific products manufactured or offered for sale, except through indirect graphic representation.

**WECS:** All necessary devices that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including but not limited to the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower, substation, meteorological towers, communications facilities, and other required facilities and equipment, as related to the WECS project.

- A.) **Commercial WECS:** A Wind Energy Conversion System constructed on the property of another by a company or corporation or other entity, whose general intent is to capture wind energy and place it on the electrical grid for resale to a public utility.
- B.) **Micro-WECS:** A small Wind Energy Conversion System designed to provide power to a home or other local site for use by the owner. It may or may not include net-metering capability.
- C.) **Non-Commercial WECS:** A wind Energy Conversion System that is generally smaller than a Commercial WECS and the primary purpose is to collect wind energy for the purpose of supplying energy to the owners, such as business, school or factory. It would normally entail net-metering.
- D.) **Meteorological Tower:** Towers which are erected primarily to measure wind speed and direction plus other data in support of an operating WECS,

- excluding towers and equipment used by airports, The Indiana Department of Transportation or other similar applications to monitor weather conditions.
- E.) **Meteorological Tower, Operational Support:** Towers which are erected primarily to measure wind speed and direction plus other data in support of an operating WECS.
- F.) **Non-Participating Landowner:** A person(s) or entity who has not entered into any contractual agreement with a company or entity with the intention of developing a WECS Project on or near such person(s) or entity's land and is not participating contractually to receive certain economic benefits to accrue from the development and operation of the WECS Project.
- G.) **Participating Landowner:** A person(s) or entity who has entered into an executed contractual agreement with a company or entity with the intention of developing a WECS Project on or near such person(s) or entity's land and is participating contractually to receive certain economic benefits to accrue from the development and operation of the WECS Project.
- H.) **Substation:** A structure containing apparatus that connects the below, or above-ground electrical collection lines of the WECS to the electricity grid, with or without increasing the voltage.

**WECS Project:** A collection of multiple WECS as specified in the application for a conditional use and/or improvement location permit.

**WECS Salvage Value:** The net value of the towers, nacelles, generators, turbines, blades, wires, transformers and all other salvageable parts and commodities which make up the WECS whether sold as used parts or on a commodity/scrap basis or any combination thereof (whichever is greater) after deducting all estimated costs and expenses of dismantling, removal, and transportation and all costs and expenses of sale (including but not limited to all commissions and fees) and the amount necessary to pay and satisfy all liens, security interests and all other encumbrances attached to the WECS. The commodity/scrap value shall be based on the five (5) years average scrap value of the commodities.

**WECS Tower:** The support structure to which the nacelle, with turbine, and rotor are attached. Sometimes the term is used generally to describe the tower, nacelle and rotor collectively.

**Wholesale Distribution:** An establishment which buys products from manufacturers for resale to retail establishments. Wholesale establishments may include motor vehicles and automotive equipment, drugs, chemicals, dry goods and apparel, groceries, electrical goods, hardware, plumbing and heating supplies, machinery, furniture, home furnishings, lumber products, and paper products, but does not include scrap and waste materials.

**Yard:** A space on the same lot with principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this Ordinance.

**Yard, Front:** A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar uses the depth of which is the

least distance between the street right-of-way line and the building line. On corner lots, the front yard shall be all yards between street right-of-ways and the building lines. The front yard may also be called the front setback or setback area.

**Yard, Rear:** A yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than by accessory structures and uses, the depth of which is the least distance between the rear lot line and the rear of such main building. On corner lots, there is no rear yard. On lots which abut a street right-of-way on both the front and back (double frontage lot) or on lots which abut a street right-of-way and a lake or river shore, there shall be front yard provided on both streets and/or river or lake shore property lines, except as provided by this Ordinance. The rear yard may also be called the rear setback or setback area.

**Yard, Side:** A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the main building. On corner lots, all yards that are not front yards shall be side yards. The side yard may also be called the side setback or setback area.

**Zero Lot Line:** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**Zoning Administrator/Administrator:** The person appointed by the Plan Commission to administer and enforce this Ordinance. For the purpose of this ordinance the terms Building Commissioner and Zoning Administrator are interchangeable.