

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 97-5, KNOWN AS
THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLARKS HILL,
INDIANA AS FOLLOWS:

Section 1: Change **UZO Section 3-2-8 PERMITTED USE TABLE, RETAIL TRADE**
as follows:

SIC 554 "Gasoline service stations" shall be allowed by right only in NB, GB, and HB
zones. They shall no longer be allowed by right in NBU or CB zones.

Section 2: Change **UZO Section 4-4-10 SETBACKS FOR GASOLINE SERVICE
STATION CANOPIES** by eliminating the existing, "Whether attached or
freestanding, the leading edge of a gasoline service station canopy shall
be set at least 10' back from the edge of any right-of-way" and replacing it
with the following:

4-4-10 GASOLINE SERVICE STATION REQUIREMENTS:

All new *gasoline service stations* shall comply with the following:

- (a) Whether attached or freestanding, the leading edge of a gasoline service station canopy, as well as the primary structure, must be setback at least 30' from the edge of any right-of-way. To reduce visual impact from public streets, fuel canopies and fuel pumps shall be located to the side of the primary structure. On corner lots, the placement and orientation of the canopy and fuel pumps may be determined at the discretion of the **Administrative Officer**, with consideration given to traffic circulation, visibility, and pedestrian safety.
- (b) Gas stations may be permitted as an accessory building to a principal commercial or industrial use. In such cases, the setback and placement of the fuel pump canopy and pumps may be modified at the discretion of the **Administrative Officer**, provided that site design, safety, and compatibility with surrounding uses are maintained.
- (c) Gas stations shall be prohibited within 5500' of a lot with an existing gas station, measured as the shortest distance between the two properties.
- (d) Gas stations shall be prohibited within 500' of a residentially zoned or residentially used lot, measured as the shortest distance between the two properties.
- (e) Gas station building materials shall consist of:
 - (1) A minimum of fifty percent (50%) of building façades exclusive of windows, doors and loading berths, shall consist of masonry materials.
 - (2) A minimum of three building materials, excluding windows, doors and roofing materials, shall be used.
 - (3) No more than fifty percent (50%) of all other façades, exclusive of windows, doors, and loading berths, may be covered with metal, fiber cement siding, polymeric cladding, E.I.F.S., or stucco exterior building materials.

- (4) E.I.F.S. shall be prohibited within eight (8) feet of the ground.
 - (5) All façades shall be supplemented with the use of more than one color, texture (e.g. rough, smooth, striated), or the addition of architectural elements (e.g. quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves).
 - (6) All façades shall be constructed with the same building material quality and level of architectural detail.
- (f) Building Elevations:
- (1) Horizontal design: All building façades shall have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof.
 - (2) Offsets: façades that face a right-of-way shall be designed with offsets (projecting or recessed) at intervals of not greater than forty (40) feet. Offsets shall extend the entire vertical plane of the façade and shall be a minimum of four (4) feet and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall façade. This offset requirement may be satisfied by varying the setbacks of façade sections and/or by incorporating architectural elements (e.g. arcades, columns, ribs, piers, and pilasters) if such architectural elements meet the interval requirements of this standard.
- (g) Roof Design:
- (1) Material: Quality roof materials such as tile, slate, cedar shake with fire protection, 30-year asphalt shingles, dimensional asphalt or fiberglass shingles, high-quality standing seam metal roofing, or high-quality metal shingle roofing shall be used on all structures. Metal roofs shall have a low-gloss finish to reduce glare.
 - (2) Minimum pitch: The minimum roof pitch of the building's primary or main roof shall be 5:12. Elements such as porches, bays, walkways, etc., may be covered with a lower roof pitch.
 - (3) Roof form: The roof form and pitch design of a building shall include three (3) or more sloped roof planes.
- (h) External Wall Protrusions: Gutters, downspouts, vents, wall-mounted mechanical equipment, and other external wall protrusions shall be visually integrated with the architectural style of the structure. The color shall be selected to complement or to be consistent with the building materials.
- (i) Mechanical Screening: All roof or ground-mounted mechanical equipment shall be completely enclosed. Ground-mounted enclosures for mechanical equipment shall be landscaped or fenced on all sides not facing the building, to provide full screening.
- (j) Outdoor Storage Areas: All outdoor storage areas, including those used for items for sale or general storage, shall be fully screened so that stored items are not visible from any street. The screening method shall be subject to approval by the Administrative Officer.
- (k) Gas Station Canopy Standards:
- (1) Materials: The support structures for canopies shall be wrapped in masonry materials to complement the primary building. Canopy fascia and canopy roof materials shall match the color and texture of the primary building.
 - (2) Height: To reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be sixteen (16) feet

and the maximum top of the canopy shall be twenty-two (22) feet. The maximum width of the canopy fascia shall be thirty (30) inches.

- (3) Roof Design: A canopy shall include a pitched or sloped roof between 5:12 and 10:12, and with a minimum roof height above the canopy fascia of two and one half (2.5) times the width of the canopy fascia.

Section 3: Change **UZO Section 4-11-19 FUELING CENTERS** as follows:

- (a) All **truck stops** shall be separated from the nearest residential use or residential zone by 1000'; all **fueling centers** shall be separated from the nearest residential use or residential zone by 500' measured as the shortest distance between the two properties.

Section 4: Add **UZO Section 5-9 DECOMMISSIONING PLANS** as follows:

All **gasoline service stations, fueling centers, truck stops**, oil change businesses, and car washes must submit a decommissioning plan, approved by the **Administrative Officer** and recorded, prior to the issuance of an **improvement location permit**. (See Appendix N.)

Section 5: Add the following as **UZO APPENDIX N, Decommissioning Plan and Removal Requirements for Gasoline Service Stations, Fueling Centers, Truck Stops, Oil Change Businesses, and Carwashes:**

See attached page for Appendix N.

APPENDIX N

Decommissioning Plan & Removal Requirements for **Gasoline Service Stations, Fueling Centers, Truck Stops**, Oil Change Businesses and Carwashes

- (1) A decommissioning plan shall be approved by the **Administrative Officer** prior to the issuance of an **improvement location permit**. An approved decommissioning plan shall be recorded in the office of the Tippecanoe County Recorder.
- (2) The decommissioning plan shall include the removal of all above-ground structures and features that identify the property as a vehicle service use, including but not limited to canopies, service equipment, dispensers, signage, lighting fixtures specific to the use, payment kiosks, and any architectural or branding elements associated with the former operation. The intent is to return the property to a condition suitable for redevelopment consistent with the zoning district.
- (3) Underground storage tanks, fuel lines, and any materials or equipment regulated by the U.S. Environmental Protection Agency (EPA) or the Indiana Department of Environmental Management (IDEM) are excluded from local decommissioning requirements and shall be decommissioned in accordance with applicable federal and state laws.
- (4) A final decommissioning plan shall be certified by a Professional Engineer, a Registered Land Surveyor, or a Registered Architect.
- (5) An applicant or property owner shall submit an itemized cost estimate for decommissioning the improvements (excluding federally or state-regulated items) using a template provided by the **Administrative Officer**. This estimate shall be prepared by a Professional Engineer or other qualified professional with experience in site decommissioning and demolition. The cost estimate shall not include anticipated salvage or resale values.
- (6) A financial surety for the full estimated cost of decommissioning shall be provided in a form acceptable to the APC's legal counsel or the **Administrative Officer**. This surety must be approved prior to the issuance of an **improvement location permit**.
- (7) The cost estimate shall include a mechanism to account for inflation. The estimate shall be updated every five (5) years, and the surety shall be adjusted accordingly. Failure to update the estimate and surety shall void any prior approvals.
- (8) A demolition permit must be obtained prior to beginning decommissioning.
- (9) Upon completion of the decommissioning, the applicant or property owner shall submit a final report verifying compliance with the approved plan. Upon acceptance of the report by the **Administrative Officer**, the financial surety shall be released.
- (10) Failure to comply with the approved decommissioning plan or abandonment of the **gasoline service station, fueling center, truck stop**, oil change station, or carwash may result in the **Administrative Officer** initiating default procedures on the surety to complete removal of the specified structures and improvements.

This ordinance shall be in full force and effect from and after its passage.

ADOPTED AND PASSED BY THE TOWN COUNCIL OF THE TOWN OF CLARKS HILL,
INDIANA THIS 14 DAY OF October, 2025

Carla Stearns
Melvin Wolf
Sherry Summers

ATTEST:

Clerk-Treasurer

