**ORDINANCE NO. \_\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF TIPTON COUNTY, INDIANA AMENDING THE TIPTON COUNTY SUBDIVISION CONTROL ORDINANCE ADOPTED DECEMBER 1998, AS AMENDED**

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

**WHEREAS,** after direction from the Board of Commissioners, the Plan Commission did initiate a process to consider amendments to the Subdivision Control Ordinance as it pertains to drainage requirements, 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 April 6, 2017, and

**WHEREAS,** the Plan Commission did certify to the Board of Commissioners on \_\_\_\_\_\_\_\_\_\_ the attached amendments with a favorable recommendation,

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

**Section One:** The Tipton County Subdivision Control Ordinance adopted December 1998 is amended as follows:

Attachment A of this Ordinance makes deletions and additions to the text of the Tipton County Subdivision Control Ordinance adopted December 1998. Parts to be deleted are struck through while parts to be added are in ‘red’.

DULY ADOPTED on this \_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_, 2017 by the Tipton County Board of Commissioners of Tipton County, Indiana.

BOARD OF COMMISSIONERS OF TIPTON COUNTY, INDIANA

Dr. James N. Mullins, P.H.D. – President

Gerald Shuck – Vice President

Mark Manier – Member

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Gregg A. Townsend – Tipton County Auditor

**Attachment A**

4.4 Drainage and Storm Sewers

1. General Requirements. The Plan Commission shall not grant approval for any subdivision plat that does not make adequate provision for storm or flood water runoff channels or basins, or subsurface drainage. The storm water drainage system shall be separate and independent of any sanitary sewer system. All drainage calculations shall be in accordance with the ~~HERPICC Stormwater Drainage Manual (July 1995),~~ Standards of Record in the Office of the Surveyor for Tipton County, Indiana (authority Indiana Code 36-9-27-29) which govern Tipton County or the Big Cicero Creek Watershed as amended from time to time ~~or other approved method that is approved in advance by the County Engineer~~ and a copy of the design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred (600) feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

Pipe and drainage structure materials and installation shall comply with the aforementioned Standards. ~~City of Indianapolis, Department of Capital Asset Management, Standard Details for Construction of Stormwater Drainage Improvements~~.

(2) Nature of Storm Water Facilities

1. Location. The applicant may be required by the Plan Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County's construction standards and specifications.
2. Accessibility to Public Storm Sewers or Legal Drains

(i) Adequate provision shall be made for the disposal of storm water, including all subsurface drainage, specifically septic perimeter drains. In major subdivisions and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an open legal drain. ~~Inspection of facilities shall be in accordance with the County/Developer Inspection Agreement.~~

1. Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The developer shall calculate and recommend to the County ~~Engineer~~ Surveyor or his agent for approval the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
2. Effect on Downstream Drainage Areas. Existing downstream drainage facilities, especially field tiles, were not designed to accommodate the additional runoff resulting from the development of subdivisions. Therefore, the developer shall make provisions in his construction plans for a storm-water detention or retention system to detain/retain storm-water runoff per the Standards of Record in the Office of the Surveyor for Tipton County, Indiana which govern Tipton County or the Big Cicero Creek Watershed as amended from time to time.  ~~for the 100-year post-development storm event for the portion of the watershed within his development. This detention system shall release the runoff at the 10-year pre-development discharge rate. The detention/retention calculations shall be in accordance with HERP ICC, or other method as approved in advance by the County Engineer. The detention/retention rates may be modified by the County Engineer based on his determination of the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies and testimony, together with such other studies as may be available and appropriate (including recommendations by the developer), shall serve as a guide in this determination~~. The Plan Commission may withhold secondary approval of the subdivision until provisions (such as a storage facility) have been made and incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate watercourse or facility.
3. Floodway Areas. If any portion of a proposed subdivision lies within the Flood Plain, all Floodways shall be preserved and not diminished in capacity by filling or by construction of any type, except as approved by ~~the~~ ~~Indiana Department of Natural Resources in writing.~~  any Federal, State or local jurisdiction having authority. Proof of approval shall be provided prior to secondary Plat approval.
4. Flood Plain Area. No Flood Plain Area or Flood Hazard Area may be filled or altered, and no water nor sanitary sewer facilities may be located therein, except as approved ~~in writing by the Indiana Department of Natural Resources~~ by any Federal, State or local jurisdiction having authority. Proof of approval shall be provided prior to secondary Plat approval. Where provided, public water and sanitary sewer facilities shall be constructed to eliminate contamination of or by flood water. ~~; and, filling to achieve the above shall not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. Lands below the Regulatory Flood elevation shall not be used for computing the minimum area requirement for any lot.~~

(3) Dedication of Drainage Easements

1. General Requirements. Where a subdivision is traversed by a drainage course, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided. It shall conform substantially to the lines of such watercourses, and of such width and construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Maintenance of these areas shall be the responsibility of the affected property owner(s). Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width, ~~for the 100-year volume of flow.~~ per the Standards of Record in the Office of the Surveyor for Tipton County, Indiana which govern Tipton County or the Big Cicero Creek Watershed as amended from time to time.
2. Drainage Easements
3. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street right-of-way, perpetual unobstructed easements ~~at least fifteen (15) feet in width~~ for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
4. The applicant shall dedicate, either in fee or by drainage or conservation easement land on both sides of existing watercourses ~~of a width to be determined by the Plan Commission, and, in the case of legal drains, the County Drainage Board.~~ as noted in the Standards of Record in the Office of the Surveyor for Tipton County, Indiana which govern Tipton County or the Big Cicero Creek Watershed as amended from time to time.
5. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on or referenced to the plat.

Prepared by: Steve Niblick

Executive Director

Tipton County Planning Commission

101 East Jefferson Street

Tipton, Indiana 46072