

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF TIPTON, INDIANA AMENDING THE CITY OF TIPTON ZONING ORDINANCE 2010-03, 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 drainage, 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 November 14, 2019, and

WHEREAS, the Plan Commission did certify to the Common Council of the City of Tipton on November 18, 2019 the attached amendments with a favorable recommendation,

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

SECTION 1. The City of Tipton Zoning Ordinance 2010-03 adopted February 8, 2010 is amended as follows:

Attachment A of this Ordinance makes deletions and additions to the text of the City of Tipton Zoning Ordinance. Parts to be deleted are struck through while parts to be added are in 'red'.

This 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 25 day of NOVEMBER 2019 on the first reading; and

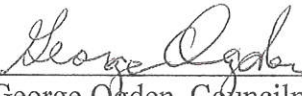
Adopted this 9 day of DECEMBER 2019 on the second and final reading.

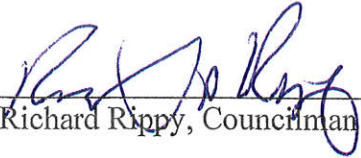
Brett Curnutt, Council President




Rick Chandler, Councilman



Phil Morgan, Councilman



George Ogden, Councilman


Richard Rippy, Councilman

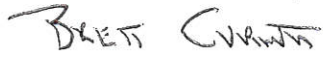
Presented by me, Tamera L. Clark to the Mayor of the City of Tipton, on the 9 day of
DECEMBER, 2019 at the hour of 5:35 P.M.


Tamera L. Clark, Clerk-Treasurer

This ordinance is hereby APPROVED by me, 
DECEMBER, 2019 at the hour of 5:35 P.M.


Don S. Havens, Mayor

Attest:

 BRET CURREN, ACTING EXECUTIVE


Tamera L. Clark, Clerk-Treasurer

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

ATTACHMENT A

312.02 Minimum lot size: The minimum lot size permitted when utilizing the density transfer option shall be as stipulated in Table B with the following criteria being utilized to govern the reduction of lot sizes from that which is normally permitted.

A. Land with 0-25% slope receives full credit toward the reduction of lot sizes;

B. Land with a slope of 25% or greater receives 1/2 credit toward the reduction of lot sizes; and

~~C. Land in flood zone areas receives 1/2 credit toward the reduction of lot sizes.~~

313 DRAINAGE AND EROSION CONTROL REGULATIONS: It shall be the responsibility of the owner of any lot or parcel of land developed for any use, other than those listed in City of Tipton Zoning Ordinance Section 902.02 of this Ordinance, to obtain an Improvement Location Permit from the Office of the Zoning Administrator. If the site has significant potential for drainage and erosion problems as determined by the Zoning Administrator, ~~or~~ **and** in consultation with the Tipton County **Surveyor** Soil and Water Conservation District representative, then the issuance of this permit shall include the review and approval of a **an approved** drainage and/or erosion control plan as specified in this section **by the governing bodies responsible for such approval** unless provision for drainage and erosion control has been handled under the Tipton City Subdivision Control Ordinance.

~~313.01 If required, an erosion control plan must be submitted as a part of an Improvement Location Permit application. In addition to the information required in Section 903.03, an erosion control plan must be submitted detailing measures to be implemented during and after construction on a form provided by the Zoning Administrator, or Tipton County Soil and Water Conservation District and approved by the Soil and Water Conservation District.~~

~~313.02~~ **313.01** If the site to be developed is over 1 acre, a permit from the Indiana Department of Environmental Management must first be obtained as per general permit regulation 327 IAC 15-5 (Rule 5) as amended, prior to issuance of an Improvement Location Permit. This requirement also applies to subdivision development.

~~313.03~~ **313.02** Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water run-off, and conserve the natural cover and soil. Whenever possible, existing natural surface drainage may be utilized. To the maximum extent, there shall be no increased peak discharge or run-off rates as a result of the development unless downstream systems are sufficient to accept the discharge.

~~313.04~~ **313.03** Whenever the evidence available indicates that the natural surface drainage is inadequate, the owner shall provide the parcel with an adequate surface water system which shall be integrated into the drainage pattern of surrounding properties. When additional surface drainage is required, adequate easement for such drainage shall be provided.

~~313.05~~ **313.04** On-site detention storage of storm water shall be required where necessary as determined by the Zoning Administrator **and** ~~or~~ in conjunction with **the** Tipton County **Surveyor** Soil Conservation District representative in order to prevent damage to adjoining properties.

~~313.06~~ As required, a drainage plan must be submitted as a part of an Improvement Location Permit. In addition to the information required in Section 903.03, the drainage plan must include the following information:

~~A. Existing and proposed grading showing positive drainage by contouring or sufficient spot elevations;~~

~~B. Location of all existing or proposed swales, ditches, culverts, drainage channels, surface and subsurface drainage devices, and the direction of flow;~~

~~C. Illustration of the surface drainage pattern of the site away from structures;~~

~~D. Final distribution of surface water off-site, either preventing or planning for surface ponding;~~

~~E. Demonstration of capability of accommodating the 10-year design rainfall intensity, or a rainfall of greater intensity, without endangering the public safety and health, or causing significant damage to property;~~

~~F. A Certificate of Sufficiency that resembles the format as shown on the page following this Section shall be submitted along with the plans;~~

~~G. Detention storage facilities, if required, the applicant shall submit the following additional information:~~

~~1. Plans for storage of and a controlled release rate of excess storm water with adequate detention storage to insure that the release rate of storm water following and during developments, redevelopments, and new construction shall not exceed the storm water run-off from the land in its present state of development. (Present state of development means state of development as the adoption of this Ordinance.)~~

~~2. Detailed computations to show that peak rate following and during construction shall not exceed the storm water run-off rate in its present state of development. Said computations must indicate that run-off will not be increased and must include computations of run-off before and after development. The computations must demonstrate that the peak run-off rate after development for the 100-year return storm of critical duration will not exceed the 10-year period predevelopment peak run-off rate. The critical duration storm is that storm duration that requires the greatest detention storage.~~

CERTIFICATE OF SUFFICIENCY OF PLAN

Address where land alteration is

occurring _____

Plan Date _____

I hereby certify that to the best of my knowledge and belief:

1. The drainage plan for this project is in compliance with drainage requirements as set forth in the City of Tipton Zoning Ordinance.
2. That property and persons downstream of this planned project are not endangered as a result of alterations to the property.
3. The calculations, designs, reproducible drawings, masters, and original ideas reproduced in this drainage plan are certified by me.

Signature _____

Date _____

Business Address _____

Surveyor _____

Engineer _____

Architect _____

Indiana Registration

Number _____

~~313.07~~ **313.05** Drainage swales (ditches) and curbs and gutters along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance, as originally constructed and as approved by the County Highway Department or Board of Works, as applicable. Driveways or other approved structures may be constructed over these as permitted by the County Highway Department or Street Department, with adequate provision for the flow of surface drainage.

~~313.08~~ **313.06** No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used, if the location is within 75 feet of the centerline of any legal tile ditch, or within 75 feet of the existing top edge of any legal open ditch or tile as determined by the Tipton County Surveyor.

~~313.09~~ **313.07** No cut or fill grade shall exceed a slope of 3/1, or 33 1/3 %. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3/1 in slope.

~~313.10~~ **313.08** All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded or seeded within a reasonable time of such activity; the phrase "a reasonable time" shall be interpreted to be within 2 weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum. Temporary vegetation or mulching shall be used to protect exposed areas during development.

~~313.11~~ **313.09** All drainage and erosion control systems must be safe to persons and maintained at all times.

~~313.12~~ 313.10 All land disturbing activities on site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period o