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CH15 - APPENDIX B

CH15 15 .1 - Subdivision Control Procedure

Concept Plans:

- submitted to Town Hall with fees for concept review 31 days prior to Planning Commission meeting.
- concept plan given and reviewed by checkpoint agencies at scheduled Commission meeting, concept plan is either continued, tabled, rejected or approved.

If Approved:

- applicant may then proceed to prepare his application for certificate of plat approval and all supporting documents.

Application For Certificate of Plat Approval

Submitted to Town Hall with fees for preliminary plat approval.

Placed on Planning Commission agenda to begin 31 day review period.

Plans and supporting documents given to checkpoint agencies.

Commission sets date for public hearing

Within 5 days of acceptance of application, publish notice in newspaper of general circulation in Madison County: general location of proposed subdivision that the application is on file and may be examined at Lapel Town Hall. Parties having probable interest in the plat may file in writing at Town Hall comments or concerns within 10 days of publication

Action of Planning Commission

Within reasonable time of hearing the Planning Commission shall study documents and information from checkpoint agencies to determine conformity to ordinances. Commission shall also consider information presented at the public hearing.

Commission shall continue, table, reject or approve.

****IF ALL INFORMATION IS NOT SUBMITTED AT ONE TIME OR DEVIATES FROM THE ORDINANCE OR STANDARD THEN MORE TIME MAY BE REQUIRED TO OBTAIN RECOMMENDATION FOR APPROVAL.**

Checkpoint Agencies:

Town Board	Utility Departments
Town Engineer	County Board of Health
Town Marshal	County Soil & Conservation
Local Fire Department	Appropriate School Corporation

STATE OF INDIANA)

)SS:

COUNTY OF MADISON)

ORDINANCE NO. 4

BE IT ORDAINED by the Town of Lapel, Madison County, Indiana:

That the Town of Lapel hereby adopt an ordinance for utilization of the Subdivision Control Code, attached hereto and made a part of this Ordinance, and marked Exhibit A.

NOW, BE IT ORDAINED by the Board of Trustees of the Town of Lapel, Madison County, Indiana adopt the Subdivision Control Code to guide the development of the Lapel Advisory Plan Commissions jurisdictional area for the benefit of the Town of Lapel, its citizens, and future development.

READ AND ADOPTED THIS 27 DAY OF AUGUST, 1996.

SCOTT HERSBERGER

GARRY SCHERER

ROSILYN OLEKSY

ATTEST:

THOMAS G. TUDOR,

CLERK/TREASURER

Further Information

4-1996

Date Passed: 8/27/1996

CH15 15 .2 - General Provisions

CH15 15 .3 - Title

This chapter and chapters supplementary or amendatory thereto shall be known and cited hereafter as the Subdivision Control Code.

The purpose of this Subdivision Control Code is to guide the development of the Lapel Advisory Plan Commissions jurisdictional area in such a manner as to provide for the improvement of the health, safety, convenience and welfare of its citizens and to plan for the future development of the community; to the end that streets and highways be carefully planned: that new areas grow only with adequate street, utility, health, education and recreational facilities. Further, that the needs of public utilities and facilities be recognized in the future growth: that residential area provide healthy surroundings for the family life and that the growth of the community is commensurate with, and primitive of, the efficient and economical use of public funds.

CH15 15 .4 - Approval of Plats Control of Plan Commission

No plat or replat of a subdivision of land, located within the jurisdiction and territorial limits of the Town of Lapel Advisory Plan Commission shall be recorded in the Madison County Records Office until it shall have been approved by the Commission and the Town Council, in accordance with the following requirements, standards and specification, and such approval has been entered in writing on the plat by the President and Secretary of the Commission.

CH15 15 .5 - Approval for Plat Approval / Preliminary Consultation; Concept Plan Approval

- A. The owner or owners of land, or the subdivider, proposing to subdivide plat, or otherwise develop property within the jurisdictional area of the Commission, shall consult with the Director of Development

or his designee and the Town Engineer prior to the preparation of the Concept Plan and prior to the submittal of the Concept Plan to the Advisory Plan Commission.

- B. The owner or developer shall submit a Concept Plan for the subdivision which shall show the manner in which the proposed subdivision is coordinated with the Comprehensive Plan and its provisions; specifically with relation to the requirements of the Official Thoroughfare Plan: school and recreation sites; shopping centers; community facilities; sanitation, water supply and drainage; and other developments, existing and proposed, in the vicinity provided, however, that no land shall be subdivided or otherwise developed unless adequate access to the land over improved streets or thoroughfares exist or will be provided by the subdivider, or if such land is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable soils, earth and rock formations, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole.
- C. Subdivision Control - The owner or developer shall also be prepared to demonstrate that the proposed development will meet the requirements of, and be in harmony with, the County Surveyor, Madison County Highway Department, Indiana Department of Natural Resources and Soil Conservation Service, Madison County Conservation District. Within a reasonable time after the submittal of the Concept Plan, the Commission shall study the Concept Plan and all supporting documents to determine if it conforms to the Comprehensive Plan. Upon the continuance or rejection of the Concept Plan, the Secretary shall notify the applicant in writing what revisions, or further changes are needed for approval. Upon the rejection of the Concept Plan, the Commission will not review the application until it is resubmitted, which cannot be done but once every two months. Upon the approval of the Concept Plan, the Secretary shall notify the applicant in writing of the Commissions actions. The applicant may then proceed to prepare his Application for Certificate of Plat Approval, and all supporting documents.

CH15 15 .6 - Filing of Application for Certificate of Plat Approval

- A. The owner or developer shall, upon the application form furnished by the town, make application to the Commission for the Certificate of Plat Approvals. In addition to the application form, various plans, exhibits, approvals, and documents shall be included as part of the application and submittal. The information outlined in this chapter is intended to represent the minimum information required, and the owner or developer may submit whatever additional information he deems necessary or helpful in presenting his application. Further, the Commission may require additional documentation beyond that listed and described, where it believes such information to be helpful in considering the application.
- B. The application shall be filed not later than 12 months after the date of approval of the Concept Plan, otherwise it will be considered void unless an extension is requested by the owner or developer and granted by the Commission in writing.
- C. After receipt of a completed application, the application shall be placed on the agenda of the next Commission meeting for notification of receipt of the plat and application, and to start the 31 working day review period as provided in the Town of Lapel, Indiana, Code of Ordinances.

CH15 15 .7 - Payment of Fees

The owner or developer shall at this time submit his check for the appropriate fees. The check shall be made out to the town and shall be in the amount specified in the Town of Lapel, Indiana. Code of Ordinances.

CH15 15 .8 - Application for Concept Plan Review and Certificate

Name(s) of Subdivider(s) _____

Address(es) _____

Phone(s) _____

Subdivider's Representative (if any) and Registered Land Surveyor (if any):

Name(s) _____

Address(es) _____

Phone(s) _____

I (we) do hereby apply for sketch Plan review and certificate or approval of the following described subdivision in accordance with the provisions of the Lapel Subdivision Ordinance. I (we) am (are) the owner (owners) of the real estate included in said subdivision.

Name of the Subdivision _____ generally described as follows:

Civil Township ____ Section ____ Quarter Section ____ Township ____ Range ____

(LEGAL DESCRIPTION OF SUBDIVISION ATTACHED HERETO)

=====

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider(s) _____

State of Indiana)

County of _____) SS:

Subscribed and sworn to before me this day of _____, 19__.

Notary Public

Residing in _____ County

My Commission Expires: _____

=====

Staff Use: Date of Concept Plan Review _____

Fee of \$ _____ received from subdivider. Date _____

CH15 15 .9 - Request for Certificate of Preliminary Plat Approval

Name(s) of Subdivider(s) _____

Address(es) _____

Phone(s) _____

Subdivider's Representative (if any) and Registered Land Surveyor (if any):

Name(s) _____

Address(es) _____

Phone(s) _____

I (we) do hereby request primary approval of the following described subdivision in accordance with the provisions of the Lapel Subdivision Ordinance. I (we) am (are) the owner (owners) of the real estate included in the subdivision.

Name of the Subdivision _____ generally described as follows:

Civil Township ___ Section ___ Quarter Section ___ Township ___ Range ___

Area in acres _____; Number of lots _____

Miles of new streets to be dedicated to the public (in hundredths):

Full width_____

=====

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider(s) _____ Subscribed and sworn to before me this day of _____, 19__.

Notary Public

Residing in _____ County

My Commission Expires: _____

=====

Staff Use: Date of Public Hearing before Commission _____

Fee For Additional Lots of \$_____ received from subdivider. Date _____

CH15 15 .10 - Notice of Hearing

- A. Upon receipt of the application and on the tentative approval and acceptance of the application, the Commission shall set a date for a public hearing on this application and proposed subdivision, notify the applicant in writing, and notify by general publication or otherwise any person, or unit of government, having a probable interest in the proposed plat.
- B. Upon the official notification forms of the Lapel Plan Commission, the secretary shall notify by certified/registered mail, the owner or owners, according to the most recent bound volumes of the real estate tax assessment lists on file in the offices of the Assessor of Madison County, Indiana, of all parcels of land adjoining or adjacent to the land described in said application for plat approval to a depth of two ownerships, but not to include any ownership of land located more than 600 feet from said land described in the application for plat approval.
- C. For the purposes of giving notice as required by this section, the land described in said application for plat approval shall be deemed to include any adjoining or adjacent land owned by the applicant, with the exception, however, that if the applicant is a railway or other utility, the land described in said application for plat approval shall not be deemed to include the entire right-of-way but shall be limited to the particular parcel involved, and land separated from land described in the application for plat approval by streets, alleys, easements, channel waters, or any other natural or artificial barrier, except a boundary line

of Stoney Creek Township, Madison County, shall be deemed to land adjoining, or adjacent to, that described in the application for plat approval. Such notice shall state:

1. The general location of the proposed subdivision and a legal description of the land contained herein, as stated in the application for plat approval.
2. That the Application for Certificate of Plat Approval for the proposed subdivision is on file and may be examined at the office of the Secretary of the Plan Commission.
3. That the addressee may file in writing with the Secretary any comments concerning the proposed subdivision and plat thereof within ten days after the date of the postmark appearing on the certified/registered mail envelope enclosing said notice.

D. Within five working days of the acceptance of the application, the Secretary shall also publish a notice in a newspaper of general circulation in Madison County stating:

1. The general location of the proposed subdivision and a legal description of the land contained therein, as stated in the application for plat approval.
2. That the Application for Certificate of Plat Approval for the proposed subdivision is on file and may be examined at the office of the Secretary of the Plan Commission.
3. That all parties having probable interest in the plat may file in writing with the Secretary any comments concerning the proposed subdivision within ten days after the date of publication.

NOTICE OF PUBLIC HEARING ON SUBDIVISION

Notice is hereby given that the Lapel Planning Commission, on the __date of _____, 20__,

at 7:30 p.m. in the Lapel Town Hall, 720 South Ford Street, Lapel, Indiana, will hold a public

hearing on a request by _____ subdivision. Said Subdivision involves

(subdivider)

the following described real estate in _____ Township, located at (Name of Civil Township)

_____ to wit:

(Common address or road location)

DESCRIPTION

Written suggestions or objections to the provisions of said request may be filed at Lapel Town Hall 10 days after the publication of such meeting and will be heard by the Lapel Planning Commission at the time and place specified. Said hearing may be continued from time to time as may be necessary.

Interested persons desiring to present their views on the said request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

LAPEL PLANNING COMMISSION OF MADISON COUNTY, INDIANA

By: _____ President

Seal:

Attest: _____

CH15 15 .11 - Action of Plan Commission

A. Within a reasonable time after the hearing, the Commission shall study the Application for Certificate of Plat Approval and all supporting documents to determine if it conforms to the Comprehensive Plan, and to the minimum development standards as outlined and required by this chapter. The Commission shall also consider all information presented at the public hearing. The Commission shall then, based upon these facts presented, approve the Application for Certificate of Plat Approval, continue and hearing,

table the matter, or reject the Application for Certificate of Plat Approval and forward their recommendation to the Town Council.

- B. Upon the tabling or rejecting of an application, the Secretary shall notify the applicant in writing what revisions, changes, or further changes in the application are needed for approval. Upon the rejection of an application, the Commission will not review the application until it is resubmitted, which cannot be done but once every six months.
- C. Upon the approval of the application and plat, the President and Secretary shall sign and seal the plat at the appropriate locations. The Secretary shall also notify the applicant in writing of the Commissions actions. It may then be filed for recording in the Office of the Recorder of Madison County, as required by law. If disapproved, the Commission shall set forth the reason for such disapproval in its own records and provide the applicant with a copy.
- D. The approved plat shall have incorporated all changes or modifications required by the Commission, Town Engineer, Development Coordinator or his designee, Health Officer, Madison County Soil and Water Conservation District and County Surveyor, and it may constitute only that portion of the Concept Plan which the subdivider proposed to record and develop at that time, provided that such portion conforms with all requirements of this chapter and meets the approval of the Commission and was stipulated at the time of Concept Plan submittal.

CH15 15 .12 - Bond Requirements

- A. The Commission may not approve a plat for a subdivision without a bond or irrevocable letter of credit to cover the proposed plat improvements and installation. The bond or letter of credit shall:
 - 1. Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with the chapter;
 - 2. Provide surety satisfactory to the Commission;
 - 3. Run to and be in favor of the town, or the county;
 - 4. Specify the time for the completion of the improvements and installations (both on and off site);
 - 5. Be in effect and shall not terminate until 30 days after the final construction is approved by the Commission, and the maintenance bonds have been accepted;
 - 6. Not be released until the Town Engineer has certified that he has inspected the improvements during construction, and after completion, and that they have been installed in accordance with the intent of the approved Construction Plans and Specifications; and
 - 7. Be on a form approved by the Council.
- B. There is hereby created a dedicated fund acceptable to the State Board of Accounts which shall hold and accumulate all funds paid pursuant to the provisions of this section and which shall not thereafter be appropriated for any use unless it is associated with the completion of infrastructure improvements which had not been completed after having been initiated for any reason whatsoever.
 - 1. In the absolute discretion of the Director of Development in consultation with the Clerk-Treasurer and the town engineer for the Town, as needed, an entity or person obligated to provide a performance bond to the town may be allowed to pay a cash amount to the town in lieu thereof equivalent to the amount of premium which would be paid by said entity or person if it were to

obtain a performance bond. Conditions governing the exercise of discretion by the Planning Commission shall include but not necessarily be limited to the following;

- a. The general credit worthiness of the entity or person seeking such alternative form of payment;
 - b. The nature of the proposed improvement;
 - c. The reputation and history involving the person or entity seeking such alternative form of payment;
 - d. Such other underwriting standards as may be appropriate under the circumstances.
2. It shall be the policy of the town as incorporated into this section that the Planning Commission shall document its reason for denying a request in writing when such a denial occurs, and that said Planning Commission need not be limited to the conditions set out herein.
3. All other requirements pertaining to the time of posting and the calculation of the amount shall remain the same as currently exists within the ordinances of the town. Specifically, the cash amount in lieu of bond shall be exactly equal to the amount of premium for such a bond as evidenced by a certified quote for such premium from a recognized commercial bonding company. It shall be the duty of the person seeking the benefit of this section to provide the evidence of the premium to the Planning Commission.
4. Nothing in this section shall in any way limit the ability of the town to give consideration to other alternative forms of insuring the proper completion of public improvement projects involving infrastructure which is to be dedicated to the town or for the benefit of the public.

CH15 15 .13 - Acceptance of Subdivision; Posting Maintenance Bonds

When the subdivision has been completed, the owner or developer shall apply for a Certificate of Final Acceptance from the Plan Commission. When the application for Final Acceptance is submitted to the Commission, it shall be accompanied by a notice from the Council, stating that there has been filed with, and approved by that body, the following.

- A. A statement certified by the developers engineer, addressed to the town council, stating that he has inspected the improvements and construction of the subdivision required for its approval, during and after their construction and installation and that they have been made or installed in accordance with the approved plans and specifications; and, that a 3 year maintenance bond has been provided for any improvements and installations required by this chapter. The said maintenance bond shall:
1. Run to and be in favor of the town;
 2. Be in a penal sum of not less than 25% of the total improvements construction cost of the subdivision to assure and guarantee the maintenance of all improvements and installations, during such 3 year period. Including, but not limited to: streets to minimum specifications at the end of such period, sanitary sewers, storm sewers, including lift stations, pumps, motors, connections and main lines installed in the subdivision; sidewalks, shoulders, side slopes and ditches, street signs and street lights; provided that the Town Council may reduce the penal sum set forth herein for good cause if the intent of the Maintenance Bond provision is preserved;
 3. Commence upon acceptance;

4. Provide surety satisfactory to the Commission;
5. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and that the installations are of good quality and have been constructed and completed in a workmanship manner in accordance with standards, specifications and requirements of this chapter and the approved plans and specifications therefor;
6. Provide that for a period of three years after the Plan Commission Meeting at which said installations and improvements have been completed and are accepted for public maintenance by any appropriate governmental unit or agency thereof, the subdivider will at his own expenses make all repairs to said improvements and installations, and on the foundation thereof, which may become necessary by reason of improper workmanship or materials, with such maintenance, however, not to include any damage to said improvements and installations resulting from forces or circumstances beyond the control of said subdivider; and
7. A certification from the developer that all improvements and installations for the subdivision required for compliance with this chapter have been made or installed in accordance with the approved plans and specifications.
8. Provide for 4 sets of complete "as built" plans to the Town of Lapel at the completion of the project in for form of 3 sets of blue lines or black lines and 1 set of reproducible mylars. The "as built" shall include accurate to scale horizontal location of all utilities, including but not limited to sanitary sewer mains and service laterals, storm sewers, water mains and service lines, gas, electric, telephone and cable television. Vertical location shall be provided for sanitary and storm sewers, including but not limited to inverts, grade and top casting elevations. The plans shall also include any horizontal or vertical revisions of streets, sidewalks, entrance signs, drainage, retention and/or detention ponds, pump stations, accurate construction details and other improvements. „As built" plans shall be dated and noted as such on each plan sheet and shall be certified by the engineer providing the inspection service in Section A.

Further Information

Ord. No. 2-1999, passed 1/21/1999

Date Passed: 1/21/1999

CH15 15 .14 - Plat and Supporting Documents Presentation

- A. The Concept Plan may be presented in the form of one or more documents, consisting of plans, drawings, slides, reports, letters and/or other supporting information. Four copies of all items shall be submitted.
- B. The proposed plat and all on-site development amenities shall be presented on a plan with a minimum scale of not less than 1 inch - 100 feet The on-site plan shall include the existing ground contours at not more than a five-foot interval. This plan shall be entitled "Proposed Development Plan".
- C. All off-site considerations may be presented on a plan map of not less than a 1 inch - 1.000 feet scale. This plan shall be entitled "Area Map" and it shall show all off-site considerations and amenities as hereinafter

described.

- D. The proposed improvements may be presented in any form as best suits the developer's presentation. The developer should note that the final project shall clearly reflect the proposed structures, plans, uses, and purposes as represented by the Concept Plan.
- E. For this submittal the owner or developer shall present a Concept Plan which shall:
1. Represent the proposed plat with the legal description showing the layout of streets, lots, and other elements basic to the proposed use in relationship to the site conditions (Proposed Development Plan);
 2. Define the proposed traffic flow, method of handling the sanitary sewage, storm water run-off, water supply, utility services, legal drains, subsurface water problems and also all off-site considerations which may affect the proposed site as well as any downstream areas (Proposed Utility Plan);
 3. Show locations of all existing or proposed parks, schools, recreational and other public and semi-public sites and facilities which are proposed to be within the development, or which may be affected by the development due to location or proximity, as well as all land use and zoning classifications adjacent to the proposed subdivision (Area Map);
 4. Illustrate by plans, drawings, renderings, models, pictures, and specifications, the proposed improvements, structures, buildings, and all other pertinent amenities which are proposed to be constructed or otherwise installed within the developed project;
 5. Include a copy of the proposed covenants; and
 6. Include a soils report from the Madison County Soil Conservation Service, U.S. Department of Agriculture.
- F. The owner or developer shall also be prepared to demonstrate that the proposed development will meet the requirements of, and be in harmony with, the recommendations of the Madison County Surveyor, Madison County Highway Department, Indiana Department of Natural Resources, and the Soil Conservation Service, Madison County Conservation District.
- G. The plans presented shall have been prepared by an architect, engineer or surveyor registered in this state. The plans shall have been prepared in a professional manner, and shall depict the present situation as it truly exists. All streets, roads, creeks, and places shall be named. All land areas shall be identified as to ownership and Zoning Classification and present use. All existing utilities, drainage ways, storm and sanitary sewers, streets and roads, shall be located and shown to the extent that they may affect the proposed development.
- H. The Concept Plan shall be submitted to the Secretary of the Advisory Plan Commission at least 31 working days prior to the Commission meeting at which it is to be presented.
- I. The owner or developer shall at this time also deposit with the Clerk Treasurer his check for the cost of concept plan review. These costs are set forth in the Town of Lapel, Indiana, Code of Ordinances.
- J. The owner or developer shall submit an application for Certificate of Plat Approval upon the forms provided by the Secretary. The application, plat and all supporting documents, as hereinafter described, shall be submitted in six copies to the Secretary for docketing on the next Commission meeting agenda. After the Commission meeting, a 31 - working day review period will begin as follows:

1. Working Day 1-10: The Development Coordinator or his designee, the Town Attorney and the Town Engineer will review the submitted application and documents within ten days and provide the applicant with their comments.
 2. Working Day 11-21: The applicant will then have 11 days to make revisions and corrections and resubmit them to the Secretary.
 3. Working Day 22-26: The Development Coordinator or his designees the Town Attorney and the Town Engineer will then have five days to complete the review and mail the final comments/recommendations to all the Commission Members and the applicant.
 4. Working Day 27-31: The Commission Members will then have five days; two days for delivering of mail and three days for review, prior to the meeting for review of the recommendations.
- K. The plat shall be prepared on a mylar base material with India ink or other approved materials, so as to be a permanent record. The owner or developer shall furnish one permanent (mylar) transparency to the Commission, along with six copies or prints of the plat and all supporting documents.
- L. The original drawing of the plat of the subdivision shall be drawn to a scale of 1 inch = 50 feet, provided that the resulting drawing can be placed on a sheet 18 inches x 23 inches. A scale of 1 inch = 100 feet may be used if authorized by the Commission.
- M. The plat shall accurately indicate and show:
1. Name of subdivision, name and address of owner and/or developer;
 2. Location by section, township and ranged and by legal description, and a Location Key Map;
 3. The signature, seal and certification of a registered land surveyor, in accordance with this chapter, who prepared the plat;
 4. Scale shown graphically, date, and north point;
 5. Boundary lines of plat and acreage thereof based upon an accurate traverse (1 foot in 5,000 feet), with temperature corrections equal to 68°F;
 6. True courses and distances to the nearest established street lines or official monument which accurately describe the location of the plat;
 7. Town, township, county, and section lines accurately tied to the lines of the subdivision by courses and distances;
 8. Street rights-of-way, in accordance with the provisions of this chapter and the Thoroughfare Plan. Names and lines of all streets within and on the perimeter of the plat, with accurate dimensions in feet and hundredths showing angles to streets, alleys, and lot lines at least to the nearest minute;
 9. Radii, central angles, tangents, lengths of areas, curvatures, angles at street intersections and a complete street traverse of each street within and on the perimeter of the plat;
 10. Lines of any existing alloys or alloys for commercial, industrial or other non-residential land uses within and on the perimeter of the plat, with accurate dimensions in feet and hundredths;
 11. All lot numbers, liens, and areas with accurate dimensions in feet and hundredths. Lots in various phases of the same section in a subdivision shall be numbered consecutively through the several sections;
 12. Lines of an identity of all easements provided for public services and utilities, with accurate dimensions in feet and hundredths;

13. Accurate location and material of all monuments, indicating whether found or set, and elevation of at least one thereof;
14. Accurate outlines of any area to be dedicated or reserved for public use, or acquisition, with the purposes indicated thereon and in the dedication, and of any area to be reserved by deed or covenant for common use by owners of land obtained in the plat;
15. Building setback lines accurately shown with dimensions;
16. A correct legal description of the land platted, indicating any changes from the description appearing in the last record transfer of said land;
17. Restrictive covenants applicable to the land in the plat consistent with the requirements, standards and specifications of this chapter, as required by the Commission;
18. Certification of dedication of streets and other public property;
19. Certificate for approval by the Commission.

CH15 15 .15 - Supplementary Data Required

- A. A Development Plan shall be presented with the plat. The Development Plan shall be prepared to a scale of 1 inch = 50 Feet or less and preferably on sheets not to exceed 24 inches x 36 inches. The Development Plan shall include the following information;
1. Contours at vertical intervals of one foot or less if the general slope of the site is less than 10% and at vertical intervals of two feet if the general slope of the site is 10% or greater.
 2. Tract boundary lines showing dimensions, bearing, angles, and references to section, township and range lines, with a written legal description of the tract.
 3. Location of existing drainage, drainage channels, underground facilities, wooded areas, power transmission poles and lines, legal drains and/or known private drains, and any other significant items shall be shown.
 4. The location and size of all existing utilities. (Storm, sanitary sewers, water main, telephone, electrical, gas, etc.)
 5. Streets and rights-of-way, on and adjoining the site of the proposed subdivision, with names of streets which shall not duplicate names of other streets in the community except in cases of extensions of existing streets, sidewalks and other pertinent data
 6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes. These shall be shown on the Site Location Map if not a part of this project.
 7. Building setback or front yard lines.
 8. Easements: Locations, width and purposes.
- B. A "Utilities and Drainage Plan," also conforming to the above shall
1. Show all existing and proposed utilities, sanitary and storm sewers, lift or pumping stations (sanitary or storm), proposed drainage ditches, swales, or pipes, culverts, detention or retention ponds. Note: The layout of telephone, electric, gas, and water utilities is required at this time.
 2. In all cases a separate "Drainage Area Map" with calculations shall be presented, as an engineering document to support the planned method of drainage and storm water run-off management.

- C. A Site Location Map showing the location of highways, county roads, rural routes, legal drains, flood plains, private drain tile, open drains, watershed boundaries, and any other physical features that may have a bearing on proposed developments i.e. swamp, steep escarpments, woods, etc.
- D. An Erosion Control and Landscape Plan shall be included and may be in conjunction with the Development Plan.
- E. Plan and profile sheets shall be prepared for all on and off site sewers, storm sewers, streets and roads, drainage ditches, and force mains. These plans shall be prepared on 24 inch x 36 inch drawings to a scale of 1 inch = 50 feet horizontal and 1 inch - 5 feet vertical.
- F. Detail sheets shall be prepared which clearly define all construction matters, and special conditions. Written specifications shall be prepared as part of the plans or as separate documents. These specifications shall cover construction techniques, materials, and tests.
- G. From time to time additional plans and/or specifications may be required for special or unusual conditions which are not herein mentioned. This information shall be furnished as directed by the Town Engineer.

CH15 15 .16 - Subdivision Principles; Minimum Design Standards Purpose

- A. It is the purpose of this chapter to establish and define certain principles and minimum design standards which shall be required by the Commission prior to the approval of any plat. Further, these minimum requirements shall serve as a guide to owners and developers who will be submitting plats for those areas within the jurisdictional control of the Advisory Plan Commission.
- B. In planning for the subdivision and development of areas within the jurisdiction of the Advisory Plan Commission, the owner and developer shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of this Comprehensive Plan. The proposed development shall be consistent with the present zoning classification and uses, and shall result in a project which is harmonious with the use of the land upon which it is planned as well as the overall community of the town.

CH15 15 .17 - Considerations: Standard Minimums

- A. In the development of the Lapel area, care shall be taken and consideration given to the preservation of the existing environment and natural features of the land. These shall include, but are not limited to, farm lands, woods, creeks, floodways, historic sites, cemeteries, wild life habitat or other similar areas which may be of value, either intrinsic or real, and which are considered to enhance the total area in general.
- B. Special consideration shall be given to the prevention of soil erosion, air and water pollution and the proper disposal of all refuse and waste materials, and the elimination of any undesirable condition or situation.
- C. The development of the area shall be harmonious with the existing areas, and shall further protect the health, safety and welfare of the residents in the jurisdictional area of the Commission.

D. The standards and requirements of this chapter shall be deemed "Minimum," and whenever the requirements of the Zoning Code, or any requirements of the Comprehensive Plan, or any governmental agency are higher or more restrictive, then the latter standards and requirements shall control any approval of the plat or development plans.

CH15 15 .18 - Platting of Land

- A. The land shall be platted to achieve the most desirable utilization thereof, in a manner most conducive to:
1. The creation of conditions favorable to the public health, safety, and welfare and the physical, social and economic development of the area, and in conformity with the Comprehensive Plan;
 2. The advantageous distribution of population densities and traffic control;
 3. The creation of desirable local subdivision units with provision for;
 - a. Adequate public and semi-public grounds, spaces and facilities, including, but not limited to, governmental services and administration, education and recreation;
 - b. Sanitation and drainage, including the treatment and disposal of excess drainage waters, sewage, garbage, refuse and other wastes;
 - c. Necessary public utilities providing water, light, heat, and communication;
 4. The prevention of stream pollution;
 5. The elimination of blight;
 6. The prevention and control of floods; and
 7. The conservation of water, oil and other agricultural and mineral resources.
- B. Land shall be platted with aversion to effectuating any long range programs or financial obligations on the part of the town or the Commission, and shall promote the efficient and economic use of public funds.
- C. Land which is subject to flooding or other danger shall not be platted for any use or in any manner tending to create an increased detriment to the public health, safety or welfare.

CH15 15 .19 - Soil Survey, Erosion and Sediment Control

- A. Before granting the approval of a plat or the issuance of a Development Permit. the Town Engineer and/or the Development Coordinator or his designee shall be satisfied that the proposed subdivision meets the applicable criteria set forth herein for the tract of land concerning types of soils involved, and the conditions which are requisite to assure proper execution of erosion and sediment control, proper drainage, and the overall general development. The Town Engineer and/or the Development Coordinator or his designee shall be guided by the information set forth in the findings in the National Cooperative Soil Survey prepared by the USDA Soil Conservation Service in cooperation with the Purdue Experiment Station and the Madison County Soil and Water Conservation District. The Town Engineer and/or the Development Coordinator or his designee shall also be guided by advice from the USDA Soil Conservation Service, Madison County Soil and Water Conservation District, Madison County Drainage Board, Indiana Department of Natural Resources - Division of Water and other agencies or officials offering technical assistance on the subject of soils, drainage, erosion and sediment control. The applicant shall provide the information, report or plan with his application, and any additional expense necessary to ensure adequate information, report or plan shall be met by the applicant.

- B. No changes shall be made in the contour of the land, or grading excavating, removal or destruction of the top soil, trees or other vegetative cover of the land until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Town Engineer and/or the Director of Development or his designee, or there has been a determination by the Town Engineer and/or the Development Coordinator or his designee that such plans are not necessary.
- C. No subdivision plat shall be approved unless there has been a plan approved by the Development Coordinator or his designee and the Town Engineer that provides for drainage and minimizing erosion and sedimentation consistent with this chapter, and that an improvement bond or other acceptable securities are deposited with the town which will ensure installation and completion of the required improvements, or there has been a determination by the Development Coordinator, or his designee and the Town Engineer that a plan for drainage and minimizing erosion and sedimentation is not necessary.
- D. Measures used to control erosion and reduce sedimentation and to provide drainage shall as a minimum meet the soils report and recommendations of the Madison County Soil and Water Conservation District. These measures shall be set out in the Erosion Control Plan, which shall be a part of the plans.

CH15 15 .20 - Erosion and Sedimentation Control Principles

The following measures shall be considered in minimizing erosion and sedimentation and shall be included where applicable in the erosion control plan:

- A. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
- B. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water run-off.
- C. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- D. The disturbed area and the duration of exposure shall be kept at a practical minimum.
- E. Disturbed soils shall be stabilized as quickly as practicable.
- F. Temporary vegetation and mulching shall be used to protect exposed critical areas during development.
- G. The permanent final vegetation and structural erosion control and drainage measures, shall be installed as soon as practical in the development.
- H. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.
- I. Where necessary the rate of surface water run-off will be structurally retarded.
- J. Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment bases, silt traps, or similar measures.

CH15 15 .21 - Site Grading

In order to provide more suitable sites for building and other uses, improve surface drainage, and erosion control, the following considerations shall be made:

- A. All lots, tracts, or parcels shall be graded to provide proper drainage away from the buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Development Coordinator or his designee and/or the Town Engineer.
- B. All drainage provisions shall be of such design to handle the surface run-off and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted as required and shall be of such slope, shape and size as to conform with the requirements.
- C. Concentration of surface water run-off shall only be permitted in swales or watercourses.
- D. Excavations and fills:
 - 1. Cut and fill slopes shall not be steeper than 3:1 unless stabilized by a retaining wall or cribbing except as approved by the Director of Development or his designee and/or the Town Engineer.
 - 2. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
 - 3. Cut and fills shall not endanger adjoining property.
 - 4. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
 - 5. Fills shall not encroach on natural watercourses or constructed channels.
 - 6. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
 - 7. Grading will not be done in such a way so as to divert water onto the property of another land owner without the expressed written consent of that owner.
 - 8. During grading operations, necessary measures for dust control will be exercised, such as water sprinkling application.
 - 9. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of temporary crossings or permanent culverts or bridges.
 - 10. All adjacent roads, streets and drives shall be kept free and clear of all dust, mud, dirt or other debris carried from the site by trucks and earth equipment.

CH15 15 .22 - Responsibility

- A. Whenever sedimentation is caused by the stripping of vegetation, regardless of other development, it shall be the responsibility of the applicant, person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- B. Maintenance of all driveways, parking areas, drainage facilities and watercourses within any development area is the responsibility of the applicant owner or developer.
- C. It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the flood plain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.
- D. No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any

communal stream or watercourse without having obtained prior approval from the Town Engineer and the Development Coordinator or his designee or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.

- E. Where a development area is traversed by a watercourse, the total development of the watercourse shall be considered. There shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage to the satisfaction of the Town Engineer and the Development Coordinator or his designee.
- F. Each applicant, person, corporation, or other entity which makes any surface changes shall be required to:
 - 1. Collect on-site surface run-off and dispose of it to the point of discharge into an adequate outlet approved by the Town Engineer and/or the Development Coordinator or his designee; and
 - 2. Provide and install at his expense, in accordance with the Town Engineer and/or the Development Coordinator or his designees requirements, all drainage and erosion control improvements (temporary and permanent) as approved on the Erosion Control Plan.
- G. It is the responsibility of the applicant or owner to keep all major streams, not under the jurisdiction of other official agencies, open and free flowing.
- H. The applicant or owner will assume the responsibility for maintaining an open and free flowing condition in all streams, watercourses and drainage systems, constructed or improved in accordance with town and county design criteria, on or off his property, which are necessary for proper drainage

CH15 15 .23 - Compliance with Regulations and Procedures

- A. The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance this chapter and the recommendations and reports prepared by the Madison County Soil and Water Conservation District.
- B. The approval of plans and specification for the control of erosion and sedimentation shall be concurrent with the approval of the development and become a part thereof.
- C. Permission for clearing and grading prior to the approval of the Development Plan may be obtained, under temporary approvals or other conditions satisfactory to the Town Engineer and/or the Development Coordinator or his designee and the Planning Commission.

CH15 15 .24 - Plated Streets

- A. All proposed plats submitted for Commission approval under the provisions of this chapter shall allocate adequate areas for streets, in conformity with the Comprehensive Plan and Thoroughfare Plan, and shall designate and label all such streets thereon in accordance with the Thoroughfare Plan as to platted width, right-of-way and control of access thereto.
- B. The plan, arrangement, character, extent, width, grade and location of streets within and on the perimeter of said plat shall be logically related to the public convenience and safety, existing and planned streets in conformity with the Comprehensive Plan and Thoroughfare Plan, and existing and proposed topographical and other conditions, so as to:
 - 1. Produce reasonable grades and suitable sites for the uses proposed.

2. Serve vehicular and pedestrian traffic adequately and provide ease of circulation within, ingress to and egress from said proposed platted area.
 3. Create a desirable local subdivision plan consistent with said proposed uses.
- C. Such street plan shall provide for the logical extension, continuation, or completion of all properly located existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Commission.
- D. Streets which are extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Commission, shall bear the names of such existing streets.
- E. The names of new streets shall be subject to the approval of the Commission and shall not duplicate or closely resemble phonetically any existing street names within the territorial limits of the Commission, except as herein above provided.
- F. A building permit shall not be issued for any lot, however, which does not abut upon and have sufficient and adequate access to:
1. At least a whole-width pavement constructed or to be constructed in accordance with the requirements, standards and specifications of this chapter applicable to local street pavement width and depth:
 2. A building permit may be issued for a model home upon the placement of permanent curbs and stone base, as specified in division (F) (4) below. The location of all model homes shall be approved by the Planning Commission.
 3. No permits for the construction of single-family detached homes shall be allowed in a subdivision until an asphalt binder or Portland surface is laid upon the streets in that subdivision.
- G. Access to areas abutting thoroughfares. If the area proposed to be planned abuts upon or contacts an existing or proposed thoroughfare, the street plan shall provide vehicular access to each lot abutting upon said thoroughfare by one of the following means:
1. A parallel street, supplying frontage for lots backing onto, but separated from said thoroughfare right-of-way by a screen planting or buffer strip:
 2. A cul-de-sac, or series of cul-de-sacs, entered from a street paralleling said thoroughfare, with the terminal lots of the cul-de-sac backing onto the thoroughfare right-of-way by a screen planting or buffer strip:
 3. A marginal access street separated from said thoroughfare by a screen planting or buffer strip, access to the thoroughfare being provided at proper intersection distances; or
 4. Any other reasonable means necessary to control the number and location of intersections with such thoroughfares and provide adequate separation of through and local vehicular traffic.
- H. As a general principle, intersections with thoroughfares shall not occur at less than quarter-mile intervals.
- I. Intersecting streets which determine block lengths shall be provided at such intervals as to conform to the Comprehensive Plan and Thoroughfare Plan, serve cross traffic adequately, logically relate to existing and proposed topographical and other conditions, produce reasonable grades and suitable sites for the uses proposed, and create a desirable local subdivision plan consistent therewith.
- J. Dead-ended streets. Permanently dead-ended streets, except cul-de-sacs as defined in this chapter, shall be prohibited. A temporarily dead-ended street shall be permitted in any case in which a street is

proposed to be, and should logically be extended beyond the limits of said plat, but is not yet constructed beyond said plat limits. An adequate easement for a turn-around shall be provided for any such temporarily dead-end street which extends 250 feet in length.

K. Alleys shall not be located in areas proposed to be platted for residential use.

L. If the area proposed to be platted abuts upon or contains a railroad right-of-way, the plat shall be so designed as to provide, where necessary, future grade separations at thoroughfare intersections with said railroad right-of-way and shall provide an adequate buffer between said railroad right-of-way and sites abutting thereon, by any of the following means.

1. A parallel Street at a sufficient distance from the railroad right-of-way to provide frontage for deep lots abutting upon said railroad right-of-way and separated from said railroad right-of-way by a screen planting or buffer strip.
2. A Cul-de-sac, or series of cul-de-sacs, at approximately right angles to the railroad right-of-way, with deep terminal lots thereof backing onto said railroad right-of-way and separated from said railroad right-of-way by a screen planting or buffer strip; or
3. A park screen planting or buffer strip abutting said railroad right-of-way.

M. Street standards and design principles. All streets, roads, drives, and access ways shall conform to the following standards and design principles:

1. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
2. Residential street systems shall be designed to minimize through traffic movement, but certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
3. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivisions the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
4. Residential street patterns shall provide reasonable direct access to the primary circulation system.
5. Local circulation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.
6. Widths of streets and right-of-ways shall conform to the widths set forth in the Thoroughfare Plan.
7. Alleys shall be discouraged in residential districts, but mandatory access should be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted shall be at least 20 feet in width.
8. The center lines of streets should intersect as nearly at right angles as possible.
9. At intersections of street: and alleys, property line corners shall be rounded by arcs of at least 20 feet radii, or by chords of such arcs.
10. At intersections of streets the property line corners shall be rounded by arcs with radii of not less than 25 feet, or by chords of such arcs.
11. If the smaller angle of intersection of two streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Town Engineer.
12. Intersections of more than two streets at one point shall be avoided.
13. Local street intersection with centerline offsets of less than 125 feet shall not be permitted.

14. Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in their design.
15. Only one street shall be permitted from a subdivision or plat onto an arterial street or road. Two or more streets' or points of vehicle access may be permitted by the Commission only if they are definitely needed to improve the safety and traffic circulation in the area.
16. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-ended street which extends 200 feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
17. In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by the Thoroughfare Plan, the developer shall dedicate additional width along either one or both sides or such streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the subdivider or under his control.
18. The following divisions shall be required as a provision of the restrictive covenants of all final plats to which they apply:
 - a. No fence wall, hedge, tree or shrub planting which obstructs sight lines and elevation between 3 and 12 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet from the intersection of said street lines or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended.
 - b. The same sight line limitations shall apply to any lot within ten feet of the intersection of a street right-of-way line with the edge of driveway pavement or alley line. No driveway shall be located within 75 feet of the intersection of two street lines.
19. Minimum pavement width.
 - a. In subdivisions designed for 2-1/2 dwelling units or less per acre of ground within the boundaries of the plat; the minimum width of local street pavement, including gutters and curbs, shall be 32 feet measured back to back of curbs, with no on-street parking allowed.
 - b. In subdivisions designed for more than 2-1/2 dwelling units per acre of ground within the boundaries of the plat; the minimum width of local street pavement, including gutters and curbs, shall be 32 feet measured back to back of curbs, with no on-street parking allowed.
20. Street grades.
 - a. The maximum grade for local streets, marginal access streets and cul-de-sacs shall not exceed 7%, except for portions of streets not to exceed 600 feet in length where maximum grade shall not exceed 10%.
 - b. The minimum grade of concrete streets and gutters shall be 0.5%. The minimum grade for all other types of streets and gutters shall be 0.60%
21. Horizontal and vertical alignment.
 - a. Profile grades for local streets, cul-de-sac, and marginal access shall be connected by vertical curves with a minimum length equal to 15 times the algebraic grade difference, or 100 foot

aves, whichever is larger.

- b. The minimum radii of center curvature for streets shall be 150 feet on local streets, marginal access streets and cul-de-sacs, 100 feet or 58 degrees on streets shorter than 500 feet.
- c. The minimum tangent between reversed curves shall be 100 feet for local streets, cul-de-sacs, and marginal access roads.

22. Visibility requirements.

- a. Minimum vertical visibility measured from 5-1/2 feet, eye level, to 18 inches, tail light height, within traveled lanes shall be 200 feet on local streets, marginal access streets and cul-de-sacs, and 100 feet on streets shorter than 500 feet.
- b. Minimum horizontal visibility measured on centerline shall be, 100 feet for local streets, cul-de-sacs, and marginal access roads.

23. Intersection.

- a. Street curbs shall be rounded by radii of sufficient length to permit smooth flow of traffic.
- b. Street intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than 60 degrees.
- c. Street jogs with centerline offsets of less than 125 feet shall not be permitted.

24. Site Distance at Intersections. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two and six feet above the streets, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting points 25 feet from the intersection of said street lines, or in the case of a rounded property corner, from the intersection of the street lines extended. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street line with the edge of a driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

N. The subdivision streets shall be constructed in accordance with Good Construction Practice, Standard Specification, Indiana State Highway Department, Thoroughfare Code, and the recommendations and requirements of the Town Engineer.

O. Special attention will be required in regard to the sub-soil conditions and street base materials. Sub-surface drains shall be installed when recommended in the Soils Report, by the Town Engineer, or during construction when conditions arise that were unexpected but obviously require such remedial measures. All sub-surface drains shall be extended and connected to the storm drainage system.

P. All streets, roads, alleys, access ways, commercial drives, etc., shall be constructed to the cross sections and profiles as shown on the approved construction plans. All streets, roads, etc., shall be graded, surfaced and improved, and finished to the cross sections and profiles as shown on said plans, the construction being accomplished in accordance with the above requirement, and the following street sections:

1. Rigid Type Plain Concrete Local Streets shall be a minimum of six inches thick placed upon an approved compacted base sub-surface. The thickness shall be heavier for special soil conditions, or for special base preparation as determined by the Town Engineer.
2. Flexible Hot Asphaltic Concrete (HAC) Local Streets shall be constructed with one inch of HAC Surface placed upon three inches of HAC Binder placed upon two inches of compacted #11/#53

stone placed in 2-inch lift: pieced upon eight inches of compacted #2 Or #4 stone placed in 2 5-inch lifts, upon an approved, sub-surface soil material.

3. All draft and road construction shall be inspected by the Town Engineer prior to the placing of any base materials. The coring and certification of the base materials and technique, by professional testing laboratory shall be required. The cost of such borings shall be borne by the developer. The number of boring samples required shall be determined by the Town Engineer. However, no less than one sample in each 250 lineal feet of street shall be required.

Q. All pavement materials shall be certified in writing to the town, as to their composition, mix, quantity delivered and compliance with the materials specified and/or referenced from the ISHD Standard Specifications.

CH15 15 .25 - Sanitary Sewers

A. All proposed plats submitted to the Commission for approval, under the provisions of the Comprehensive Plan and this chapter shall provide for the collection of all sanitary sewage discharges by the installation of sanitary sewers. These sewers shall be constructed within the street rights-of-way or within other dedicated sewer and utility easements.

B. The design of and the construction plans for the sanitary sewer system shall be prepared by an engineer, registered in the state, and said plans shall be a part of the Development Plans

C. The plans shall meet the requirements of the Comprehensive Plan, this chapter, and the standards of the state. Further, the plans shall be reviewed and approved by the Indiana State Board of Health.

D. The sanitary sewers shall be constructed of the materials set out in division (G) of this section, of where situations are extreme, special materials may be required by the Town Engineer.

E. Sewer service connections, house connections.

1. The service connections shall be installed in accordance with the current Uniform Plumbing Code, and the rules, regulations, resolution and ordinances adopted by the town.

2. Sewer service connections shall be a minimum of six inches in diameter, laid on a minimum slope of 0.61 feet per 100 feet. Cleanouts shall be installed to grade at all bends of 45 degrees or greater, and at the high point of the connection adjacent to the building sewer connection. Where the sewer service connection is located within 50 Feet of a water well, the connection shall be constructed with pressure rated pipe materials and joints. No sewer service connection shall be constructed closer than 25 feet to well.

3. Sewer service connections shall be connected to the street sewer or local sewer only, utilizing only approved fittings and construction methods. Service connections to manholes shall not be allowed, and the cutting or breaking into sanitary sewers shall not be allowed.

F. Local, collector and interceptor sewers.

1. These sewers shall be constructed in accordance with the standards of the state, good engineering and construction practices, and the requirements of the Town Engineer.

2. The sewers shall be designed for the following peak flow capacities:

a. Local sewers, 400 gallons per capita per day, eight-inch minimum diameter.

b. Collector and interceptor sewers, as set out in the "Recommended Standards for Sewage Work - Latest Edition" of the Great Lakes - Upper Mississippi River Board of State Sanitary Engineers.

3. Sanitary sewers shall be designed for the size and minimum slopes of:

Size (diameter in inches) Minimum Slope

8 0.40 feet per 100 feet

10 0.28 feet per 100 feet

12 0.22 feet per 100 feet

15 0.15 feet per 100 feet

18 0.12 feet per 100 feet

21 0.10 feet per 100 feet

24 0.08 feet per 100 feet

27 0.067 feet per 100 feet

G. Sewer Materials for Construction. The sanitary sewers, house connections and manholes shall be constructed of the following materials. The application of these pipe materials shall be specified upon the construction plans, and approved by the Town Engineer.

1. A cast iron and ductile iron shall be:

Type Specifications

Soil pipe ASA A 40.1-1935 EXTRA HEAVY

Ductile Iron ANSI A 21.50 AND 21.51

Cast Iron ANSI 21.1 AND 21.8

Cast Iron Fittings ANSI A 21.10

Rubber Gasket Joints ANSI A 21.11

2. Concrete Pipe, 15 inches and larger shall be reinforced concrete culvert, storm drain and sewer pipe, specification ASTM C 76 and C 507. All reinforced pipe shall be of circular reinforcement, the class (I, II, IV & V) and wall thickness (A, B, or C) shall be shown on the construction plans, for concrete sewers, shall be equal to ASTM C 443.

3. Polyvinyl Chloride (PVC) pipe.

a. PVC gravity sewer pipe shall be of the single wall construction for all sizes. This pipe shall only be used for residential installations. Industrial or commercial uses shall require the approval of the Town Engineer. This pipe shall meet ASTM Specification D 3034 with the wall thickness equal to an SDR ratio of 35. The pipe shall be joined with rubber ring gaskets covered in the same specification, and shall be installed in accordance with ASTM D 2321.

b. PVC pressure sewer pipe (force main), shall be equal to ASTM D 2241 with a wall thickness ratio (SDR) of 26, or heavier, and joined with rubber ring gaskets equal to ASTM D 1869.

4. Manholes. All manholes on sanitary sewers shall be a minimum of 4 foot in diameter for sewers 8 inches through 21 inches diameter, and 5 feet in diameter for sewer 24 inches through 30 inches in diameter. The manholes shall be constructed using precast manhole barrels meeting ASTM Specification C478. The manhole shall be water tight at all joints and at all pipe inlets. The manhole joints shall be made with AO-Rings@ Plastic fillers, which shall meet ASTM Specification C 443. All manholes shall be constructed with concrete inverts and benchwalls, providing for the smooth flow

of sewage across the manhole section. Manhole steps, castings and other appurtenant items shall be as required by the Town Engineer.

H. The Developer shall notify the town 24 hours prior to the commencement of construction of any sanitary sewer. The construction shall be inspected by the town on a periodic basis, for determining conformance with these requirements and the construction plans. The towns inspection shall also observe and report on all testing required by this chapter and the acceptability or deficiencies of the sewer being tested. The developer shall be responsible for furnishing all test weirs, or other apparatus required to perform the following tests, as well as all labor to accomplish them. The town shall be notified 24 hours prior to any testing and shall observe all tests. Any one or all of the following tests may be required prior to the acceptance of the sewer being tested; air test; smoke test; infiltration test; exfiltration test; and dejection test, for flexible pipes. New sanitary sewers shall not be connected to the existing system, until they have been inspected and approved. Further, no service connection shall be connected to new local sewers until the local sewer has been inspected and approved.

[NOTE: INCLUDE HOUSE LATERALS.]

CH15 15 .26 - Storm Sewers and Drainage

A. All proposed plats, submitted to the Commission for approval, under the provision of the Comprehensive Plan and this chapter, shall provide for the collection and management of all storm and surface water drainage. The drainage system shall be designed and constructed by the developer to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. The system shall be constructed and installed in accordance with this chapter, the Comprehensive Plan and the requirements of the Town Engineer. In order to insure the maintenance of a properly designed and installed drainage system, the following division shall be required as a provision of the restrictive covenants of all record plats.

1. Drainage swales (ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Town Engineer, Property owners must maintain these swales as sodded grass-ways, or other non-eroding surfaces. Water from roofs of parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been permitted by the Town Engineer. Culverts must be protected, especially at the ends, by head walls or metal end section, and, if damaged enough to retard the water flow, must be replaced.
2. Any property owner altering, changing, or damaging these drainage swales or ditches will be held responsible for such action and will be given ten days notice by registered mail to repair said damage, after which time, if no action is taken, the town will cause said repairs to be accomplished, and the bill for such repairs will be sent to the affected property owners for immediate payment.

B. General Drainage Considerations. The purpose of this division is to protect the safety, health, and general welfare of the citizens of the town by requiring compliance with accepted standards and practices for storm water drainage. This division does not create any liability on the part of the town, the Advisory Plan Commission, or any elected or appointed official or employer thereof, for any damages that result from

reliance on this division or any alterations required to conform to the engineering requirements established hereunder or any administrative decisions lawfully made thereunder. Any land alteration must be accomplished in conformity with the drainage requirements. Where any apparent conflict exists, between drainage requirements of this chapter and similar requirements of any state or federal agency which has jurisdiction of the work involved the most stringent requirements shall be and compliance with this chapter shall not excuse noncompliance with any other applicable provision of law, ordinance, or regulation.

C. A drainage facility shall be provided to allow drainage of water run-off from all of the upstream drainage area and from all areas within the proposed subdivision to a place adequate to receive such runoff.

Furthermore, a drainage facility shall:

1. Be durable, easily maintained, retard sedimentation, and retard erosion. It shall not endanger the public health and safety or cause significant damage to property.
2. Be sufficient to accept the water run-off from the site after development and the present water run-off from all areas upstream. Also, consideration shall be given to water run-off from future developments in undeveloped areas upstream which cannot reasonably be accommodated in the upstream area. The types of consideration should include, but need not be limited to, retention-detention systems, oversizing with 15-year law Cost recovery, and granting of adequate easements for future construction. The type of future development shall be in accordance with the uses indicated in the Comprehensive Plan for Lapel or the use allowed by current zoning, whichever reflects the most intense use. The volume of water run-off attributable to future development which is not to be accommodated in the proposed drainage facilities, shall be determined by good engineering practice, and may assume use of retention-detention systems, except for:
 - a. Parcels that are too small to effectively use a retention-detention system, and
 - b. Parcels where it is not technically and/or economically justifiable to use a retention-detention system.
3. Be designed such that there will be no increase in the peak discharge run-off rate as a result of the proposed development unless the existing or improved downstream drainage facilities are adequate to accept:
 - a. The water run-off from the site after development;
 - b. The present water run-off from developed and undeveloped areas upstream; and
 - c. The present water run-off of downstream areas contributory to the downstream drainage facility beyond the limits of the site.
4. Be designed such that the low points of entry for residential, commercial and industrial structures are two feet above and free from a 100-year flood. In addition, avenues of ingress-egress shall also be free from the 100-year flood.
5. Be inspected during construction by a registered professional engineer, or a land surveyor, in the state, at the expense of the developer and certified in accordance with division (L) below. This is in addition to the inspection provided by the town.

D. A drainage plan must be submitted in triplicate, and shall contain the following as a minimum. This plan shall be submitted with the Development Plans.

1. A location and Vicinity Map indicating the boundaries of existing site and off-site watershed considerations. Minimum scale to be one inch equals 1,000 feet.
 2. A Scale, North Arrow, U.S.G.S, and a Bench Mark. Existing and Final Contours shall be shown as follows.
 - a. One foot contours @ slopes of 0% - 10%
 - b. Two foot contours @ slopes of 10% - 25%
 - c. Five foot contours @ slopes of greater than 25%
 3. The location and lowest point of entry elevation of existing and proposed buildings and paved areas.
 4. The location of existing and proposed on- and off-site drainage facilities. The drainage plan shall also indicate the direction of flow invert elevations, gradient, size, and capacity of existing and proposed storm drainage facilities. If drainage ditches are used, cross sections and type of surface shall be shown.
 5. The plan and profile of all drainage facilities, as well as all construction details, shall be shown. The plan shall be to a scale of no more than 1 inch equals 50 feet and shall show appropriate rights-of-way and easement limits. The scale for construction details shall not be less than 1/4 inch per foot.
 6. A certification by a registered professional engineer, or a land surveyor, in the State of Indiana, that is familiar with storm drainage design. However, any storm water retention structure and/or pumping facilities shall be certified by a registered professional engineer in the State of Indiana.
- E. The design calculations shall be submitted with the drainage plans and as a minimum shall include:
1. The storm run-off calculations based on the ten-year storm, or other storm frequencies where appropriate. The 100-year impact shall be analyzed and discussed.
 2. The weighted run-off coefficients computations.
 3. The time of concentration computation, also indicating the overland flow time and the adjusted time of concentration for the swale, pipe, channel, or other storm water conveyance facility.
 4. The closed conduit and open channel design calculation for:
 - a. The size of pipe or channel cross section.
 - b. The pipe or channel slope in percent.
 - c. The roughness coefficient.
 - d. The flow velocity.
 - e. The design capacity.
 5. The head loss calculation in major structure, or where appropriate.
 6. The hydraulic gradient computations wherever applicable.
 7. The erosion control and final surface preparation measures to be constructed.
- F. The following items represent the minimum criteria that shall be followed in the engineering and design of drainage facilities:
- i. Minimum criteria and submittal information:
 - a. Swales - generally for backyard drainage and does not have a well defined top of bank. The following shall not be exceeded for swales:
 1. Maximum flow -- 4 cfs
 2. Minimum velocity -- 2 fps

3. Minimum side slopes -- 4%
- b. Ditches -- an open conveyance for storm water drainage with a defined top of bank. The following criteria shall not be exceeded for ditches:
 1. Minimum velocity -- 2.5 fps
 2. Maximum velocity -- 6.5 fps
 3. Maximum side slope -- 4:1, steeper slopes may be considered depending on soils or other limiting factors.
 4. Easements -- adequate for construction and maintenance.
 5. Erosion protection -- adequate surface preparation for erosion protection shall be provided.
 - c. Retention/detention ponds - can be permanent ponds with storage capacity for storm run-off, and controlled discharge, or a detention area with controlled discharge that is completely drained after use. The following minimum criteria applies to either type of retention/detention pond:
 1. Design storm -- 100-year, 6 hour storm (other design years are acceptable dependent on downstream conditions.)
 2. Minimum freeboard -- 2.5 feet above top of storage
 3. Side slopes -- 4:1 for storage area and freeboard.
 4. Other minimum information to be furnished - high ground water elevation, emergency spillway provisions, controlled discharge rates, contents, of storage area to be discharged within three days, economic evaluation of alternatives to a retention-detention pond.
 - d. The following additional minimum criteria should be obtained when designing a permanent pond type facility.
 1. Side slopes -- 3:1 below permanent pool elevation.
 2. Storage depth -- not to exceed five feet above permanent pool elevation.
 3. Permanent pond depth -- not to be less than seven feet, 5 feet at bank.
 4. Maximum allowable permeability - 3.5×10^{-6} cm/sec.
 5. Minimum soil borings -- three per acre and to a depth of ten feet below the proposed pond bottom.
 - e. Pipes and conduits -- are buried conveyances for storm water drainage. The following minimum criteria shall apply.
 1. Minimum velocity -- 2.5 fps.
 2. Maximum velocity -- 8.0 fps (dependent on materials of construction).
 - f. Culverts and bridges -- a structure located underneath a roadway that allows storm water to pass under the roadway. The following minimum criteria shall apply:
 1. Minimum velocity -- 2.5 fps.
 2. Maximum velocity -- 8.0 fps.
 3. Erosion control -- adequate erosion protection measures shall be provided.
 4. Critical flow capacity -- the critical flow capacity shall vary with the road classification.

G. Storm sewers, culverts, conduits and pipe shall be constructed accordance with the following specified materials.

1. Road, street and drive culverts shall be a minimum of 12 inches in diameter for concrete pipe, and 15 inches in diameter for corrugated metal pipe.
2. Storm sewers (long conduits) shall be concrete pipe for all sizes up to 42 inches. For conduits 42 inches and larger in diameter, concrete or corrugated metal pipe, pipe arches or fabricated metal pipe arches may be used, Note: Conduit sizing shall be in accordance with the appropriate "C" values for that particular type conduit material. All metal conduits shall be factory treated with a combined asbestos fiber and bituminous coating or approved equal.
3. All pipes shall be installed in accordance with the manufacturers recommendations. All pipe materials, load classifications, thickness, gauge and class shall be specified on the Development Plans.
4. Manholes shall be as specified in I53.34(G)(6).
5. Storm sewer curbs, any yard inlets, may be either precast concrete or built in place solid concrete brick. The structures constructed of solid concrete brick shall be surfaced on the interior and exterior with one inch of cement mortar.

H. Retention-detention ponds and lakes shall be owned and maintained by the property owner, owners Association, etc. The developer shall be responsible for the formulation of certain agreements that will accomplish this fact, and further, no obligation shall be inferred upon the town for such ownership or maintenance.

I. The maintenance program shall include at a minimum the methodology of funding a maintenance program, the frequency of maintenance, the type of maintenance, and the establishment of a responsible organization to administer the program. Ownership and maintenance of the facility shall be defined in the recorded covenants or agreements of the development in which this facility is contained.

J. Swales and small ditches, up to six cfs, shall be maintained by the adjacent property owners. All ditches, culverts, conduits, and storm inlet structures shall be maintained by the town, subsequent to formal acceptance.

K. The Plan Commission, Development Coordinator or his designee or Town Engineer shall be empowered to require such additional information to be included in a drainage plan that is necessary to evaluate and determine the adequacy of the proposed drainage facility.

L. Inspection during construction. The drainage facilities shall be inspected during construction as required by division (B) above, Further, within 30 day after completion of on and off- site and the drainage facilities, the registered professional engineer or land surveyor, responsible for the inspection of the work shall certify in writing to the Plan Commission that:

1. He or she is familiar with all drainage requirements of the Comprehensive Plan.
2. He or she has personally inspected the construction necessary to accomplish the land alteration and drainage facility; and
3. To the best of his or her knowledge information and belief the work has been performed and completed in conformity with the drainage plans and requirements. (Any exceptions should be so noted.)

CH15 15 .27 - Lots, Blocks, Easements and Public Sites

- A. Block length and width or acreage within bounding streets shall be such as to accommodate the size of lot required in the area by the Zoning Code, and to provide for convenient access, circulation control, and safety of street traffic. Blocks that are unreasonably large or small will not be approved.
- B. The maximum block length shall be 1200 feet. In the design of blocks longer than 800 feet the commission may specify the provision of pedestrian crosswalks near the center, or wherever most useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination.
- C. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth except where an interior street parallels an expressway, major thoroughfare major or minor collector street, or a railroad right-of-way.
- D. All proposed plats submitted for Commission approval under the provisions of this chapter shall allocate lot area for the uses proposed, in conformity with the Comprehensive Plan and all zoning codes applicable thereto.
- E. The design, character, grade location, and orientation of all lots so allocated shall be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan and Subdivision Code.
- F. Every lot appearing upon said proposed plat shall abut upon and have sufficient and adequate access to a street designated and labeled within or on the perimeter of said plot and constructed or to be constructed in accordance with the requirements, standards, and specification of this chapter.
- G. As a general principle, side lot lines shall be approximately at right angles to street lines.
- H. Corner lots shall be of sufficient size to permit appropriate building setback and orientation to both streets.
- I. In the event double frontage lots are platted which face an interior street of residential subdivision but also have frontage on a collector street or thoroughfare, an area 20 feet wide shall be provided to encompass the entire perimeter of the subdivision where it abuts a collector street or thoroughfare. Requirements for screening and landscaping within this area shall be in conformance with (planned by the Developer/owner).
- J. Street numbers for all lots shall be assigned by the Postmaster of the Town of Lapel.
- K. The depth to width ratio of any single-family residential lot shall not be greater than three to one.
- L. Shopping centers, commercial areas, and industrial parks shall be designed as functional facilities in total rather than to the platting of lots for individual commercial use.
- M. Lots abutting a watercourse, drainageway, channel or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Code for front, rear, and side yards.
- N. Building setback lines shall be regulated by the setback provisions of the Zoning Code applicable to classification of the lot to be platted, with the exception that front building setback lines shall also be in conformance with the Thoroughfare Plan requirements where applicable.
- O. All proposed plats submitted for Commission approval under the provisions of this chapter shall allocate areas of suitable size and location, wherever necessary, for drainage and/or utility easements. Such easements shall be located along both sides of rear lot lines and the total width of such combined lot

easements shall be 15 feet. All easements and corresponding utility location plans shall be complete and approved prior to the approval of the plat.

P. If any stream or necessary surface drainage course is located in said area proposed to be platted, adequate areas for easements along the sides of such stream or surface drainage course shall be allocated for the purpose of widening, deepening, sloping, improving or protecting said stream or surface drainage course.

Q. Public spaces or public sites.

1. Where sites for parks, schools, playgrounds, or other public uses are located and shown in the Comprehensive Plan of Lapel and where such areas are within the boundaries or portion of the boundaries of the proposed platted area, the owner/developer shall reserve those areas for such uses.
2. Where sites for parks, schools, playgrounds, or other public uses are not located or shown in the Comprehensive Plan of Lapel, the owner/developer shall reserve or participate in the reservation of such areas by the implementation of one of the following formulas. The method of implementation shall be at the discretion of the Town Council.
 - a. In a residential subdivision of;
 1. Two or less lots per gross acre, reserve a minimum of 1 gross acre per 50 lots, or portion thereof;
 2. More than two lots per gross acre, reserve a minimum of 1-1/2 gross acres per 50 lots or portion thereof; and
 3. Escrow with the Council the cash equivalent to the land value for the zoned required acreage.
 - b. In a commercial or industrial subdivision:
 1. For small tracts, less than 25 acres, the owner/developer shall escrow with the Council the cash equivalent to the zoned land values at the rate of 2 gross acres per 25 developed acres or portion thereof;
 2. For larger tracts of 25 acres or more, the owner/developer shall reserve two gross acres per 25 developed acres or escrow a like amount in cash as set out in division (b) 1. above; and
 3. The reservation of said tracts or areas shall remain in effect for a period of three years. Prior to the expiration of the three-year period, the town may request the dedication of said tract or area to the town. Should the three-year period elapse, then the area shall be released for the private use of the developer, within the limits of the Zoning Code and classification of the land.

R. Private open spaces and sites.

1. With the recommendation of the Commission, the Council may allow the above required open space requirements to be met by the dedication of said tracts to private home owners associations, or other proper and responsible private entities. It shall be the total responsibility of the owner/developer to formulate all such agreements, which shall be approved by the town prior to their implementation.
2. Private open spaces shall meet the requirement for open space ratios and obligations.

S. Miscellaneous.

1. As for public schools and libraries shall be deemed to meet the open space requirements.
2. The public open space or site shall be accessible by a paved street or surfaced way over or upon a dedicated right-of-way, meeting these subdivision development standards.

CH15 15 .28 - Water Service

- A. All proposed plats submitted to the Commission for approval, under the provisions of this chapter, shall provide for the installation of a complete potable water and fire protection distribution system.
- B. Private or semi-public water supplies and distribution systems shall not be allowed with the exception of single family or single owner systems. Should the owner/developer wish to install individual wells for the potable water supplies on a per lot basis, he shall demonstrate that:
1. Adequate water supplies are available by test drilling and providing a report prepared by a certified ground water hydrologist.
 - a. The scope of the testing and report shall be determined by the hydrologist and the Town Engineer.
 - b. The report shall specify the type of well to be constructed, the approximate depth, and expected quantity of water available for the area, consideration being given to the proposed density of the plat and/or demand placed upon the aquifer.
 2. The cost of connecting to the public water systems prohibitive. This does not mean to show that it costs more than a private well system, but that the resulting cost would make the project unfeasible. The cost difference shall exceed 200% before the Commission shall make any consideration of private systems.
 3. Further, the Commission shall retain the authority to waive all considerations and only approve the installation of the public water supply system.
- C. Should private wells be allowed, the covenants of the recorded plat shall reflect that private wells are to be installed and that the town is not now or in the future obligated to provide, furnish or have any liability for fire protection, that could have been provided by the public water supply
- D. Private wells and water systems shall be approved by the Madison County Health Officer, and be constructed in accordance with the rules, regulations and approval of the Indiana State Board of Health.
- E. The extension of public water supplies and distribution systems shall be made at the sole expense of the owner/developer. The construction plans, shall be approved by the IDEM, and shall be on file with the Director of Development or his designee prior to the issuance of the Plat Approval and Town Engineer.
- F. It shall be the developer's responsibility to coordinate the installation of the water system. Conflicts with prior constructed utilities and damage to them shall not be allowed, and the work shall be stopped, and damages repaired before allowing the work to continue.
- G. No permits for the construction of single-family detached homes shall be allowed in a subdivision, until all street infrastructure and the sanitary sewer system have been installed and released by the Town Engineer.
- H. Fire Hydrants.
1. Waterous Pacer WB-67-250 with yellow paint only;
 2. Shall conform to AWWA C-502 "standard for dry barrel fire hydrants";

3. Steamers shall have permanent mounted 5-inch Stortz fittings with thumb lock. NO ADAPTORS;
4. Shall be of the traffic model design;
5. Main valve openings shall be a minimum of 5- 1/4 inch;
6. The bronze valve seat shall thread into a bronze sub-seat
7. The all bronze drain plunger shall be positively operated by the main operating rod;
8. Nozzle section shall have 360-degree rotation capabilities;
9. Shoe and lower valve washer shall be coated inside with fusion-bonded epoxy;
10. Design shall allow for plugging of drains without excavating;
11. Steamers shall face street or road.

I. Fire Protection Systems

1. The FDC (fire department connection) to any fire protection system or standpipe will be equipped with a 5" Stortz fitting;
2. A fire hydrant will be located in close proximity to the FDC. The exact location of that hydrant will be determined by the Fire Chief;
3. Hose connections to the standpipe(s) shall be NST fire hose threads. The Fire Chief shall be consulted as to the size and location of those connections;
4. An unobstructed fire apparatus access road will be provided with a width of not less than twenty (20) feet and an overhead clearance of not less than 13 feet 6 inches;
5. Apparatus access road surface shall be designed and maintained to support the imposed loads of said apparatus and shall be provided with a surface so as to provide all-weather drivability;
6. Apparatus access road turning radius shall be approved by the Fire Chief.

CH15 15 .29 - Additional Improvements

A. The following miscellaneous improvements shall be included on the plat or construction plans for all subdivisions submitted to the Commission for approval.

B. Monuments and markers.

1. Monuments shall be four inches square, precast concrete and a minimum of three feet long. They shall have a deep cut cross, cast in the top of the monument.
2. Markers shall be 5/8-inch diameter steel rods at least 12 inches long, with a copper, aluminum or other non-corrosive cap.
3. Monuments and markers shall be set plumb and the top shall match the finish grade elevation. The cross on monuments shall coincide exactly with the intersection of the plat point being referenced. One line of the cross shall be in alignment with at least one line of the subdivision line referenced.
4. Monuments shall be set at the plat boundary intersecting all street right-of-ways.
5. Markers shall be set at.
 - a. All street centerline control, i.e., point of intersection, point of curve, and point of tangency.
 - b. Intersection of all boundary lines and street centerlines; and
 - c. All boundary intersections.
6. Any existing section, half section, or quarter section stone or monument that may be encountered on the project, shall be protected from damage. Should any damage occur, the monument shall be reset at the direction of the Madison County Surveyor. The cost shall be borne by the developer.

7. All U.S., state or geological monuments or bench marks shall be preserved in their precise position.

C. Sidewalks.

1. Sidewalks, as defined herein, shall be located on each side of all local public and private streets and on the developed side of all perimeter public and private roadways in all Residential, Industrial, Planned Development, and Town Center districts.
2. The minimum width of any residential sidewalk shall be four feet. Commercial sidewalks shall be five feet in width. All sidewalks shall be constructed to a minimum thickness of four inches of Portland cement concrete set upon a compacted granular base of at least four inches, subject to any further applicable guidelines contained within the Americans With Disabilities Act of 1991.
3. On interior subdivision streets sidewalks shall be located within the public right-of-way at least one-half foot in from the property line, but no closer than three feet from the back of curb.
4. ...
 - a. On perimeter streets or roadways sidewalks may be located within the public right-of-way and may also be located within a designated "Common Area" or "Landscape Easement", or combination thereof.
 - b. In no instance shall a sidewalk of this nature extend more than six feet into the public right-of-way of the perimeter street or road.
5. Multi-purpose paths, as defined herein, shall be located where it is deemed necessary to accomplish the goals and objectives of the Circulation Plan, a component of the Parks and Recreation Master Plan.
6. ...
 - a. The minimum width of any multi-purpose path shall be eight feet and shall be constructed to a minimum thickness of four inches of asphalt surface upon a compacted granular base of at least four inches.
 - b. Where it is identified in the Circulation Plan, other material, methods of construction, and development standards may be warranted, as determined by the Director of Planning and/or the Town Engineer.
7. ...
 - a. Multi-purpose paths along perimeter streets or roadways may be located within the public right-of-way and may also be located within a designated "Common Area" or "Landscape Easement", or combination thereof.
 - b. In no instance shall a multi-purpose path of this nature extend more than nine foot into the public right-of-way of the perimeter street or road.
8. Where the developer/owner can demonstrate the acceptability of waiving or altering certain development standards relating to sidewalks and multi-purpose paths, it may be the ruling of the Administrator with a concurring recommendation from the appropriate body of governmental authority that such standards be altered, reduced or eliminated.

D. Street Signs.

1. The developer shall install a minimum of one street sign at each street intersection within the subdivision and on all perimeter intersections. The signs shall be set on the northeast corner of the intersections, at a point approximately six inches from the sidewalk intersection (on the street side).

2. Street signs shall be of aluminum, 6 inches by 24 inches, shall be double faced with letters of Scotchlite or the equivalent, 4 inches in height, and shall be mounted upon a galvanized pipe post, 10 feet in length and 2 inches inside diameter and approximate 2-1/2 inches outside diameter, set in concrete to a depth of 2-1/2 feet.

E. Plantings.

1. When requested by the developer, or when required by the Commission, the developer shall provide plantings within the grass strip between the back of curb and the sidewalk.
2. Planting requirements on development plans.
 - a. No tree or shrub shall exceed a maximum height of 18 feet at maturity: and
 - b. No shrub exceeding 3 feet at maturity, or any tree, shall be planted closer than 20 feet to any other tree or shrub.
3. Covenant requirements on plat. When trees and/or shrubs are provided by the developer, the covenants shall include the following statements:
 - a. The owner or person in control of the dominant real estate adjacent to the area between the street and the sidewalk and/or right-of-way easement line on which any tree or shrub is planted pursuant to the above, shall be responsible for the maintenance and removal of the tree or shrub if such removal is necessary.
 - b. If after notice from the town, the owner or person in control fails to maintain or remove a dead tree or shrub or any dead or dangerous limbs or branches thereon, the town may remove said shrub or limbs and collect the costs thereof from the owner.
 - c. The town and all public utilities retain their ownership and right of access to the area between the street and the right-of-way easement line of the dominant owner and retain the right to reasonably remove any tree or shrub impeding necessary work to be performed by the town and/or all public utilities, or other properly authorized users.
 - d. Neither the town nor any public utility or other properly authorized user of the town's property located between the street and the sidewalk and/or right-of-way easement line shall be liable to the owner of the dominant real estate for any damages done to trees or shrubs, located upon town property between the street and the sidewalk and/or right-of-way easement line as a result of actions of the town or any public utility or other authorized user or their agents or employees in the performance of their duties.
4. Obstruction hazard. If any tree or shrub planted pursuant to the above shall, in the opinion of the Town Council create a hazardous obstruction to vision which may endanger vehicular or pedestrian traffic, then said tree or shrub shall be appropriately trimmed or removed by the owner pursuant to the procedure as described in division (2) above.
5. Damage to street and/or sidewalk. If any tree or shrub planted pursuant to the above shall cause damage to any street, curb, or sidewalk then said tree or shrub causing such damage shall be removed and the damage repaired by the dominant land owner or person in control as set forth in division (3) above.

F. Street lights, yard lights.

1. The developer shall install, or cause to be installed, street lights at all intersections as required by the Town Engineer and/or as recommended by Public Service of Indiana. The intended purpose of

the street lighting is to provide adequate night visibility for traffic at all intersections.

2. It is not the Commission's intention to require street lighting to all areas that lie between the street intersections. This lighting shall be provided by yard lights, installed by the home builders and maintained by the homeowners.
3. The yard lights shall be specified and set out on the covenants.

G. Utility construction credit.

1. Notwithstanding any previously or subsequently adopted ordinances or agreements of the town, and intended to be in conformance with them, the following policy shall apply to public utility extensions under the control of the town.
2. Certain public utilities, constructed by the owner/developer relative to the development of a particular subdivision, may also be of benefit to other owners/developer relative to their respective developments. When this is the case, the town may, upon request of the owner/developer, enter into contractual agreements which shall provide for proportional cost recovery of the installed utility. These agreements shall be in accordance with the appropriate Indiana Statutes: and the cost for preparing any and all exhibits, studies, and legal services shall be borne by the owner/developer. The required exhibits and studies shall be prepared by the Town Engineer. Further, in the case of sanitary sewers, the town may direct the Town Engineer to prepare the plans and specifications for certain sewer lines, and the owner/developer shall reimburse the town for those engineering costs. In all cases, the appropriate agreements shall be prepared and executed prior to the start of construction of any utility that is eligible for this construction cost credit.

CH15 15 .30 - Platting of Multi-Family, Commercial and Industrial Subdivisions - Special Problems and Considerations

In the platting and developing of multi-family, commercial and industrial parks or subdivisions special problems arise, some of which are the arrangement of lots, and the division of property lines. Utilities are also often difficult to locate within public rights-of-way. Further, the open spaces of these subdivisions are frequently referred to as Common areas, as in commercial or industrial parks. These areas usually include on site, private drives, parking areas, park or playground areas and other common facilities for the use of the entire subdivision. Due to these special considerations the plats for these subdivisions shall be reviewed and considered with emphasis placed upon conformance to the Zoning Code, development amenities (Parking, open space, green belt, signage, etc.), street and traffic function, drainage and utilities service. The platting procedure shall be the same as for regular subdivisions, except that:

1. In the case of multi-family housing project industrial parks the entire site shall be planned and platted including all improvements, even though the site may be developed in sections or phases. The area shall be planned to include final layouts of streets, utilities and drainage, and proposed lots (to the extent of minimum lot rear).
2. Then from time to time as additional lots are sold, the developer shall submit an amended plat to the Commission for consideration. The approved, amended plat shall then be recorded and subdivision bonds posted, if required. This procedure shall continue until the site is fully developed. Regular procedural requirements, i.e., bonding, shall then be implemented for the maintenance period required.

3. In this procedure, streets, roads, drives, sanitary sewers, storm sewers, drainage facilities, and other development amenities which have been constructed in accordance with approved construction plans and specifications, shall not be reconstructed to meet subsequent Commission requirements, However, the developer may be directed to clean, repair, resurface, or otherwise bring up to the town's standards those improvements, prior to final acceptance and the posting of maintenance bonds.

CH15 15 .31 - Development Consideration and Policy

Due to the nature of this type subdivision, the following general considerations and policies shall prevail. The owner developer shall plan his subdivision and improvements accordingly.

A. Dedicated streets

1. Only those streets which are a functioning part of the overall traffic requirements of the town, or which clearly provide required access, adjacent areas or points of access, shall be considered for dedication as public street, and hence maintained by the town.
2. All streets accepted for dedication shall be in accordance with this chapter and shall have the rights-of-way and building setback lines as herein established.
3. Parking areas, blisters, bubbles or lots shall not be located within the dedicated street right-of-way, but may be connected to the street with approved drives, ingress and egress controls.
4. All other "on-site" streets, drives and traffic areas shall be and remain a part of the subdivision and hence be maintained by the owners or occupants of said subdivision.

B. Dedicated utilities.

1. The water utility--- the arrangement for the dedication or private maintenance of the water service shall constitute an agreement between the owner/developer and the water company, the only exception to that being that those fire hydrants located within the dedicated street rights-of-way shall be included in the fire hydrant rental agreement. All other hydrants shall be considered private and the rental shall be managed.
2. The above policy and service conditions shall apply to street lighting. The electric utility and street lighting is provided by a franchise between the town and Public Service Indiana.
3. The town does provide for the collection and treatment of sanitary sewage discharges. Therefore, the sanitary sewer construction, and the allowable infiltration quantities shall be strictly controlled by the town. Only those sewers which meet the approval of the town shall be connected to the town's collection system. All sanitary sewers shall be totally completed, inspected and tested prior to any connection with the existing system. Only those sanitary sewers located in dedicated street right-of-way shall be accepted by the town as part of its system, and for maintenance by the town. It shall not be the policy of the town to accept sanitary sewers which lie within the subdivision, even though easements are offered. Further, from time to time, the town shall test the sewers for infiltration, and may, upon the results of said test, cause the owner to repair the sewers, pay additional treatment cost, or take other appropriate actions, including discontinuation of service.
4. The same policy shall prevail for storm sewers and drainage facilities, to the extent that only those storm drainage facilities which are located in street rights-of-way shall be accepted by the town.

Detention, retention, and/or lakes and ponds shall remain the property of the subdivision, and shall not become a part of the town's system or obligation for maintenance.

CH15 15 .32 - Covenants Required

The plats for these subdivisions shall include covenants which are clearly written to reflect the above policies to the town. Further, those covenants shall explicitly establish the ownership, assessments, dues and programs which will insure the future maintenance of these on-site, non-dedicated, development amenities, at no expense or burden to the town. It shall be the owner/developer's responsibility to establish those programs and to satisfy the town of their feasibility, and to insure the town of their continuous ongoing effectiveness to accomplish the intended purpose of this section of this chapter.

CH15 15 .33 - Development Plan

The development plan for these districts shall be prepared in accordance with the previously written subdivision requirements. In addition, it shall include a tabulation of all qualifying data as set out in the Zoning Code, such as, but not limited to, Zoning Classification, Unit Densities, Total Area, Occupancy Tabulated, Cross Building Area, Net Open Area, Parking Spaces, etc. The on-site improvements, streets, drives, sewers, water, lighting, walks, and drainage shall be designed in accordance with the applicable sections of this chapter. Building setback lines, front yards, side yards, back yards, building heights, and land use shall be in accordance with the applicable chapters of the Zoning Code.

CH15 15 .34 - Signs

The development plans for all districts shall include accurate details and locations of all proposed signs. This includes all signs that will be utilized on the site, including but not limited to project identification, project directory, individual occupancy (identification or advertisement). All signs shall be in conformance with the Town of Lapel, Indiana, Code of Ordinances.

CH15 15 .35 - Penalty

- A. Criminal penalty. Any person or persons, firm or corporation whether as principal, agent, employee or otherwise who violates any of the provisions of this chapter may be prosecuted pursuant to Indiana Code [36-7-41000](#) et seq, or as set forth in division (B) below. Violation of this chapter is a Class C infraction.
- B. Civil penalty. The town shall impose civil monetary fines or penalties for violations of this chapter which may be enforced by the designated enforcement entity in accordance with the procedures outlined in division (5) below.

- 1. Definitions. Terms used in this division (B) are defined as follows:

BOARD. Board Of Zoning Appeals.

CIVIL VIOLATION. The erection, alteration, enlargement, maintenance or use of any building, structure or land in violation of any provision of the zoning ordinance, the subdivision control ordinance, the sign ordinance, the weed ordinances and the building codes of the town applicable to such building, structure or land in the zone in which it is located.

DEPARTMENT. Department of Development.

DEVELOPMENT DIRECTOR. Director of the Department of Development.

GRACE PERIOD. Extension of time granted for correction, termination or cessation of a civil violation of this chapter.

NOTICE OF VIOLATION. Notice issued by the Department.

REPEATED CIVIL ZONING VIOLATION. A recurring violation at the same location or a similar violation at a different location by the same responsible party.

RESPONSIBLE PARTY. Any person firm or corporation who (which) use& property in violation of this chapter or knowingly permits another person firm or corporation to do so.

SIGN ORDINANCE. Sign ordinance of the Town of Lapel.

SUBDIVISION CONTROL ORDINANCE. An ordinance relating to subdivision control regulations of the Town of Lapel.

WEED ORDINANCE. An ordinance relating to the cutting of weeds and other vegetation in the Town of Lapel.

ZONING OFFICIAL. The Development Director or his designee.

ZONING ORDINANCE. Zoning ordinance of the Town of Lapel.

2. Civil violations: Any person, firm, or corporation who (which) uses property in violation of this chapter or knowingly permits another person; firm; or corporation to do so shall upon citation by the designated enforcement entity be deemed to have committed a civil violation and shall pay to the town a civil monetary fine in the amount prescribed in division (3) below.
3. Schedule of monetary fines.
 - a. The civil monetary fine for each civil violation shall be no more than \$50.00 except as provided in division (b) below.
 - b. For a repeated civil violation by the same violator the following fine shall apply:
 - Second violation \$100
 - Third violation \$180
 - Fourth violation \$200
 - Each Violation in excess of four \$500
 - c. These civil violation fines do not preclude the civil violator from responsibility of payment of costs incurred by the town if it is a necessity for the town to enter onto a property to correct, terminate, or cease a violation in accordance with procedures outlined in this chapter.
4. Citation for civil violations.
 - a. The Development Director or his duly authorized designees, upon verification of a civil violation may issue a civil citation to any responsible parties who commit a civil violation. The citation may be served by personal service or by certified mail or by placement in a conspicuous place on the property where the civil violation occurs. If personal service of a civil violation is made by a Development Director or his designees, said official will:
 1. In conspicuous manner, wear on his person identification from the Town of Lapel; and
 2. In a conspicuous manner, wear on his person identification of his employment with the Department.

The citation shall serve as notice to the responsible parties that said party has committed a civil violation.

b. No citation shall be issued unless the violator has been issued a notice of violation with a minimum of one and a maximum of ten days before the issuance of the citation in order to allow the violator the opportunity to correct the violation and to come into compliance with the prescribed section of the pertinent ordinance.

c. The notice of violation shall include:

1. The date of issuance;
2. The name and address of the person charged;
3. The section number of the pertinent ordinance which has been violated;
4. The nature of the civil violation;
5. The place and time at which the civil violation occurred.
6. The range of fines which could be assessed upon continued noncompliance activity;
7. The specific time allowed in which to bring the civil violation into compliance;
8. The name, business address and telephone number of the official issuing the notice of violation; and
9. The date and time of the notice and the number of days given on the notice.

d. The citation shall be on a form adopted by the department and shall include:

1. The date of issuance;
2. The name and address of the person charged;
3. The section number of the pertinent ordinance which has been violated;
4. The nature of the civil violation;
5. The place and time at which the civil violation occurred;
6. The schedule of monetary fines to be assessed;
7. The name, business address and telephone number of the official issuing the citation, and;
8. The date and title of notice given and the number of days given on notice.

e. The date, time and location of the court in which the civil violation shall be adjudicated shall be determined by the court which will send notification thereof to the violator and the Development Director or his designee.

5. Trial for civil violation.

a. Upon the issuance of a citation, the Zoning Official shall forward a copy of the citation to the designated enforcement entity and the Madison County Court, Anderson, Indiana shall schedule the case for trial.

1. The Town Attorney, his designee or the Department is responsible for the enforcement of this chapter.
2. All procedures will be in compliance with the Indiana Rules for Civil Procedure and will adopt court cost recovery for infractions according to the State of Indiana.

b. In proceedings before the court for a civil violation;

1. By a preponderance of the evidence presented at the trial, the designated enforcement entity has the burden of proving the civil zoning violation and that the violator

committed the infraction:

2. The violator may question all witnesses who appear for the designated enforcement entity and may also produce evidence or witnesses on the violator's behalf.
- c. A person found guilty of a civil violation is liable for the fine, court costs and fees. No costs may be assessed against the designated enforcement entity in any such action.
- d. Seeking a civil penalty as authorized in this section does not preclude the designated enforcement entity from alternative relief from the court in the same action or from seeking injunctive relief which is available under the law of the State of Indiana or any other remedy in a separate action for the enforcement of the pertinent ordinance.
- e. When a violator has been found Guilty of a civil violation, the court may impose additional civil penalties and grant appropriate relief to abate or halt the violation, and the court may direct that payment of the civil monetary fine or additional civil penalties be suspended or deferred under conditions established by the court. If a violator fails to pay the civil penalty or violates the terms of any other order imposed by the court, the failure is contempt; and
- f. A change of venue from the Madison County Court shall not be granted in such a case.

Further Information

Ord. No. 8-2005, passed 3/17/2005

Date Passed: 3/17/2005