

Add the following sections:

### **V1.5.8**

#### **Shooting Ranges**

Pursuant to IC 14-22-31.5-8, the maintenance, repair, renovation, modernization, or expansion of buildings, structures, or facilities used in connection with a shooting range, including improvements to safety, security, accessibility, or environmental controls, is a continuation of a permitted use and may not be treated as:

- A. An expansion of a nonconforming use
- B. A basis to deny, delay, or condition approval of any permit that is otherwise required under applicable building codes or safety regulations.

### **V1.8.10**

#### **Use Classification Process**

The following procedure shall apply to all variance petitions:

- A. Application: The petitioner shall submit the following:
  - i. A use classification application;
  - ii. A letter of intent to the Administrator describing the details of the proposed use and stating how the proposed use is significantly similar to an allowed use consistent with the criteria in subsection C below;
  - iii. Fee as established in the Fee Schedule adopted from to time by Town Council
  - iv. Any additional supportive information requested by the Administrator
- B. Administrator's Decision: The administrator shall attempt to determine if the desired land use is similar to a listed land use using the criteria in the subsection C below.
  - i. If the desired land use is determined to be similar to a land use listed in the UDO, the respective process and development standards for that listed use shall apply.
  - ii. If the desired land use is determined to not be similar to a listed land use, then the desired land use shall be prohibited unless the petitioner is successful in an appeal to the BZA.
  - iii. The Administrator may refer the request for land use classification to the BZA for consideration and final decision.
- C. Criteria for Classifying Unlisted Land Uses: To determine whether an unlisted land use is similar to a listed use, the Administrator or the BZA shall examine the desired use by the following four (4) criteria:
  - i. Intensity: The unlisted use should be similar in the amount of activity and type of activity to a listed use.
    - 1. Residential, Public, and Office Uses: Intensity levels are tied to the number of people using a space.
    - 2. Commercial Uses: Intensity levels should compare the gross commercial floor area associated with the primary structure as well as the operation of the business, such as hours of operation and anticipated customer volumes.

3. Industrial Uses: Intensity should compare the amount of noise, noxious exhaust, and public safety hazards generated on the site. In addition, the types of vehicles used, type of storage (indoor or outdoor), and hours of operation should be considered.
- ii. Character: The unlisted use should have similar physical characteristics, structures, scale, operational hours, or other features similar to a listed use.
- iii. Accessory Uses and Structures: The unlisted use should have similar potential for accessory uses and/or structures to a listed accessory use. Or if it is an accessory use, is it should be incidental to, necessary, and/or compatible with a permitted primary use.
- iv. Intent: The unlisted use should be compatible with the purpose of the subject zoning district and consistent with the *Comprehensive Plan*.

#### **V2.2.28**

##### **Shooting Range Standards**

All indoor shooting ranges shall adhere to following development standards:

- A. The walls, ceilings, floors, and backstops shall be constructed with materials capable of containing all projectiles fired within the facility.
- B. Reasonable effort shall be made in the design, construction, and maintenance of the indoor shooting range to limit noise that could significantly impact adjacent properties.
- C. All federal and state laws regarding firearm safety, environmental controls, and occupational health shall be met.

#### **V6.2.31**

##### **Shooting Range Standards**

All indoor shooting ranges shall adhere to following development standards:

- A. The walls, ceilings, floors, and backstops shall be constructed with materials capable of containing all projectiles fired within the facility.
- B. Reasonable effort shall be made in the design, construction, and maintenance of the indoor shooting range to limit noise that could significantly impact adjacent properties.
- C. All federal and state laws regarding firearm safety, environmental controls, and occupational health shall be met.

#### **V9.2.27**

##### **Shooting Range Standards**

All indoor shooting ranges shall adhere to following development standards:

- A. The walls, ceilings, floors, and backstops shall be constructed with materials capable of containing all projectiles fired within the facility.
- B. Reasonable effort shall be made in the design, construction, and maintenance of the indoor shooting range to limit noise that could significantly impact adjacent properties.

- C. All federal and state laws regarding firearm safety, environmental controls, and occupational health shall be met.

#### **V10.2.27**

##### **Shooting Range Standards**

All indoor shooting ranges shall adhere to following development standards:

- A. The walls, ceilings, floors, and backstops shall be constructed with materials capable of containing all projectiles fired within the facility.
- B. Reasonable effort shall be made in the design, construction, and maintenance of the indoor shooting range to limit noise that could significantly impact adjacent properties.
- C. All federal and state laws regarding firearm safety, environmental controls, and occupational health shall be met.

#### **V12.1.6**

##### **Major Subdivision Principles & Design Standards**

###### **Covenant Standards**

- C. Maintenance Covenant: Each subdivision submitted for approval shall include a covenant which states that: "If open space areas and amenities are maintained by an LOA or similar organization and said organization is dissolved, the maintenance and associated costs of any maintenance shall be shared equally between the property owners within this platted subdivision."

**Amend** the following sections to read:

#### **V1.6.11**

##### **Use Variances**

- A. The Board may grant a variance of use from the use standards of this Ordinance if, after a public hearing, it makes findings of facts in writing, that:
  - i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - iii. The need for the variance arises from some condition peculiar to the property involved;
  - iv. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - v. The approval does not interfere substantially with the Comprehensive Plan.
- B. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in section A above.

- C. The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under IC 36-7-4-1015 and have such commitments recorded in the Recorder's Office.
- D. Unless otherwise specified by the Board, variance of use approvals shall be limited to, and run with, the applicant at the location specified in the petition.
- E. Approvals granted by the Board must be commenced within one (1) year from the date of approval. The Board may grant one (1) year extensions of this requirement.
- F. Any petition denied by the Board may not be reheard for one (1) year.

### **V2.1.3, V3.1.3, V4.1.3, V5.1.3, V6.1.3, V7.1.3, V8.1.3, V9.1.3, V10.1.3, V11.1.3**

#### **Unlisted and Questionable Uses**

Any land use not listed or that is questionable as a permitted or special use is not allowed unless determined otherwise through a use classification as described in **Section V1.8.10 Use Classification Process** or a variance of use.

### **V12.1.1**

#### **Exemptions**

The following subdivisions of land are exempt from the provisions of this Subdivision Control Ordinance subject to the specifications of this section. All exempt divisions shall be recorded through metes and bounds legal descriptions in the office of the Madison County Recorder, and a copy of the recorded plat and/or legal description shall be submitted for the records of the Plan Commission.

- A. A division of land for agricultural use not involving any new roads, public drainage easements, or other public improvements resulting in the creation of a lot or lots and a remaining tract, none of which is less than 40 acres or includes less than the frontage on a public road specified by the Lapel Zoning Ordinance for the zoning district in which the property is located;
- B. A division of land that is government or court ordered;
- C. Legal Description Correction: A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites are created, and no additional public improvements are required or created;
- D. Right-of-Way Acquisition: A division of land for federal, state, or local government to acquire right-of-way;
- E. Transfer Between Adjoining Property Owners: A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional building sites are created, and no additional public improvements are required or created by the subdivision and the resulting lots meet all of the development standards of the zoning ordinance.
- F. A division of land into cemetery plots for the purpose of burial of corpses;

### **V12.1.1**

#### **Replats**

- A. For any change in an approved or recorded subdivision plat, if such change affects any street layout shown on such plat, creates an additional building site, reduces the size of any lot, or alters any right-of-way or easement; such change shall be reviewed by the Plan Commission by the same procedure and regulations as for a major subdivision plat.
- B. For all other changes in an approved or recorded subdivision plat, such change shall be reviewed by the Plan Commission by the same procedure and regulations as for a minor subdivision plat.
- C. A replat that complies with exemptions listed in **V12.1.1 Exemptions** and complies with all other standards set forth in this UDO may be approved administratively and without public notice.

### **V12.1.2**

#### **Administration**

##### **Preliminary Plan Commission Review**

- A. The intent of the Preliminary Plan Commission Review is to improve the efficiency of the Plan Commission by allowing for technical review for consistency the applicable standards outside of the public hearing, as well as streamline approvals for applicants by providing a process for approving petitions for which the only criteria is consistency with the applicable adopted standards of Lapel. All approval processes and actions of the preliminary review shall be consistent with the requirements of Indiana Law.
- B. Technical Advisory Committee (TAC): The TAC shall be the committee responsible for conducting the preliminary review.
  - i. Its membership may include as appropriate, but is not limited to:
    - 1. the Administrator and/or Building Inspector;
    - 2. a representative of the Parks Department or Parks Board;
    - 3. a representative of the Public Works Department;
    - 4. the Town Engineer;
    - 5. a representative of the Fire District(s);
    - 6. representatives of any Utilities including water, sewer, and electric;
    - 7. the County Surveyor or his/her appointee;
    - 8. a member of the County Drainage Board or his/her appointee;
    - 9. a representative of the County Health Department;
    - 10. a representative of the public school district(s).
  - ii. Members conducting the review shall either be present at the time of the scheduled preliminary review or submit written comments regarding each specific petition to the Administrator prior to the appropriate meeting/deadline.
    - 1. Requests for review shall be sent out by the Administrator a minimum of 15 days prior to the scheduled preliminary review.

2. Each review member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of the Town of Lapel.
  3. If no comments are received from a member of the committee it shall indicate that they have no objection to any aspect of the applicable petition and therefore grant their individual approval.
  4. The Administrator shall determine the action taken on each petition by the preliminary review members based on their comments.
- C. Staff: The Planning Commission staff shall also serve as the staff for the preliminary review. They shall distribute all appropriate materials and keep all necessary files and meeting records.
- D. Approval Authority: The TAC shall have the authority to approve the following types of petitions and applications:
- i. Subdivision Construction Plans;
  - ii. Final Subdivision Plats; and
  - iii. Replats as specified in section V12.1.1 of this Ordinance.
- E. Review Authority: The Plan Commission, during a preliminary review, shall have the authority to review Preliminary Subdivision Plats, forwarding comments for the official public hearing.
- F. Appeal Rights: All decisions made during the preliminary review may be appealed to the Plan Commission following the procedure outlined in this Article.
- G. At the Administrator's discretion, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
- H. Review Record: The Administrator shall make written documentation of the comments and findings of the preliminary review members for each petition and make those written findings available to the petitioner within five (5) business days of the TAC's review. The written documentation shall consist of the following:
- i. a letter to the petitioner stating the action taken by the review members; and
  - ii. a list of any outstanding comments made by the members of the review, including references to appropriate sections of adopted, applicable requirements of Lapel, the State of Indiana, and/or the Federal government.
- I. Decision Criteria: In all cases, the preliminary review members shall only consider the applicable adopted requirements of this Ordinance, the Lapel Zoning Ordinance, any adopted Lapel construction or improvements standards, any adopted standards of the Madison County Drainage Board, and any other adopted and applicable standards of Lapel, the State of Indiana, and/or the Federal government.
- i. In all cases in which the member of the preliminary review has approval authority and a petition conforms to the applicable standards, that petition shall be approved.
  - ii. In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and/or unadopted standards of any member conducting a preliminary review. This shall not be interpreted as prohibiting any review

member from providing comments which express their professional opinions regarding a petition being forwarded to the Plan Commission.

- J. Appeal Procedure: Any applicant may appeal the decision made during a preliminary review to the Plan Commission. Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the review members' interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
- i. The applicant shall be required to provide the Administrator with written notice of the appeal within 60 days of the date of the preliminary review decision.
  - ii. The Administrator shall place the appeal on the agenda for the next appropriate Plan Commission meeting.
  - iii. Public notice for the meeting shall be required, at the petitioner's expense, consistent with the provisions of this Ordinance.
  - iv. The Plan Commission shall consider the provisions of this Ordinance and all other applicable standards in deciding the appeal.

### **V12.1.3**

#### **Minor Residential Subdivisions**

- A. Intent: The intent of the minor residential subdivision process is to allow a simplified procedure for the creation of lots for single-family residential use that does not involve the opening of new public rights-of-way or extension of utility mains.
- B. Lot Standards: A proposed subdivision may be approved by the minor residential subdivision process provided the parent tract, daughter tracts, and remainder of the parent tract meet the following standards.
- i. Parent Tract Defined: The Subdivision approval shall be based upon the parcel number and the characteristics of the Parent Tract legally established prior to January 1, 2010.
  - ii. Subdivisions Permitted: The creation of additional lots shall be based on a sliding scale determined by the acreage present in the parent tract as defined above. The sliding scale shall be as follows:
    1. Parent tracts which include between five (5) and six (6) acres shall be permitted to be divided for the creation of one (1) additional lot (for a total of two (2) lots including the remainder from the parent tract).
    2. Parent tracts which include six (6) to eight (8) acres shall be permitted to be divided for the creation of two (2) additional lots (for a total of three (3) lots including the remainder from the parent tract).
    3. Parent tracts which include eight (8) to ten (10) acres shall be permitted to be divided for the creation of three (3) additional lots (for a total of four (4) lots including the remainder from the parent tract).

4. Parent tracks greater than ten (10) acres shall be permitted to be divided for the creation of four (4) additional lots (for a total of five (5) lots including the remainder from the parent tract).
  5. Nothing in this Article shall be interpreted as permitting the creation of additional lots from parent tracts present on January 2, 2010 that have subsequently been divided, through a "miniplat" or other means, to the extent that a number of new lots greater than that specified above will be created.
- iii. Subdivision Rights: All subdivision rights as established by this section shall run with the parent tract or remainder thereof. The further subdivision of any lot created from a parent tract shall be prohibited unless it is consistent with the major subdivision process established by this Ordinance.
  - iv. Further Subdivision: Once all of the permitted lots have been split from the parent tract, any further subdivisions shall follow the major subdivision process established by this Ordinance in order for Lapel to ensure that land is improved in coordination with the Comprehensive Plan in the laying out of public ways, easements, structures, utilities, and other features; that regional drainage concerns are addressed; and established public policy is followed.
- C. Design Standards: All minor residential subdivisions shall conform to the following design standards:
- i. Any subdivision which includes the construction of any public improvements including a public street, sidewalks, sewer or water mains, or street trees shall be considered a major subdivision and follow the major subdivision process established by this Ordinance.
  - ii. All lots and any remaining tract shall be consistent with all applicable requirements of the Lapel Zoning Ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width except as otherwise stated in the ordinance.
  - iii. No lot created through the minor residential subdivision process shall have a depth greater than three (3) times its frontage.
  - iv. At the time of filing, the property owner may show all possible lots which are permitted to be created through the minor residential subdivision provisions of this Ordinance on a preliminary plat.
  - v. All road cuts shall be subject to the review of the Lapel Town Council.
    1. No private road shall be permitted which provides the only means of access to more than three (3) lots. A private road shared by more than three (3) lots must be created in the form of a public road. If such a public road is required, the development shall be considered a major subdivision and shall follow the major subdivision process established by this Ordinance.
    2. Lot frontage on private roads may be considered as meeting the road frontage requirements of the Lapel Zoning Ordinance.
  - vi. All driveways shall be designed to prevent vehicles from being required to back onto the public road.

- vii. All driveways shall be a minimum of 16 feet in width, with common portions included in a minimum 30 foot wide private road.
  - viii. All driveways shall be constructed consistent with the requirements of the County Engineer.
  - ix. A permanent documentation of any shared driveway / private road agreement must be signed by all involved property owners or take the form of covenants on all applicable property. The documentation shall include, but is not limited to maintenance, snow removal, ownership, and liability. The documentation shall specifically exempt Lapel from any responsibility regarding the maintenance and upkeep of the shared driveway or private road. The agreement shall be reviewed and approved by the Building Inspector. The agreement shall be recorded in the office of the Madison County Recorder. A copy of the agreement shall be kept in the office of the Plan Commission.
  - x. Dry fire hydrants shall be installed in existing ponds and other bodies of water located on property included in the administrative subdivision consistent with the desires of the local fire department having jurisdiction.
  - xi. Necessary and adequate utilities and drainage facilities shall exist on the site. All septic systems and wells shall be subject to the approval of the Madison County Health Department. A drainage plan for each subdivision shall be reviewed and approved by the Madison County Drainage Board consistent with Indiana Code 36-9-27-69.5. The following statement is required to be placed on the final plat: "An adequate outlet exists to a Town regulated drain if required by the Madison County Board of Health and/or the Madison County Drainage Board".
  - xii. An applicant shall dedicate a right of way along public road frontages of any new lots and additional right of way along the remainder of the parent tract as required by the Plat Review Committee and consistent with required right of way widths established by this Ordinance. Additional right of way on the remainder of the parent tract shall be determined upon the reasonable relationship of the expansion or a change of the land use to the needs created by the development and shall be determined by the Plat Review Committee. Any appeals of the Plat Review Committee concerning additional right of way requirements shall be made to the Building Inspector and are subject to review by the Lapel Board of Zoning Appeals.
  - xiii. Adequate ingress and egress to the remainder of the parent tract and adjacent properties must be maintained, planned for, and provided.
- D. Minor Residential Subdivision Application and Review Procedure
- i. Pre-Application Meeting: In order to begin the subdivision process, the applicant shall meet with the Administrator in person, virtually (video conference), by phone, or by email to discuss the procedures for approval as well as the requirements and regulations for development.
  - ii. Application Required: The applicant shall file an application for a minor residential subdivision with the Administrator. This application shall:

1. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
  2. Be accompanied by the specified number of copies of a preliminary plat which meets the requirements provided by this Article;
  3. Be accompanied by a fee in the amount established by the adopted fee schedule.
- iii. Single Plat: The minor subdivision process combines the preliminary and final plat into a single application process
- iv. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Administrator. No docket number shall be released until all applicable fees have been paid for the application.
- v. Meeting Dates Established: The Administrator shall provide the applicant with a tentative date for a public hearing before the Plan Commission and the date of the preliminary review. The date of the preliminary review shall be based on the adopted calendar of meeting and filing dates and shall be based on the date upon which the application for minor residential subdivision approval is filed with the Administrator.
- vi. Public Notice by Applicant: The applicant shall be responsible for the required notice of public hearing consistent with **V12.1.2 Notice of Public Hearing**.
- vii. Preliminary Review: The Administrator shall forward the application for minor residential subdivision approval to the applicable members of the TAC for their review and set a deadline for their comments no sooner than 15 days from the request for their review.
1. See **V12.1.2 Preliminary Plan Commission Review** for TAC composition, review procedures, and decision criteria.
  2. The Committee shall make comments regarding the application and either approve, approve with conditions, require further review, or deny the application.
    - a. The Committee shall approve the application if it is found to be consistent with the requirements of this Ordinance.
    - b. The Committee shall approve the application with conditions if minor modifications are required for the application to be completely consistent with the requirements of this Ordinance. Such minor modifications shall not have the effect of altering the arrangement of lots, topography, drainage, driveways or other features. The applicant shall make revisions consistent with the conditions of approval and provide revised materials to the Administrator for the records of the Plan Commission.
    - c. The Committee shall require further review of the application if addressing the comments of the Committee will require significant alterations in the lots, topography, drainage ways, driveways or other features. The applicant shall revise the application consistent with the comments received from the Committee and supply revised application materials and

the specified number of copies to the Administrator in preparation for further review by members conducting the preliminary review.

- d. The Committee shall deny the application if it is found to be in violation of the requirements of this Ordinance. Applications which have been denied may not be re-submitted for a period of one (1) year from the date of denial. When resubmitted, the request shall be treated as a new application following the process established by this Article and with all fees required.

viii. Plan Commission Public Hearing and Final Decision:

1. Plan Commission Public Hearing: The Plan Commission shall consider the minor plat at a public hearing. The applicant or their representative shall be in attendance to present the plan and address any questions or concerns of the Plan Commission.
2. Basis for Decision by Plan Commission: Prior to approval, the Commission shall determine if the secondary plat:
  - a. Complies with the standards of this UDO;
  - b. Uses all reasonable efforts to mitigate the impact of the proposed subdivision on public health, safety, and welfare; and
  - c. Received written verification that water supply and sewage disposal systems that can sufficiently serve the type of proposed subdivision by either the respective utility provider or that such systems will comply with federal, state, and local laws and regulations.
3. Final Decision by Plan Commission.
  - a. Approval: If the Commission determines that the final plat complies with the standards set forth in this UDO, it shall grant approval to the plat.
  - b. Approval with Conditions: In accordance with IC 36-7-4-702, the Commission may introduce changes or revisions to the proposed plans as a condition of approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to:
    - (i) The manner in which any shared driveways shall be laid out, graded, and improved;
    - (ii) A provision for water supply, sanitary sewer facilities, and other utility services; and
    - (iii) A provision for other services as specified in this UDO.
  - c. Denial: If the PC denies a plat, it shall make written findings of fact. The applicant may then resubmit a revised plat that addresses the reason for disapproval.
4. Documentation of Decision: Within ten (10) days of the hearing, the Administrator shall notify the applicant of the PC's decision in writing or electronic transmission. This shall itemize any changes or revisions required by

the PC as a term of its approval or include written findings of fact if the plat was denied.

- ix. Amendment:
  - 1. If a minor subdivision is approved (either recorded or not recorded), an amendment that complies with the exempt subdivision standards (**V12.1.1 Exemptions**) and complies with all other standards set forth in this UDO may be approved administratively and without public notice.
  - 2. All other amendments to an approved minor subdivision shall follow the same procedures for a new application as outlined in this section for minor subdivision approval.
- x. If plat is approved, the Administrator signs the plat and the applicant takes the plat to the County Auditor for transfer and to the Recorder's Office for Recording.
- xi. Approval of the Final Plat shall be effective for a maximum period of one (1) year from the date of approval, unless it is signed and recorded as required by this Ordinance.
- xii. A paper copy of the recorded plat shall be submitted to the Plan Commission along with the following:
  - 1. Copy of the boundary Survey
  - 2. Copy of the deed for the parent tract
  - 3. Copy of recorded documents for any easements, right-of-way grants or takings that are depicted on the Final Plat. If recorded documentation does not exist for easements or rights-of-way shown on the Final Plat, the surveyor is to provide the documentation utilized to depict the easement and/or right-of-way (this does not include the typical existing 16.5' right-of-way from centerline that exists along section lines).
- xiii. Once the plat is recorded, a building permit may be obtained for any lot in the recorded minor residential subdivision plat.
- xiv. Waivers: The Plan Commission shall have the sole authority to grant waivers of the requirements of this Ordinance.
  - 1. Applicants seeking a waiver of one or more requirements shall provide written notice of the waiver request either at the time of filing the application or within 30 days of any adverse decision by the TAC.
  - 2. The Administrator shall place the waiver request on the agenda for the next appropriate Plan Commission meeting.
  - 3. Public notice for the meeting shall be required, consistent with the provisions of this Ordinance.
  - 4. The Plan Commission shall consider the intent of the Comprehensive Plan and this Ordinance when deciding the waiver request.
  - 5. The TAC, at its discretion, may either hear any application contingent upon the outcome of a waiver request hearing by the Plan Commission or table the request pending the outcome of the Plan Commission hearing.

E. Specifications for Minor Residential Subdivision Documents to Be Submitted

The Minor Residential Subdivision application shall be accompanied by a Subdivision Development Plan (Plat), drawn to a convenient scale of not more than 100 feet to an inch, and showing the following information:

- i. Property Name: The property address, general location, and name (if there is a name by which the property is locally known).
- ii. Property Ownership:
  1. The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property to the owner involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
  2. Citations of any existing covenants on the property.
  3. The name and address, including telephone number, of the professional person(s) responsible for the subdivision design and for surveys.
- iii. Property Legal Description: The location of the property, the name of the local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.
- iv. Development Description:
  1. A legend and notes, including a graphic scale, north point, and date.
  2. An indication of the lot to be considered the remainder of the parent tract.
  3. The approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system.
  4. The approximate location of any existing or proposed wells.
  5. A Subdivision Development Plan Approval Certificate for signature by the Administrator.
  6. Lot numbers and the area for each lot which may be created on the parent tract (listed in square footage and acres), including all setback lines, lot dimensions and road frontage widths.
  7. All existing and proposed easements including the location, width, and purpose of each easement.
  8. All existing and proposed rights-of-way on and adjoining the site of the proposed subdivision showing the street names and pavement widths.
  9. The location, size, and invert elevation of any utilities existing and proposed adjacent to, and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.
  10. The location(s) of any existing structure(s) on the site and a description of the future use.

11. The location of natural streams, regulated drains, 100-year flood plains, floodways, water courses, marshes, wooded areas, and other structures or significant features.
  12. The location and results of tests, as required by any county, state, or federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
  13. The location of all existing and proposed driveways and private roads, provisions for the construction and maintenance of shared driveways, private roads, and no-access easements.
  14. The proposed phasing of the development, if more than one lot is involved and development will occur over time.
- v. Subdivision Covenants: In Final Plat any protective covenants applicable to the subdivision shall be prepared by the petitioner and be legally sound. The covenants shall be subject to the approval of the Administrator and, at a minimum, shall provide a means for the maintenance and upkeep of any common drives and/or any drainage swales. All covenants shall be recorded in the office of the Madison County Recorder, with a copy of the recorded covenants being provided to the Building Inspector prior to the issuance of an Improvement Location Permit.
- vi. Vicinity Description: On a separate sheet a vicinity map must be submitted that includes the following information:
1. The location of the proposed subdivision within the Town of Lapel.
  2. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
  3. Existing and proposed driveways located on either side of all roads adjacent to the subject property.
  4. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
- vii. Registered Surveyor Required: All rural concept development plans must be prepared by a registered land surveyor.
- viii. Boundary Survey Requirement: A recorded boundary survey must be prepared for all Minor Plats, pursuant to Title 865, Article 1, Chapter 12, Sections 1-34. The instrument number for the recorded boundary survey must be affixed to the final Plat. The boundary survey is to include any and all improvements located within the final Plat. Exceptions to this rule are as follows:
1. One lot makes up the final Plat and all improvements on the parent tract are wholly within the one lot (statement must be made on the Final Plat to this effect).
  2. Administrator may use his/her discretion when asked by the surveyor preparing a Final Plat, but only for circumstances that include vast amounts of improvements (i.e. farms, businesses, etc.)

- ix. Drainage Board Approval: Drainage Board approval is required before the Final Plat may be recorded and permits for individual lots may be issued.
- x. Statements: Any statements, changes, or requirements placed on the Plat during the Preliminary Review, and any other governmental entities reviewing the plat are the complete responsibility of the private surveyor. If these statements, changes, and/or requirements were requested, but not placed on the final Plat, the surveyor will be required to make the changes and then resubmit the final Plat to the Administrator.

#### **V12.1.4**

##### **Major Subdivisions**

- A. Intent: The intent of a major subdivision process is to allow for all subdivisions of land that are not otherwise exempt.
- B. Major Subdivision Application and Review Procedure  
The following is a brief overview of the Major Subdivision process. The complete details of the Major Subdivision process are provided throughout this Article and Ordinance.
  - i. The petitioner schedules and attends the required pre-application meeting with the Administrator.
  - ii. The petitioner submits an application for Preliminary Plat Approval and the appropriate supportive materials to the Administrator for placement on the Plan Commission agenda.
  - iii. The petitioner corresponds with all applicable regulatory agencies for all other permits necessary. These may include, but are not limited to the following:
    - 1. the Madison County Health Department;
    - 2. the Madison County Soil and Water Conservation District office;
    - 3. the Madison County Surveyor and Drainage Board;
    - 4. the Madison County Auditor's Office;
    - 5. the Lapel Police Department;
    - 6. the appropriate local fire district;
    - 7. the appropriate local school corporation;
    - 8. the Indiana Department of Transportation (INDOT);
    - 9. the Indiana Department of Environmental Management (IDEM);
    - 10. the Indiana Department of Natural Resources;
    - 11. the Madison County Engineer; and
    - 12. all applicable utility companies.
  - iv. The Administrator forwards the application to the appropriate TAC members for preliminary review meeting and places the application on the agenda for the appropriate Plan Commission meeting.
  - v. The TAC reviews the proposed subdivision and provides comments to the petitioner.
  - vi. The petitioner revises the proposed Preliminary Plat and submits revised copies of all appropriate materials for use at the Plan Commission hearing.

- vii. The petitioner provides public notice as specified in this Ordinance. The petitioner permits the posting of a sign on the property giving notice of the proposal.
  - viii. The petitioner attends the Plan Commission public hearing for consideration of the Preliminary Plat.
  - ix. If the Plan Commission approves the Preliminary Plat, the petitioner submits an application for Construction Plan Approval and the appropriate supportive materials to the Administrator for review.
  - x. If approved, the petitioner constructs the public improvements for the subdivision, coordinating the appropriate inspections with the Building Inspector and other appropriate Town officials and agencies. If conditions were attached to the Preliminary Plat approval, the petitioner must meet all conditions prior to Final Plat approval.
  - xi. Alternatively, the petitioner may submit performance surety for the construction of the public improvements.
  - xii. The petitioner submits an application for Final Plat approval and all appropriate supportive materials to the Administrator for review.
  - xiii. The TAC considers the Final Plat which, if approved, is certified by the President and Secretary of the Plan Commission and forwarded to the Town Council for consideration of the acceptance of the public improvements.
  - xiv. Petitioner submits maintenance surety for the provided public improvements.
  - xv. The Town Council considers the acceptance of the public improvements and maintenance surety and the signing of the Final Plat.
  - xvi. The petitioner obtains any other required signatures and records the Final Plat in the office of the Madison County Recorder. The petitioner supplies one copy of the recorded plat to the Administrator for the records of the Plan Commission.
- C. Pre-Application Meeting: In order to begin the subdivision process, the applicant shall meet with the Administrator in person, virtually (video conference), by phone, or by email to discuss the procedures for approval as well as the requirements and regulations for development.
- D. Preliminary Plat Application and Review Procedure
- i. Application Requirements: The applicant shall file an application for Preliminary Plat Approval and the specified number of copies with the Administrator. This application shall:
    1. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
    2. Be accompanied by all required approvals of the Madison County Drainage Board.
    3. Be accompanied by the specified number of copies of a Preliminary Plat meeting the requirements provided by this Article;
    4. Be accompanied by a fee in the amount established by the adopted fee schedule; and
    5. Be accompanied by a copy of all comments received from the appropriate local utility providers. (At a minimum, the subdivider shall provide an affidavit

indicating that a copy of the proposed Preliminary Plat has been provided to all appropriate local utilities).

- ii. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Building Inspector. No docket number shall be released until all applicable fees have been paid for the application.
- iii. Meeting Dates Established: In accordance with I.C. 36-7-4-703, the Administrator shall announce the tentative date of a hearing before the Plan Commission within 30 days of receipt of a final and complete application. The dates of the preliminary review and Plan Commission hearing shall be based on the adopted calendar of meeting and filing dates and shall be based on the date upon which the application for Preliminary Plat Approval is filed with the Administrator.
- iv. Public Notice by Applicant: The applicant shall be responsible for the required notice of public hearing consistent with **V12.1.2 Notice of Public Hearing**.
- v. Preliminary Review: The Administrator shall forward the application for major subdivision approval to the applicable members of the TAC for their review and set a deadline for their comments no sooner than 15 days from the request for their review.
  1. See **V12.1.2 Preliminary Plan Commission Review** for TAC composition, review procedures, and decision criteria.
  2. The members shall make comments regarding the application. Based on those comments, the Administrator shall either forward the application to the Plan Commission or require further review.
    - a. The Administrator shall forward the application for Preliminary Plat Approval to the Plan Commission if addressing the comments made will not require the applicant to significantly alter the layout of streets, lots, utility systems, topography, or other proposed subdivision features. The applicant shall revise the Preliminary Plat consistent with the comments received during the preliminary review and supply revised application materials and the specified number of copies to the Administrator in preparation for the Plan Commission hearing by the date specified on the adopted calendar of meeting and filing dates.
    - b. The Administrator shall require further review of the application for Preliminary Plat Approval if addressing the comments made will require significant alterations in the layout of streets, lots, utility systems, topography, drainage ways, or other proposed subdivision features. The application shall be placed on the agenda for further review at the next preliminary review meeting. The applicant shall revise the Preliminary Plat consistent with the comments received during the review and supply revised application materials and the specified number of copies to the Administrator in preparation for further review by members conducting the

preliminary review by a date specified on the adopted Calendar of Meeting and Filing Dates.

- vi. Plan Commission Hearing: The Administrator shall place all applications forwarded to the Plan Commission by the TAC on the agenda for a public hearing at the appropriate Commission meeting based on the adopted calendar of meeting and filing dates.
  1. The Plan Commission shall hold a public hearing on the petition, considering the Preliminary Plat application materials, the report of the preliminary review prepared by the Building Inspector, and testimony from the petitioner and any interested parties. At the public hearing, the Plan Commission shall approve, approve with conditions, continue, or deny the application for Preliminary Plat Approval.
    - a. The Plan Commission shall approve the Preliminary Plat if it is found to be completely consistent with the decision criteria provided by this section.
    - b. The Plan Commission shall approve the Preliminary Plat with conditions if it is generally consistent with the decision criteria, but specific minor modifications are required to meet all of the applicable requirements.
    - c. The Plan Commission shall table the Preliminary Plat consistent with the adopted Rules and Procedures of the Plan Commission.
    - d. The Plan Commission shall deny the Preliminary Plat if it is found to be inconsistent with the decision criteria and requires modifications that would result in changes to the layout of public improvements, lots, drainage systems, or other characteristics of the subdivision.
  2. The Plan Commission shall make written findings documenting its decision. The Building Inspector shall return one (1) copy of the application for Preliminary Plat approval and the plat to the petitioner with the date of approval, conditional approval, continuance, or disapproval and a copy of the written findings of the Commission within ten (10) business days of the date of the decision. The Building Inspector shall maintain one (1) file copy of the Preliminary Plat application and plat.
  3. Approval of a Preliminary Plat by the Commission is not final approval of the subdivision.
- vii. Expiration: The approval of the Preliminary Plat shall expire 18 months from the date of the Commission's decision if the applicant has not proceeded with the development by applying for Construction Plan approval.
  1. Extensions of time may be granted by the Plan Commission upon the request of the petitioner.
  2. In the case of Preliminary Plats which are divided into sections for the purpose of a phased construction, the Preliminary Plat shall expire five (5) years after the date of approval of the Construction Plans for the most recently developed

section if construction plans for the subsequent section have not been approved and the installation of public improvements in that section commenced.

3. Non-residential preliminary plats shall expire ten (10) years from the date of approval consistent with this Ordinance.
- viii. Denial of Plat: If the Preliminary Plat application is denied, the petitioner may not resubmit the same application for six (6) months from the date of disapproval. Fees on a resubmitted Preliminary Plat application shall be the same as if it were an original submittal.
- E. Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.
  - i. The degree to which the proposed Preliminary Plat is consistent with the provisions of the Comprehensive Plan;
  - ii. The degree to which the proposed Preliminary Plat is consistent with the requirements of this Ordinance;
  - iii. The degree to which the proposed Preliminary Plat is consistent with the intent and standards of the zoning district in which it is located; and
  - iv. The degree to which the proposed Preliminary Plat is consistent with the all adopted construction standards for public improvements in Lapel, and standard engineering practices.
- F. Specifications for Preliminary Plat documents to be Submitted  
The proposed Preliminary Plat shall be prepared and certified by a land surveyor registered by the State of Indiana. It shall be designed on state plane coordinates, drawn at a scale of 100 feet to 1 inch on sheets not exceeding 24 inches by 36 inches in area. The proposed Preliminary Plat shall include:
  - i. Property Name:
    1. The name of the subdivision if the subject property is within an existing subdivision; or
    2. A proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect.
  - ii. Property Ownership:
    1. The name and address, including telephone number, of the legal owner, the developer of the property or his/her agent, and citation of last instrument conveying titles to each parcel of property to the developer involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
    2. Citations of any existing covenants on the property.
    3. The name and address, including telephone number, of the professional person(s) responsible for the subdivision design, for the design of the public improvements, and for surveys.
  - iii. Property Description:

1. A dimensioned drawing of the parcel of land which is being subdivided, including any remaining tract.
  2. Subdivision boundary lines showing dimensions, bearings, and references to section, township, range, and lines or corners.
- iv. Development Description:
1. A legend and notes, including a graphic scale, north point, and data.
  2. The approximate location of existing or proposed septic systems including termination point and outlet of all perimeter drain systems and/or the municipal sanitary sewer system.
  3. The approximate location of any existing or proposed wells.
  4. Preliminary Plat approval certificate for signing by the Plan Commission President and Secretary.
  5. Lot numbers, including the location of monuments and the area for each lot (listed in square footage and acres), and the buildable areas of each lot per applicable zoning district setback requirements and any other regulatory or natural limitations.
  6. All existing and proposed easements including the location, width, and purpose of each easement. All existing and proposed streets and rights-of-way on and adjoining the site of the proposed subdivision showing the proposed names, roadway widths, approximate gradients, types and widths of pavements, curbs, and sidewalks.
  7. Any parcels of land proposed to be dedicated or reserved for common areas, schools, parks, playgrounds, or other public, semi-public, or community purposes.
  8. The location, size, and invert elevation of utilities existing and proposed adjacent to and on the site, including storm and sanitary sewers; water mains; electrical, telephone, and cable television lines; street lights; fire hydrants; and such other utilities as may be appropriate.
  9. The location(s) of any existing structure(s) on the site and a description of its future demolition or incorporation into the proposed subdivision.
  10. The location and results of tests, as required by any county, state, or federal government agencies made to ascertain subsurface soil, rock, and groundwater conditions.
  11. All proposed sidewalks or pedestrian trails. m. All locations of existing and proposed street lights and street signs.
  12. A statement of the expected demand of the subdivision for capacity at the applicable waste water treatment facility.
  13. All proposed landscaping, signage, development entrance features, screening, and attempts at preserving natural terrain and open space. (The Plan Commission, TAC, or Administrator may request a landscaping plan or buffering

plan, prepared by a registered landscape architect, or landscape designer prepared on a separate sheet).

14. The estimated traffic count increase on adjacent streets resulting from the proposed development; a description of type and condition of roads serving the subdivision site; the total number of motor vehicles expected to use or be stationed in the subdivision; and a description of on and off-site parking to be supplied.
- v. Subdivision Phasing Description: If the Preliminary Plat is to be divided into sections for the phasing of development, the preliminary boundaries and numbers of such sections shall be shown. In no case may any section contain less than ten percent (10%) of the proposed lots.
- vi. Subdivision Covenants: Any protective covenants applicable to the subdivision shall be prepared by the petitioner and be legally sound. Covenants shall be incorporated in the plat and subject to the approval and of the Commission. At a minimum, covenants shall provide a means for the maintenance and upkeep of drainage swales and other drainage facilities and any common areas or entry features.
- vii. Contiguous Holding Description: Whenever the Preliminary Plat covers only a part of a petitioner's contiguous holdings, the petitioner shall submit, at the scale of no more than 1 inch equals 200 feet, a sketch of the entire holding, including the proposed subdivision area, showing an indication of the probable future street and drainage systems, for the remaining portion of the tract.
- viii. Soils Description: On a separate sheet, a soils map shall be provided showing soil boundaries and their identification, the existing and proposed street pattern, any mineral resource areas, and 100-year flood plains.
- ix. Drainage Plan and Report: The subdivider shall provide a drainage report describing the existing and proposed drainage conditions and evaluating the ability of the proposed water courses, channels, drainage tiles, farm tiles, storm sewers, culverts, and other improvements to accommodate the additional run-off generated by the proposed subdivision.
  1. Drainage Report: A registered professional engineer or land surveyor shall prepare the report, which shall include:
    - a. The conditions of the watershed that may affect run-off, such as subsoil type, positive drainage, and obstructions.
    - b. The location of all subsurface known drainage tiles and a plan to preserve or relocate the tiles.
    - c. Estimates of the water entering the subdivision (computations for major drainageways shall assume that the upper watershed has been developed according to current growth estimates).
    - d. A description of minor and major drainage systems. The minor drainage system shall consist of storm sewers, drainage ditches, grassed swales,

and storm inlets or infiltration structures. The major system shall consist of roadways, culverts, bridges, and drainage flow-ways.

2. Watershed Map: On a separate sheet, a watershed map complementing the Drainage Report using USGS contour information shall be provided, showing:
  - a. The delineation of the drainage area in which the subdivision is located.
  - b. The location of drainage courses and the existing direction of surface water flow within the drainage area.
3. Drainage Plan Description: On a separate sheet, a description of drainage / topography / natural environment complementing the Drainage Report shall be provided which includes the following information:
  - a. The location of natural streams, regulated drains, 100-year flood plains and floodways.
  - b. The location of any existing or proposed subsurface drain tile, structures, culverts, or swales.
  - c. A map noting significant physical and topographical features of the tract. This map shall also show the proposed direction of the flow of surface water runoff from the site.
  - d. A preliminary drainage plan showing the proposed storm water drainage system to an improved outlet. The plan shall include surface drainage system, storm sewer systems, subsurface drainage systems, and storm water detention facilities. Arrows designating the general drainage of all streets and lots shall be included.
- x. Vicinity Description: On a separate sheet a vicinity map must be submitted that includes the following information:
  1. Location of the proposed subdivision within the Town
  2. Existing subdivisions and lots adjacent to or within 200 feet of the proposed subdivision. The owners of each of these tracts shall be identified on the drawing with the date and book and page (or instrument number) of the last convenience of ownership.
  3. Existing schools, parks, playgrounds, or other similar public facilities that will serve the proposed subdivision.
  4. Location and size of all utilities adjacent to or within 200 feet of the subdivision site, including sanitary and storm sewers, gas lines, electric lines, telephone lines, fire hydrants, and cable television lines.
  5. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
  6. Existing streets and rights-of-way on and adjoining the site of the proposed subdivision showing the names, roadway widths, approximate gradients, surface types, and widths of pavements and curbs.
  7. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.

8. All section and municipal corporate boundaries lying within or contiguous to the tract.
- xi. Engineering Feasibility Report: A feasibility report prepared by a registered professional engineer or land surveyor covering sewage, water, and drainage facilities for the subdivision shall be provided which includes, but is not limited to, the following:
    1. Utility Systems: a description of the feasibility of connecting to existing storm and sanitary sewers. This portion of the report shall include the distance from the nearest public sewer and the capacity of the existing system intended to handle the additional waste load.
    2. Street Construction: A preliminary report on the types of street construction based on the specifications provided by this Ordinance and any additional requirements of the County Engineer.
- G. Construction Plan Application and Review Procedure
- i. Application Requirements: It shall be the responsibility of the petitioner to prepare and have certified, by a registered land surveyor or licensed engineer in the State of Indiana, a complete set of Construction Plans, including profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities, and other facilities. The applicant shall file an application for Construction Plan approval and the specified number of copies with the Administrator. This application shall:
    1. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
    2. Be accompanied by the specified number of copies of the Construction Plans meeting the requirements provided by this Article; and
    3. Be accompanied by a fee in the amount established by the adopted fee schedule.
  - ii. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Administrator.
  - iii. Preliminary Review: The Administrator shall forward the application for major subdivision approval to the applicable members of the TAC for their review and set a deadline for their comments no sooner than 15 days from the request for their review.
    1. See **V12.1.2 Preliminary Plan Commission Review** for TAC composition, review procedures, and decision criteria.
    2. The applicant shall be responsible for obtaining the necessary approvals of utility providers, or other town, state, or federal agencies not represented during the preliminary review.
    3. In reviewing the application, the members shall consider whether or not the Construction Plans meet the requirements of this Ordinance and any other adopted and applicable construction standards or common engineering practices, and are consistent with the approved Preliminary Plat.

4. The review members shall make comments regarding the application and either approve, approve with modifications, table and recommend modifications, or deny the Construction Plan approval request.
    - a. The review members shall approve the Construction Plans if they are consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices.
    - b. The review members shall approve the Construction Plans with modifications if minor modifications are required for the plans to be consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. Minor modifications are those which can be adequately agreed upon by the review members and the applicant at the preliminary review meeting and which do not impact other aspects of the subdivision's construction which would require subsequent review. The specified modifications shall be made by the petitioner and the specified number of Construction Plan sets provided to the Administrator within 90 days of the preliminary review meeting.
    - c. The review members shall table and recommend modifications to Construction Plans which require significant modifications to be consistent with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices. The petition shall be placed on the agenda for the next applicable preliminary review meeting. The petitioner shall provide the specified number of revised sets of Construction Plans to the Administrator for review prior to that meeting consistent with the adopted calendar of meeting and filing dates.
    - d. The review members shall deny the Construction Plans if they are found to be generally inconsistent with the approved Preliminary Plat and any applicable provisions of this Ordinance, construction standards, and common engineering practices. Applicants may again apply for Construction Plan approval following a denial and shall be required to pay all applicable fees consistent with the procedure for original petitions established by this Article.
  - iv. Upon approval of Construction Plans by the review members, the Administrator shall mark one set as "approved" and return it to the applicant with an Improvement Location Permit for the approved construction.
- H. Specifications for Construction Plan Documents to be Submitted
- The Construction Plans shall be based on the approved Preliminary Plat. Construction plans shall be prepared for all required improvements. Construction Plans shall be submitted in both paper

(hard copy) and electronic format (in a format specified by the Administrator or Town Engineer). Plans shall be drawn on standard 24 inch by 36 inch sheets at a scale of no less than 1 inch equaling 50 feet. The plans shall show the following:

- i. A map noting significant physical and topographical features of the tract. For plats containing more than two lots, a topographical map at typical intervals of two (2) foot contours, which shall be extended 100 feet beyond the boundary lines of the proposed tract, shall be submitted. This map shall also show the direction of the flow of surface water runoff to and from the site.
  - ii. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within one 100 feet of the intersection shall be shown. Radii of all curves, lengths of tangents, central angles on all streets, and the intersection details shall be shown.
  - iii. The Administrator may require, where steep slopes exist, the cross-sections of all proposed streets.
  - iv. Plans and profiles showing the location and typical cross- section of streets including curbs, gutters, sidewalks, rights- of-way, drainage facilities, manholes, and catch basins. Plans shall also show the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, gas, and fire hydrants, showing connection to any existing or proposed utility systems.
  - v. Location, size, elevation, and other appropriate descriptions of any other existing physical and natural features or facilities including features noted on the official map of local government, trees, the points of connection to proposed facilities and utilities, and the approximate high- and low- water elevations of all ponds, lakes, and streams.
  - vi. Any other construction details required to be shown by the Building Inspector, Engineer, or members conducting the preliminary review.
- I. Completion of Improvements
- The petitioner shall obtain from the Town Council information regarding the current Town of Lapel policies regarding the installation and inspection of public improvements. The applicant shall construct the subdivision, or section thereof, consistent with the approved construction plans, and the policies and procedures of the appropriate inspecting agencies or persons. No site work or earthwork shall be allowed until an Improvement Location Permit has been issued.
- i. All required improvements shall be made by the petitioner, at his/her expense, without reimbursement by the local government or any improvement district therein.
  - ii. The petitioner shall be required to maintain at his/her expense a licensed civil engineer or surveyor who shall certify that the subdivision construction is in compliance with the approved Construction Plans at the time the Final Plat approval request is submitted to the Administrator.
  - iii. Instead of building the improvements, the petitioner may submit performance surety to allow recording of the Final Plat before construction of the improvements.

- iv. If the Building Inspector or Engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the construction standards and specifications, the petitioner shall be responsible for correcting any errors in construction and completing the improvements in accordance with such standards and specifications. Wherever the cost of improvements is covered by a performance surety, the petitioner and the bonding company shall be severally and jointly liable for completing the improvements according to the appropriate specifications.
- J. Final Plat Application and Review Procedure
- i. Application Requirements: The applicant shall file an application for Final Plat Approval and the specified number of copies with the Administrator. This application shall:
    - 1. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
    - 2. Be accompanied by the specified number of copies of the Final Plat meeting the requirements provided by this Article;
    - 3. Be accompanied by the original documents and the specified number of copies of the surety required by this Ordinance for all public improvements.
    - 4. Be accompanied by “as-built” drawings showing the location, dimensions, and materials used to construct all improvements within the subdivision.
    - 5. Be accompanied by an electronic version of the Final Plat and “as-built” drawings in a format specified by the Administrator.
    - 6. Be accompanied by the specified number of copies of a map showing the locations of all street signs, street lights, and fire hydrants. *Also included shall be a check reimbursing Lapel for any costs associated with street sign installation as adopted by the Town Council.*
    - 7. Be accompanied by a fee in the amount established by the adopted fee schedule.
  - ii. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Administrator.
  - iii. Preliminary Review: The Administrator shall forward the application for major subdivision approval to the applicable members of the TAC for their review and set a deadline for their comments no sooner than 15 days from the request for their review.
    - 1. See **V12.1.2 Preliminary Plan Commission Review** for TAC composition, review procedures, and decision criteria.
    - 2. In reviewing the application, the TAC shall consider whether or not the proposed Final Plat drawing, the public improvements, and the surety provided is consistent with the approved Preliminary Plat, the approved Construction Plans, and the requirements of this Ordinance and any other applicable improvement standards and processes.
    - 3. The TAC shall either approve, table and require modification, or deny the Final Plat application.

- a. The review members shall approve the Final Plat if all required application materials are provided in a manner consistent with this Ordinance and any other adopted procedures of the Town.
    - b. The review members shall table and require modifications of the Final Plat application if additional information is needed or modifications are required for the Final Plat drawing or the accompanying materials to be consistent with the approved Preliminary Plat, Construction Plans, and/or the requirements of this Ordinance.
    - c. The review members shall deny the Final Plat if the application materials are inconsistent with the approved Preliminary Plat or Construction Plans.
  - iv. The Administrator shall sign the Final Plat as an indication of the TAC approval. The approval of the Final Plat by members of the TAC shall be certified on behalf of the Plan Commission by the President and Secretary who shall affix their signatures to the Final Plat original and all other relevant documents which also may require such signatures.
  - v. If the review members disapproves the Final Plat, the Administrator shall make written findings and notify the petitioner in writing, stating the specific reasons for disapproval. This written notice shall be certified by the signature of the President and Secretary of the Plan Commission. The applicant may not reapply for Final Plat approval prior to six (6) months from the date of the denial. Reapplication shall be through the process for original applications described in this section.
  - vi. Approval of the Final Plat shall be effective for a maximum period of one (1) year from the date of approval unless it is signed and recorded as required by this Ordinance. An extension of time may be approved by the Plan Commission, upon the request of the petitioner.
- K. Specifications for Final Plat Documents to be Submitted
  - i. All Final Plats shall be shown at a scale and shall include the following information on a sheet meeting the requirements of the Madison County Recorder:
    - 1. Accurate boundary lines, with dimensions and angles, which provide a survey per state statute in state plane coordinates.
    - 2. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
    - 3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
    - 4. Accurate metes and bounds description of the tract boundary.
    - 5. Source of title of petitioner to the land as shown by the last entry in the books of the County Auditor.
    - 6. Name of subdivision followed by the words "Final Plat."
    - 7. Name, address, and phone number of the petitioner.
    - 8. North point, graphic scale, and date.
    - 9. Street names.

10. Complete curve table for all curves included in the plat.
  11. Street lines with accurate dimensions in feet and hundredths of feet with angles to street, alley, and lot lines. Radii, points of curvatures, tangent bearings, and lengths of all arcs of street lines shall be provided.
  12. Lot numbers and dimensions including the square footage and acreage of each lot.
  13. Accurate locations of easements, description of their use, and any limitations on such semi- public or community use.
  14. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
  15. Building lines and setback dimensions throughout the subdivision.
  16. Location, type, material, and size of all monuments and markers.
  17. Construction plans and specifications for the improvements required by this Ordinance.
  18. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
  19. Certification by a registered land surveyor.
  20. Certification by the petitioner(s) and lien holder(s) (if any) of dedication of streets and other public property, and an agreement executed by the petitioner(s) to make and install all improvements in accordance with the plans and specifications approved by the Commission and accompanying the Final Plat.
  21. Certificate of approval by the Administrator and Plan Commission.
- ii. All Final Plats shall also show any other information or data requested by the Inspector necessary to clarify conditions and terms of plat approval.

L. Acceptance of Public Improvements

Approval of the Final Plat and certification by the Plan Commission shall not be deemed as an acceptance of any public improvements by Lapel. Following the signing of the Final Plat by the Plan Commission President and Secretary, the Administrator shall place the application on the agenda of the Town Council.

- i. The Council shall review the application materials, the preliminary review report prepared by the Building Inspector, and the condition of the public improvements and surety. The Council shall consider input from the Town Attorney, Engineer, and the town departments responsible for the maintenance of the improvements.
- ii. If the condition of the public improvements and the surety are deemed to be acceptable, the Council shall sign the Final Plat, accepting the improvements.

M. Recording of Final Plat

- i. It shall be the responsibility of the petitioner to file the approved and signed Final Plat with the Madison County Recorder within 30 days of the date of signature by the Town Council. Simultaneously with the filing of the Final Plat, the petitioner shall record any agreements

of dedication together with any other legal documents as shall be required to be recorded by the Plan Commission or other applicable governmental agency. The filing and recording of a plat is without legal effect unless signed by the Plan Commission's President and Secretary and the Town Council.

- ii. The applicant shall be required to submit a hard copy of the recorded final plat to the Administrator for the records of the Plan Commission. No Improvement Location Permits shall be issued for any lot in the subdivision until such a copy is provided.

**N. Permit Restrictions**

- i. No Improvement Location Permit shall be issued by the Building Inspector, or his/her agent, for any structure on any subdivision lot prior to addresses being approved, and the installation and completion of all facilities, including grading, as shown on the plans approved by the Commission; except in the case of an asphalt road surface, sidewalks, and street trees, as specified in this Ordinance.
- ii. The installation of the final asphalt road surface coat may, subject to the approval of the Engineer, be postponed until the end of the maintenance period.
- iii. The installation of street trees and sidewalks may be delayed until structures are completed on each lot.
- iv. No structure shall receive a Certificate of Occupancy until the required sidewalk and street trees are installed on the lot.
- v. All street trees and sidewalks and the final coat of asphalt shall be installed prior to the release of performance surety and the acceptance of those improvements for maintenance.

**V12.1.6**

**Major Subdivision Principles & Design Standards**

**Public Sites and Open Space Standards**

- C. Ownership and Maintenance Requirements: The subdivider shall reserve the open space acreage for common use of residents and visitors to the subdivision. The land shall be deeded by the subdivider to a duly organized lot owners association.
  - i. The Plan Commission shall require proof of the ownership and maintenance agreement for the common areas (such as LOA covenants).
  - ii. Unless approved by the Plan Commission and the Town Council, the town shall not assume responsibility for the maintenance and safety of common areas.
  - iii. If areas or land are being dedicated to an entity, including the Town of Lapel, other than a LOA, the respective entity accepting the land shall provide written documentation approving the dedication prior to approval of the secondary plat.
  - iv. If open space areas and amenities are maintained by an LOA or similar organization and said organization is dissolved, the maintenance and associated costs of any maintenance shall be shared equally between the property owners within the platted subdivision.

**Add** the following definitions:

**Homeowners Association (HOA):** A corporation or another entity that is organized and operated exclusively for the benefit of two (2) or more persons who each own a dwelling in fee simple; acts in accordance with the articles, bylaws, or other documents governing the corporation or entity; and may be governed by a board that serves the purpose of setting policy and controlling or otherwise overseeing the activities or functional responsibilities of the corporation or entity as defined in IC 32-25.5-2-4.

**Indoor Shooting Range:** A fully enclosed facility designed and operated for the discharge of firearms, equipped with a bullet resistant backstop, ventilation system, and sound attenuation measures to prevent the escape of projectiles, excessive noise, or airborne contaminants.

**Lot/Property Owners Association (LOA/POA):** A corporation or another entity that is organized and operated exclusively for the benefit of two (2) or more persons who each own property in fee simple; acts in accordance with the articles, bylaws, or other documents governing the corporation or entity to:

- A. acquire, transfer, manage, repair, maintain, or engage in construction on or in the land and improvements on the land related to the use of the properties owned by the members of the corporation or entity;
  - B. purchase insurance to cover a casualty or an activity on or in the land and improvements on the land;
  - C. engage in an activity incidental to an activity described in clause (A) or (B); or
  - D. engage in more than one (1) of the activities described in clauses (A) through (C); and
- may be governed by a board that serves the purpose of setting policy and controlling or otherwise overseeing the activities or functional responsibilities of the corporation or entity. The term includes an HOA as defined in IC 32-25.5-2-4.

**Retail Sporting Goods Store:** A commercial retail store that is primarily engaged in retailing new sporting goods classified under the North American Industry Classification Code 451110 (sporting goods stores), including items such as:

- A. bicycles and bicycle parts;
- B. camping equipment;
- C. exercise and fitness equipment;
- D. athletic uniforms;
- E. specialty sports footwear;
- F. firearms; and
- G. other sporting goods, equipment, and accessories.

**Amend** the following definitions to read: (*Green, italicized* text denotes optional language)

**Applicant:** A person that submits an application that requires a fee for a permit or approval of:

- A. construction or reconstruction of residential buildings; commercial buildings, industrial buildings; any other building or building space; or an appurtenance to a building described herein; or

B. zoning, development, subdivision, classification, or reclassification of land.  
This includes a fee designated as a permit fee (including a fee for a permit under IC 36-7-4-1109(f)), application fee, inspection fee, processing fee, or by another name.

**Dwelling, Manufactured Home Type I:** A unit suitable for use as a dwelling in any season that is assembled in a factory and bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.); is designed to be transported from the factory to another site in one (1) or more units; and is at least 35 feet long *and is clad in materials typical for site-built homes [or] and has a total dwelling area of at least eight-hundred (800) square feet* as defined by IC 9-13-2-96(a). The term includes a mobile home as defined by IC 9-13-2-103.2.

*Dwelling, Manufactured Home Type II: A unit suitable for use as a dwelling in any season that is assembled in a factory and bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.); is designed to be transported from the factory to another site in one (1) or more units; and is at least 35 feet long and is clad in materials not typically used for site-built homes as defined by IC 9-13-2-96(a). The term includes a mobile home as defined by IC 9-13-2-103.2.*

OR

*Dwelling, Manufactured Home Type II: A unit suitable for use as a dwelling in any season that is assembled in a factory and bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.); is designed to be transported from the factory to another site in one (1) or more units; and is at least 35 feet long and has a total dwelling area of at least four-hundred (400) square feet and less than eight-hundred (800) square feet as defined by IC 9-13-2-96(a). The term includes a mobile home as defined by IC 9-13-2-103.2.*

**Dwelling, Mobile Home:** A unit suitable for use as a dwelling in any season that is assembled in a factory; is designed to be transported from the factory to another site in one (1) or more units; and is at least 35 feet long; and either:

- A. bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.); or
  - B. was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.)
- as defined by IC 9-13-2-103.2. The term includes a manufactured home as defined by IC 9-13-2-96(a).

**Add** "Retail Sporting Goods Store" as a permitted Commercial use to **V1.3.2 Standard District Uses** and **V6.1.2 Permitted and Special District Uses**

**Add** “Indoor Shooting Range” as a permitted Commercial use to **V1.3.2 Standard District Uses, V2.1.2 Permitted and Special District Uses, V6.1.2 Permitted and Special District Uses, V9.1.2 Permitted and Special District Uses, and V10.1.2 Permitted and Special District Uses**