

**FAVORABLE RECOMMENDATION  
CONCERNING RE-ADOPTION OF THE LAPEL UNIFIED DEVELOPMENT ORDINANCE  
TO THE LAPEL TOWN COUNCIL**

**CERTIFICATION OF THE LAPEL PLANNING COMMISSION**

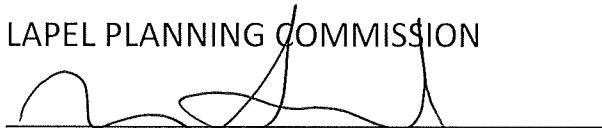
Comes now the Lapel Planning Commission and submits the following favorable recommendation to the Lapel Town Council; and

**WHEREAS**, this Certification is being submitted within ten (10) days after the meeting held by the Lapel Planning Commission concerning the re-adoption of the 2015 Lapel Unified Development Ordinance as amended with the additional amendments fully described in the attached Exhibits "A" and "B" in the Town of Lapel.

**WHEREFORE**, the Lapel Planning Commission hereby issues this Certification with a **favorable recommendation** to the Lapel Town Council.

DATED: 6/15/26

LAPEL PLANNING COMMISSION

  
\_\_\_\_\_  
Matthew Wood, President

ATTEST:

  
\_\_\_\_\_  
Jennifer Reske, Secretary

## **EXHIBIT A. NEW LANGUAGE TO BE ADOPTED**

Add the following sections:

### **V1.5.9**

#### **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.

### **V1.8.7**

#### **Improvement Location Permit**

- B. Lapel hereby requires that an Improvement Location Permit be obtained for the following:
  - ii. any change in the primary use of land or structure(s)

[All other items in list shift down one position]

### **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, 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**

##### **Indoor 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**

##### **Indoor 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**

##### **Indoor 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**

##### **Indoor 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.

#### **V1.8.7**

##### **Improvement Location Permit**

- A. **Permits Required:** No structure or major infrastructure shall be erected, moved, or added to, nor shall the primary use of land or structure(s) change, without an Improvement Location Permit issued by the Building Inspector. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance, and other applicable regulations of the Town of Lapel.

#### **V1.3.3**

##### **Unlisted or Questionable Uses**

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

## **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 or Questionable Uses**

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

## **V2.2.9, V3.2.11, V4.2.11**

### **Building Design and Architectural Standards**

#### **D. Building Material Requirements**

- i. Where two (2) wall materials are combined horizontally on one elevation, the heavier of the two (2) materials must be below.
- ii. At least twenty percent (20%) of the front elevation of all residential buildings, exclusive of windows, doorways (other than garage doors), and bays, shall be masonry.
  1. When garage doors are located on a front elevation, in making the calculation, they shall be included as a part of the façade.
- iii. The side and rear elevations of all residences that abut a street, open space, trail, or park, shall have at least twenty percent (20%) masonry as the exterior building material on all such elevations.
- iv. The remaining, non-masonry façade area shall have durable siding materials. Manufactured siding shall have at least a 25-year written manufacturer's limited warranty. Durable siding materials include:
  1. Cement fiber
  2. Engineered wood / composite
  3. Masonry
  4. Rust resistant architectural metals
  5. Stucco
  6. Vinyl
    - a. All vinyl siding shall be approved and endorsed as meeting or exceeding ASTM D3679 by the Vinyl Siding Institute through their Vinyl Siding Certification Program.
    - b. Vinyl siding shall be a minimum thickness of 0.044 inches.
    - c. Lap siding shall have a maximum six (6) inch exposed board space.
    - d. A letter or certificate stating the above shall be attached to each building permit request.
  7. Any other material approved by the Plan Commission
  8. A combination of the aforementioned materials
  9. Sheathing or bracing may not be used as an exterior wall covering except with the prior written approval of the Plan Commission.

## 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;
- G. Combination of Adjoining Holdings: A combination of adjacent tracts of land with the same owner provided that no additional building sites are created, no additional public improvements are required or created, and the resulting lot(s) meet all of the development standards of the zoning ordinance.

### 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 TAC 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 TAC 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 TAC 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 TAC member 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.

- K. **Withdrawal of Application:** The petitioner may withdraw any petition following the preliminary review by submitting a notice of such withdrawal in writing to the Administrator. Any petitions which are withdrawn and are subsequently re-filed shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.

### **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:
    - The manner in which any shared driveways shall be laid out, graded, and improved;
    - A provision for water supply, sanitary sewer facilities, and other utility services; and
    - 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.
- ii. 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.
- iii. 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.
- iv. 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.

- v. 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.
- vi. Registered Surveyor Required: All subdivision development plans must be prepared by a registered land surveyor.
- vii. 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 affect).
  - 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.)
- viii. Drainage Board Approval: Drainage Board approval is required before the Final Plat may be recorded and permits for individual lots may be issued.
- ix. 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 the 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 Administrator. 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 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 the TAC.
- 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 TAC 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 TAC 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 during the preliminary review, 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 completion of the preliminary review.
    - c. The TAC 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 petitioner shall provide the specified number of revised sets of Construction Plans to the Administrator for review.

- d. The TAC 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 TAC, 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 TAC.

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.



- 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 Administrator 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 Administrator, 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:

**Amenity (as related to Subdivision Regulations):** A desirable or useful feature of a subdivision including but not limited to paths, lights, ponds, play structures, shelters, and other similar features typically maintained in common and open to all property owners in a subdivision and their guests.

**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:

**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 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 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).

**Amend** the following sections with the definition for “Dwelling, Manufactured Home Type I” provided above: **V2.2.18.C, V3.2.21.C, V4.2.21.C, V5.2.22.C, V6.2.22.C, and V7.2.22.C.**

**Amend** the following sections with the definition for “Dwelling, Manufactured Home Type II” provided above: **V2.2.18.D, V3.2.21.D, V4.2.21.D, V5.2.22.D, V6.2.22.D, and V7.2.22.D.**

**Amend** the following sections with the definition for “Dwelling, Mobile Home” provided above: **V2.2.18.B, V3.2.21.B, V4.2.21.B, V5.2.22.B, V6.2.22.B, and V7.2.22.B.**

**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.**

**Delete** definition for **Dwelling, Manufactured Home Type III.**

**Delete** “Dwelling, Manufactured Home Type III” from **V1.3.2 Standard District Uses, V2.1.2 Permitted and Special District Uses, Table 2.2.18.1 Permitted Mobile/Manufactured Homes, Table 3.2.21.1 Permitted Mobile/Manufactured Homes, Table 4.2.21.1 Permitted Mobile/Manufactured Homes, and Table 5.2.22.1 Permitted Mobile/Manufactured Homes.**

**Delete** the following sections:

**V2.2.18.E, V3.2.21.E, V4.2.21.E, V5.2.22.E, V6.2.22.E, and V7.2.22.E.**

**EXHIBIT B. UDO MARKUPS**

# Table of Contents

NOTE: The focus of these markups is the addition, deletion, and rearranging (in green) of text as described in Exhibit A. Additional markups not described in Exhibit A pertain to the correction of typographical errors, changes to pagination, and the formatting of text. Due to how the program used to produce this document displays markups, there may be graphical errors and large blank spaces. These will be displayed and formatted correctly in the final document.

## V1.1 Introduction

- V1.1.1 Organization. ....5
- V1.1.2 How to Use the Document.....5
- V1.1.3 Complete Volume Table of Contents. ....6

## V1.2 Basic Provisions

- V1.2.1 Title..... 13
- V1.2.2 Defined Words & Rules of Conduct. .... 13
- V1.2.3 Authority .... 13
- V1.2.4 Purpose..... 14
- V1.2.5 Compliance..... 14
- V1.2.6 Severability .... 14
- V1.2.7 Interpretation..... 14
- V1.2.8 Jurisdiction..... 14
- V1.2.9 Application. .... 14
- V1.2.10 Saving Provisions.... 15
- V1.2.11 Transition Rules. ... 15
- V1.2.12 Amendments.....16
- V1.2.13 Effective Date. .... 16

## V1.3 Zoning Districts Established

- V1.3.1 Establishment of Districts and Intent.....19
- V1.3.2 Standard District Uses. .... 20
- V1.3.3 Unlisted or Questionable Uses.....20
- V1.3.4 Overall Permitted and Special Use Matrix. .... 20

## V1.4 Zoning Map

- V1.4.1 Official Zoning Map.....27
- V1.4.2 Official Zoning Map Copies.....27
- V1.4.3 Location of the Official Zoning Map.....27

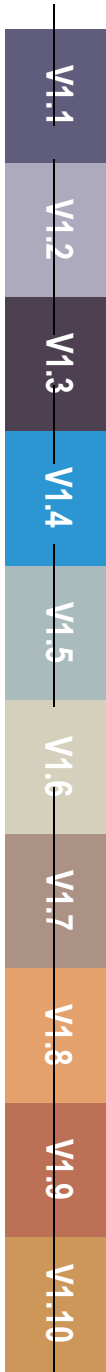
- V1.4.4 Zoning District Boundaries. 27
- V1.4.5 Regular Revisions. 27
- V1.4.6 Damaged, Destroyed, or Lost Zoning Maps. ....27
- V1.4.7 Official Zoning Map Standards. 27
- V1.4.8 Effect of Vacation on Zoning. 28

## V1.5 Nonconforming Structures, Lots, and Uses

- V1.5.1 Intent. 29
- V1.5.2 Distinction Between Illegal Nonconforming and Legal Nonconforming..... 29
- V1.5.3 Nonconforming Signs. 29
- V1.5.4 Nonconforming Structures. 29
- V1.5.5 Nonconforming Lots of Record. 30
- V1.5.6 Nonconforming Uses of Structures, Land, or Structures and Land in Combination.....30
- V1.5.7 Repairs and Maintenance. 31
- V1.5.8 Standards for Nonconforming Uses. 31
- V1.5.9 Shooting Ranges .....31

## V1.6 Board of Zoning Appeals

- V1.6.1 Establishment of Members. 33
- V1.6.2 Territorial Jurisdiction.33
- V1.6.3 Power and Duties. 33
- V1.6.4 Rules and Procedures. 33
- V1.6.5 Hearings. 33
- V1.6.6 Notice of Public Hearing. 33
- V1.6.7 Appeals. 34
- V1.6.8 Special Uses. 34
- V1.6.9 Development Standards Variances. 35
- V1.6.10 Floodplain Standards Variances. 35



V1.1
V1.2
V1.3
V1.4
V1.5
V1.6
V1.7
V1.8
V1.9
V1.10

V1.6.13	Administrative Appeals. ...38
V1.6.14	Exclusion.... 38

V1.9.8	Procedure for Violations. ... <u>546</u>
--------	--

**V1.7 Administration**

V1.7.1	Administrative Officer(s).... 39
V1.7.2	Summary of Power and Duties of the Town Council.... 39
V1.7.3	Summary of Powers and Duties of the Plan Commission.... 40
V1.7.4	Summary of Powers and Duties of the Board of Zoning Appeals....41

**V1.8 Processes, Permits, and Fees**

V1.8.1	Types of Petitions and Permit Applications. ... 43
V1.8.2	Fee Schedule. ...43
V1.8.3	Variance Process. ...43
V1.8.4	Special Use Process. ...44
V1.8.5	Administrative Appeal Process. ...46
V1.8.6	Zoning Amendment Process. ...46
V1.8.7	Improvement Location Permit. ... <u>5049</u>
V1.8.8	Certificates of Occupancy ... <u>524</u>
V1.8.9	Sign Permits. .... <u>524</u>
V1.8.10	<u>Use Classification Process. .... 53</u>

**V1.9 Enforcement and Penalties**

V1.9.1	Authority.... <u>553</u>
V1.9.2	Violations. ... <u>535</u>
V1.9.3	Inspections of Property .... <u>553</u>
V1.9.4	Responsibility for Violations.... <u>553</u>
V1.9.5	Liability.... <u>553</u>
V1.9.6	Violations During Construction / Building Process.... <u>553</u>
V1.9.7	Types of Violations. ... <u>564</u>

## II – Light Industrial

The “II”, Light Industrial District is intended to provide locations for light production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Lapel.

## Ig – General Industrial

The “Ig”, General Industrial District is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research & development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Lapel.

## Po – Parks and Open Space

The “Po”, Parks and Open Space District is intended to provide for the development of recreational facilities and the designation of open space. This district should be integrated with residential districts and natural features potentially forming a community-wide open space system. The Plan Commission should strive to establish this district in appropriate residential neighborhoods and in areas of natural open space and recreational features. The Plan Commission should also strive to ensure that usable open space is provided, and that the connectivity of recreational amenities is promoted.

## V1.3.2

### Standard District Uses

Specific land uses are either Permitted, Non-permitted, or a Special Use (Special Exception) in each Zoning District. The Town of Lapel’s permitted and special uses for each district are noted in the Overall Permitted and Special Use Matrix on page XX.

## V1.3.3

### Unlisted or Questionable Land Uses

~~Any use not listed as a Permitted or Special Use is considered Non-permitted unless the Zoning Administrator or Plan Commission makes a determination otherwise. The Zoning Administrator or Plan Commission may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is permitted or special use. In no instance shall the Zoning Administrator’s interpretation be construed as a process for establishing a Use Variance. This determination may be appealed to the Board of Zoning Appeals.~~  
Any land use not listed or that is questionable as a permitted or special use is not allowed unless determined otherwise through the use classification process described in Section V1.8.10 Use Classification Process or by a variance of use.

## V1.3.4

### Overall Permitted and Special Use Matrix

The table on pages 21 - 25 contain a matrix illustrating Permitted and Special Uses for each district.

Zoning Districts	Ag	R1	R2	R3	C1	C2	Is	II	Ig	Po
<b>Agricultural Uses</b>										
Agricultural Product Distribution Facility	SU									
Agricultural Product Sales Facility	SU									
Agricultural Product Storage Facility	SU									
Animal Boarding Facility (excludes kennels)	PU									
Animal Stables (excludes kennels)	PU									
Farm (confined feeding)	SU									
Farm (general)	PU	PU		PU				PU	PU	
Farm Equipment Sales & Services	SU									
Farmer's Market (for sale of products grown off-site)	SU				PU	PU	PU			
Greenhouse (commercial)	PU							PU	PU	
Livestock Auction/Sales Facility	SU									
Plant Nursery									PU	
Winery	PU				SU		SU			
<b>Residential Uses</b>										
Assisted Living Facility				PU			PU			
Bed & Breakfast	SU	SU	SU		SU	SU				
Boarding House	SU						SU	SU		
Dwelling, Manufactured Home Type I	PU	PU	PU	PU						
Dwelling, Manufactured Home Type II	PU	PU	PU	PU						
<del>Dwelling, Manufactured Home Type III</del>	<del>SU</del>									
Dwelling, Mobile Home	SU			SU						
Dwelling, Multi-Family (more than two dwelling units)				PU						
Dwelling, Secondary (on upper floors of other use)					SU	PU				
Dwelling, Single-Family	PU	PU	PU	PU						
Fraternity/Sorority House				SU			SU	SU		
Manufactured Home Park				SU						
Mobile Home Park				SU						
Nursing Facility				PU			PU			
Residential Facility for the Developmentally Disabled Type I		PU	PU	PU	SU	SU				

Zoning Districts	Ag	R1	R2	R3	C1	C2	Is	II	Ig	Po
RV Park	SU									
<b>Commercial Uses</b>										
Adult Use					SU					
Auto-Oriented Use (large scale)					PU					
Auto-Oriented Use (medium scale)					PU	SU				
Auto-Oriented Use (small scale)					PU	SU				
Bar/Pub					SU	SU			PU	
Brewery (with food service)						SU	SU	PU	PU	
Brewery (without food service)							SU	PU	PU	
Conference Center					PU	SU	SU	PU	PU	
Data Processing/Call Center					SU					
Fireworks Sales (permanent)					SU					
Health Spa	SU									
Hotel					PU	SU				
<u>Indoor Shooting Range</u>	<u>PU</u>				<u>PU</u>			<u>PU</u>	<u>PU</u>	
Kennel	SU				SU	SU				
Liquor/Package Store					PU					
Mass Transit Terminal/Station (excludes public bus stop)					SU	SU				
Office Use					PU	PU				
Personal Service Use					PU	PU			PU	
Restaurant					PU	PU		PU	PU	
<u>Retail Sporting Goods Store</u>					<u>PU</u>					
Retail Use (large scale)					PU	PU		PU	PU	
Retail Use (medium scale)					PU	PU		PU	PU	
Retail Use (small scale)			SU		PU	PU		PU	PU	
Retreat Center	SU									
Sports Complex (recreational use, large scale)	SU				PU					
Truck Stop/Travel Center					SU					
Vineyard									PU	
Wine Tasting Facility						SU	SU	PU	PU	
<b>Industrial Uses</b>										

Zoning Districts	Ag	R1	R2	R3	C1	C2	Is	II	Ig	Po
<b>Industrial Uses</b>										
<u>Agricultural Products Terminal</u>	<u>PU</u>							<u>SU</u>	<u>SU</u>	
Animal & Animal Products Processing Facility								SU	SU	
Beverage Production Facility								PU	PU	
Boat/RV Storage Facility (indoor)								SU	SU	
Boat/RV Storage Facility (outdoor)									SU	
Food Production Facility								PU	PU	
Industrial Assembly & Distribution Facility (heavy industrial)									PU	
Industrial Assembly & Distribution Facility (light industrial)								PU	PU	
Industrial Processing & Distribution Facility (heavy industrial)									PU	
Industrial Processing & Distribution Facility (light industrial)								PU	PU	
Junk Yard/Salvage Yard									SU	
Mineral Extraction & Processing Facilities	SU								SU	
Mini-Warehouse/Self Storage Facility								PU	PU	
Petroleum Products Sales/Storage Facility									SU	
Power Generation Facility (commercial)	SU								SU	
Printing/Publishing Establishment								PU	PU	
Research & Development Facility								PU	PU	
Sand/Gravel Extraction Operations									SU	
Sanitary Landfill									SU	
Truck Freight Terminal								SU	SU	
Truck Sales & Service Center								SU	SU	
Warehouse/Storage Facility (indoor)								PU	PU	
Warehouse/Storage Facility (outdoor)									PU	
Wholesale Facility								PU	PU	

permitted use, it shall thereafter conform to the regulations of the district in which it is located, the legal nonconforming use may not thereafter be resumed.

- I. Any use which is legal nonconforming due to its presence in the Regulatory Flood may be altered, enlarged, or extended on a one-time only basis provided that the new construction conforms with Section 12.4 Flood Damage Prevention Ordinance included in this Unified Development Code and does not increase the value of the structure or use (excluding the value of the land) by more than 50% of its pre-improvement market value.

### V1.5.7

#### Repairs and Maintenance

The following applies to legal nonconforming structures and legal nonconforming uses of structures, or structures and land in combination:

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.
- B. If a structure becomes unsafe or unlawful due to physical condition and is razed, the structure shall be rebuilt in conformity with the district in which it is located.
- C. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

### V1.5.8

#### Standards for Nonconforming Uses

The Zoning Administrator has the discretion to apply the standards of the zoning district where the nonconforming use is permitted to the zoning district where the nonconforming use is found. Any ruling of

the Zoning Administrator pertaining to this Section may be appealed to the Board of Zoning Appeals.

### V1.5.9

#### 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.

- M. Upon consideration of the factors listed above and the purposes of this Code, the Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Code.
- N. The Board may require the owner of the property to make written commitments concerning the use or development of the property and have such commitments recorded in the Recorder's Office.
- O. A floodplain standards variance granted by the Board and executed in a timely manner as described in this section shall run with the parcel until such time as: (a) the property conforms with the Ordinance as written, or (b) the variance is terminated.
- P. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

- 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.

### V1.6.11

#### Use Variances

- A. ~~The Town of Lapel Board of Zoning Appeals shall under no circumstances grant a variance or take any action to establish a use on any property within its jurisdiction that is neither a listed-permitted use nor a listed special use in the district in which it is located as established by Section V1.3 of this Ordinance. 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;

### V1.6.12

#### Special Use and Variance Execution and Termination

- A. If the Board grants a special use or variance, it shall direct the applicant to apply for an Improvement Location Permit. If such application complies with all established requirements and this Ordinance, an Location Improvement Permit for the execution of the approved variance or special use shall be issued.
- B. A special use or variance ceases to be authorized and is terminated if an

- ~~vi. Terminated if the Official Zoning Map applicable to the subject property is amended or if a zoning text amendment application. Any deletion, addition, or alteration of the written commitments proposed by the Town Council shall be referred back to the Plan Commission for consideration and inclusion in a revised or affirmed recommendation regarding the application.~~
- ~~iv. Following final action being taken on the rezoning application, the rezoning ordinance, written commitments included, shall be recorded in the office of the Recorder.~~
- ~~v. The written commitments shall be considered part of this Ordinance binding on the subject property.~~
  - ~~1. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.~~
  - ~~2. The written commitments shall be enforceable by the Lapel Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this Code.~~
  - ~~3. The written commitments may be modified only through the Zoning Map Amendment process described by this section. Any written commitment shall be~~

contradictory to the written commitment is adopted.

### V1.8.7

#### Improvement Location Permit

The following procedure applies to improvement location permit applications:

- A. Permits Required: No structure or major infrastructure shall be erected, moved, or added to, nor shall the primary use of land or structure(s) change, without an Improvement Location Permit issued by the Building Inspector. No Improvement Location Permit shall be issued unless the project is in conformity with the provisions of this Ordinance, the Subdivision Control Ordinance, and other applicable regulations of the Town of Lapel.
- B. Lapel hereby requires that an Improvement Location Permit be obtained for the following:
  - i. any structure, for any use that exceeds 120 square feet in area and/or has a permanent foundation (including buildings and structures other than buildings such as towers, antennas, and satellite dishes),
  - ii. any change in the primary use of land or structure(s),
  - iii. any temporary use of land or temporary structure,
  - iv. signs (as specified by the **Sign Permit Section of this Volume - V1.8.9**),
  - v. swimming pools (in ground or above ground),
  - vi. additions to any structures,
  - vii. demolition,
  - viii. surface and sub-surface drainage work and/or grading (including land alteration) excluding agricultural uses,

~~to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.~~

- iii. Nullification: A sign permit shall become null and void if the sign has not been placed within one (1) month of the date the permit is issued.

**Temporary Signs shall only require a permit if they do not meet the regulations for the District in which they are to be located.**

### **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*.

**Adult Strip Club:** A facility (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any person, or any other services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

**Advisory Plan Commission:** A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Commission is an advisory plan commission.

**Agriculture:** The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary accessory uses, all of which are directly related to the production of food. The operation of any accessory uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, or the commercial feeding of garbage or offal to swine or other animals.

**Agricultural Zoning District:** The Ag, Agricultural Zoning District.

**Alley:** A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

**Alteration of a watercourse (as related to Floodplain Management Regulations):** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

**Amend or Amendment:** Any repeal, modification, or addition to a regulation; or any new regulation.

**Amenity (as related to Subdivision Regulations):** A desirable or useful feature of a subdivision including, but not limited to, paths,

lights, ponds, play structures, shelters, and other similar features typically maintained in common and open to all property owners in a subdivision and their guests.

**Antenna:** A structure or device that is used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes.

**Apartment:** One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or a group of individuals.

**Apartment Building:** A multi-family housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two-family dwellings converted for multi-family use.

**Appeal (as related to Floodplain Management Regulations):** A request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.

**Applicant:** ~~The owner, owners, or legal representative of real estate who makes application to Lapel for action affecting the real estate owned thereby.~~ 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 units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.

**Dwelling Site:** A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

**Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities.

**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 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. ~~A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty three (23) feet in width for its entire length, has at least nine-hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.~~

**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. ~~A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which~~

~~has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.~~

~~**Dwelling, Manufactured Home Type III:** A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are not of materials customarily used for site constructed dwellings.~~

**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).

~~A transportable dwelling unit which is a minimum of 8 feet in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either: Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or, Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.~~

**Dwelling, Multi-Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-Family:** A detached residential dwelling unit designed for and occupied by one (1) family.

**Dwelling, Two-Family:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

- C. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

**Home Occupation #1:** A business based in the dwelling of its owner or operator which results in minimal (no impact to structure or surroundings) business practices within certain residential zoning districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood.

**Home Occupation #2:** A business based in the dwelling of its owner or operator which results in moderate home business practices within certain residential zoning districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood.

**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.

**Hospital:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, and other

types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding homes.

**Hotel:** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

**Hydrologic and hydraulic engineering analysis:** Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**Impervious Surface:** Any material that prevents absorption of stormwater into the ground.

**Improvement Location Permit:** A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of the land.

the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials.

**Incidental:** A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

**Indiana Statewide Transportation Improvement Plan (INSTIP):** An annual document prepared by the Indiana Department of Transportation (INDOT) indicating state transportation projects which are planned for the following three (3) year period.

**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.

**Industrial District, Light:** Refers to the I1, Light Industrial Zoning District.

**Industrial District, General:** Refers to the I2, General Industrial Zoning District.

**Industry, General:** The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. General manufacturing generally includes processing and fabrication of products made from extracted or raw materials.

**Industry, Light:** The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of

**Lot Coverage:** The area of a zoning lot occupied by the principal building and any accessory structures.

**Lot Depth:** The horizontal distance between the front and rear lot lines.

**Lot Frontage:** All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

**Lot of Record:** A lot which is a part of a subdivision recorded in the office of the Recorder, or a parcel or lot described by metes and bounds, and a description of what has been so recorded.

**Lot Width:** The distance as measured between the side lot lines at the front set back line.

**Lot, Buildable:** Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of Lapel. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available. The lot to be buildable shall have been created in accordance with the provisions of the ordinance in effect at the time the lot was recorded.

**Lot, Corner:** A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.

**Lot, Developed:** A lot with buildings or structures.

**Lot, Improved:** See Lot, Buildable

**Lot, Interior:** A lot other than a corner lot or a through lot.

**Lot, Through:** A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a

street and a watercourse or Lake.

**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.

farthest from the lot line.

**Rear Yard:** The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

**Recreational vehicle:** A vehicle which is:

- A. built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. designed to be self-propelled or permanently towable by a light duty truck; and
- D. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

**Recreational Vehicle Park:** Any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

**Regional and Local Transportation Plans:** The Transportation Plan for the regionally (or county) designated transportation system which is produced by the regional transportation planning organization.

**Regional Transportation Plan Organization:** The Metropolitan Planning Organization (MPO) is the designated transportation planning agency for the region or county consisting of local governments within the region containing one or more counties which have common transportation interest.

**Registered Land Surveyor:** A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**Registered Professional Engineer:** An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**Regulatory Flood:** The flood having a one percent (1%) probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in subsection V12.4.2.B of this Code. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Repetitive loss:** Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

**Replat:** If any change in a map of an approved or recorded subdivision plat.

**Residential District:** Refers to the R1, R2, and R3 Zoning Districts.

**Residential Facility for the Developmentally Disabled/Mentally Ill:** A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4 (7-10). No two (2) Residential Facilities for the Mentally Ill shall be within three thousand (3,000) feet of one another in the Lapel planning jurisdiction as stated in Indiana Code.

**Re-subdivision:** A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

**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.

**Right-of-Way:** A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public

agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

**Riverine:** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Road:** Any vehicular route that:

- A. is an existing state, county, or municipal roadway;
- B. is shown upon a plat approved pursuant to law;
- C. is approved by other official action; or
- D. is shown on a plat duly filed and recorded in the office of the Recorder prior to the appointment of a planning board and the grant to such board to review plats; includes the land between the street lines, whether improved or unimproved.

**Road, Collector:** A road designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets.

**Road, Primary Arterial:** A road with access control, restricted parking, and that collects and distributes traffic to and from collectors.

**Road, Private:** Vehicular streets and driveways which are wholly within private property except where they intersect with other streets within public rights-of-way and are maintained by the owner(s). Driveways that serve only one (1) lot and are contained on that lot shall not be considered private roads.

**Road, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

# Table of Contents

## V2.1 Introduction and General Standards

- V2.1.1 District Intent... 5
- V2.1.2 Permitted and Special District Uses. ...6
- V2.1.3 Unlisted or Questionable Uses.... 7
- V2.1.4 General District Standards.....7

## V2.2 Development and Performance Standards

- V2.2.1 Introduction.... 11
- V2.2.2 Expansion or Modification of Existing Land Uses and Structures. ...11
- V2.2.3 Development Standards that Apply ... 11
- V2.2.4 Lot / Yard Standards. ... 11
- V2.2.5 Height Standards.....12
- V2.2.6 Accessory Use / Structures Standards.....12
- V2.2.7 Buffer Zone / Screening Standards.....14
- V2.2.8 Performance Standards. ...23
- V2.2.9 Building Design and Architectural Standards. ... 24
- V2.2.10 Environmental Standards. ... 28
- V2.2.11 Flood Hazard Area Standards.... 31
- V2.2.12 Parking Standards. ... 32
- V2.2.13 Entrance / Drive Standards.....32
- V2.2.14 Sight Visibility Standards. ... 34
- V2.2.15 Home Occupation Standards. ... 34
- V2.2.16 Telecommunication Facility Standards. ... 36
- V2.2.17 Farm Animal Standards.... 37
- V2.2.18 Mobile / Manufactured Home Standards. ... 41
- V2.2.19 Recreational Vehicle Park Standards.....42
- V2.2.20 Satellite Dish Standards. ... 42
- V2.2.21 Temporary Use / Structure Standards. ... 43
- V2.2.22 Fence and Wall Standards.....44
- V2.2.23 Landscaping Standards.....44~~5~~
- V2.2.24 Large-Scale Agricultural Product Sales, Distribution, & Storage Facilities. ...48
- V2.2.25 Seasonal Housing Standards. ...50

- V2.2.26 Sign Standards. ... 51
- V2.2.27 Adult Uses Standards. ... 54
- V2.2.28 Indoor Shooting Range Standards 55

## V2.3 Appendix

- V2.3.1 Approved Tree Species. ...57

**V2.1.2 Permitted and Special District Uses**

<b>Permitted Uses</b>	<b>Agricultural Uses</b>	<b>Institutional / Public Uses</b>
	<ul style="list-style-type: none"> <li>• Animal Boarding / stables (excluding kennels)</li> <li>• Farm (general)</li> <li>• Greenhouse (commercial)</li> <li>• Winery</li> </ul>	<ul style="list-style-type: none"> <li>• Place of Worship</li> <li>• Fairgrounds</li> <li>• Police, Fire, or Rescue Station</li> </ul>
	<b>Residential Uses</b>	<b>Park Uses</b>
	<ul style="list-style-type: none"> <li>• Dwelling, Single-family (includes Manufactured Home types I &amp; II)</li> </ul>	<ul style="list-style-type: none"> <li>• Golf Course and/or Country Club (including driving range)</li> <li>• Nature Preserve / Center</li> <li>• Park, Playgrounds, Recreational Use (small scale)</li> </ul>
	<b>Communications / Utility Uses</b>	<b>Commercial Uses</b>
	<ul style="list-style-type: none"> <li>• Public Well field / Water Treatment Facility</li> <li>• Telecommunications Facility / Tower</li> <li>• Water Tower</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Indoor Shooting Range</u></li> </ul>
		<b>Industrial Uses</b>
		<ul style="list-style-type: none"> <li>• Agricultural Products Terminal</li> </ul>

<b>Special Uses</b>	<b>Agricultural Uses</b>	<ul style="list-style-type: none"> <li>• Penal or Correctional Facility</li> </ul>
	<ul style="list-style-type: none"> <li>• Agricultural Product Sales, Distribution, &amp; Storage Facility</li> <li>• Farm (confined feeding)</li> <li>• Farm Equipment Sales and Services</li> <li>• Farmer's Market (for sale of products grown off-site)</li> <li>• Livestock Auction / Sales Facility</li> </ul>	<b>Park Uses</b>
	<b>Residential Uses</b>	<ul style="list-style-type: none"> <li>• Campground / RV Park</li> </ul>
	<ul style="list-style-type: none"> <li>• Bed and Breakfast Facility</li> <li>• Boarding House</li> <li>• Dwelling, Mobile Home <del>and Manufactured Home type III</del></li> </ul>	<b>Commercial Uses</b>
	<b>Institutional / Public Uses</b>	<ul style="list-style-type: none"> <li>• Health Spa</li> <li>• Kennel</li> <li>• Recreational Uses (large scale)(sports complex, etc.)</li> <li>• Retreat Center</li> </ul>
	<ul style="list-style-type: none"> <li>• Airport</li> <li>• Animal Shelter</li> <li>• Cemetery</li> <li>• Government Facility (non-office)</li> <li>• Heliport</li> </ul>	<b>Industrial Uses</b>
		<ul style="list-style-type: none"> <li>• Power Generation Facility (commercial)</li> <li>• Mineral Extraction and Processing</li> </ul>
		<b>Communications / Utility Uses</b>
		<ul style="list-style-type: none"> <li>• Wind Farm (large scale / commercial)</li> <li>• Solar Farm (large scale / commercial)</li> </ul>

### V2.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V2.1.2 on page six (6) of this volume, is not allowed unless determined otherwise, through interpretation of the Unified Development Code's intent and the intent for the Agricultural District.~~

~~A. ——— Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~

~~B. In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance. the use classification process described in Section V1.8.10 Use Classification Process or by a variance of use.~~

### V2.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the Agricultural District.

shall be included as a part of the  
façade.

- iv. There shall be a minimum roof overhang of nine (9) inches on all sides of the home.
- v. The roof shall be covered with the highest industry standard roofing materials including, but not limited to natural clay tiles, slate, concrete tiles (with natural texture and color), wood shakes or shingles (with adequate fire protection), or high profile, three-dimensional asphalt/fiberglass shingles with a 30-year warranty, or synthetic or recycled material that simulates tile, stone, shake or slate.
- vi. Metal roofing shall be permitted so long as the materials meet the following requirements:
  - 1. Galvanized roofs shall have a minimum galvanizing level of at least “G-90” as suggested by the Metal Construction Association.
  - 2. Galvalume roofs shall have a minimum rating of AZ-50 or AZ-55.
  - 3. Painted metal roofs shall meet the minimum requirements of the Metal Construction Association’s Certified Premium Painted level (or its equivalent).

**D. Building Material Requirements**

- i. Where two (2) wall materials are combined horizontally on one elevation, the heavier of the two (2) materials must be below.
- ~~ii. The exterior elevations of all single-story residences 1,500 square feet or less in livable floor area shall be masonry. This requirement shall include all sides of the structure, exclusive of windows, doorways, and bays.~~
- ~~iii.~~ ~~ii.~~ At least ~~twenty~~50 percent (250%) of the front elevation of all residential buildings ~~greater than 1,500 square feet~~, exclusive of windows, doorways (other than garage doors), and bays, shall be masonry.
  - 1a. When garage doors are located on a front elevation, in making the calculation, they

~~shall be included as a part of the façade.~~

~~iv.iii.~~ The side and rear elevations of all residences ~~greater than 1,500 square feet~~ that abut a street, open space, trail, or park, shall have at least ~~twenty~~50 percent (~~25~~%) masonry as the exterior building material on all visible elevations.

~~v.iv.~~ The remaining, non-masonry façade area shall have durable siding materials. Manufactured siding shall have at least a 25-year written manufacturer's limited warranty. Durable siding materials include:

1. Cement fiber
2. Engineered wood / composite
3. Masonry
4. Rust resistant architectural metals
5. Stucco
6. Vinyl
  - a. All vinyl siding shall be approved and endorsed as meeting or exceeding ASTM D3679 by the Vinyl Siding Institute through their Vinyl Siding Certification Program.
  - a.b. Vinyl siding shall be a minimum thickness of 0.044 inches.
  - c. Lap siding shall have a maximum six (6) inch exposed board space.
  - d. A letter or certificate stating ~~such~~ the above shall be attached to each building permit request.
7. Any other material approved by the Plan Commission
8. A combination of the aforementioned materials
9. Sheathing or bracing may not be used as an exterior wall covering except with the prior written approval of the Plan

Commission.

panels are specifically designed for installation ~~on back~~ on back-filled wall surfaces. The flutes of these special 4'x4' panels are filled with Volclay Sodium Bentonite, assuring a one-pound per square foot application of low permeability material. Stataseal is a polymer-modified asphalt system that adheres to concrete surfaces to form a permanent protective shell. Waterstop - RX is a sodium bentonite based waterstop designed to stop water in-filtration through cast in place concrete construction joints by expanding upon contact with water to form a positive seal against the concrete.

## V2.2.18

### Mobile / Manufactured Home Standards

This Mobile / Manufactured Home Standards section applies to the Ag District.

- A. Mobile and Manufactured homes shall be permitted as described by **Table 2.2.18.1**, below.

**Table 2.2.18.1 - Permitted Mobile / Manufactured Homes**

Permitted Mobile / Manufactured Homes			
Zoning District	Mobile Home	Manufactured Homes	
		Type I	Type II
A	S	P	P
R1		P	P
R2		S	
R3	S	S	S

P = Permitted Use | S = Special Use

- B. Mobile Home Defined:  
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:
- i. 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
  - ii. 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). A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:
- i. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,
  - ii. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.
- C. Manufactured Home Type I Defined:  
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 eight-hundred (800) square feet as defined by IC 9-13-2-96(a). The term includes a mobile home as defined by IC 9-13-2-103.2A dwelling unit built in a factory-

~~bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty-three (23) feet in width for its entire length, has at least nine-hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site-constructed dwellings.~~

D. **Manufactured Home Type II Defined:**

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.~~A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site-constructed dwellings.~~

~~E. Manufactured Home Type III Defined: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three-hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended.~~

### V2.2.19 Recreational Vehicle (RV) Park Standards

This Recreational Vehicle Park Standards section applies to the Agricultural District:

- A. A Special Use Permit from the Town of Lapel Board of Zoning Appeals is required.
- B. Recreational vehicle parks shall have direct access to a public road and shall include sufficient entrances and exits to facilitate the safe movement of recreational vehicles in and out of the park.
- C. All recreational vehicle parks shall designate specific locations for recreational vehicles through signage for the provision of waste disposal and fresh water hook-ups.
  - i. The density of the park area shall not exceed more than ten (10) recreational vehicles per acre.
  - ii. The minimum area of a recreational vehicle park shall not be less than five (5) acres.
  - iii. Recreational vehicles shall be separated from each other and all other park buildings by a minimum of 15 feet.
  - iv. All recreational vehicles must be set back a minimum of 50 feet from the right-of-way of all adjacent public roads. This is in addition to the Buffer Zone / Screening Requirements in Subsection v of this Ordinance (below).
  - v. A level 2 Buffer Zone shall be applied on all sides of the property being used for a Recreational

Vehicle Park in accordance with the requirements of the Buffer Zone / Landscaping Standards in **Section V2.2.7** of this Volume.

- D. Recreational vehicle parks shall permit only the seasonal placement and habitation of recreational vehicles. No recreational vehicle shall remain in a park for more than eight (8) months in any 12 month time period with the following exception:
  - i. Recreation vehicles may be stored in a RV park for non-seasonal placement given they are not occupied and are only located in the RV park for the purpose of vehicle storage.

### V2.2.20 Satellite Dish Standards

This Satellite Dish Standards section applies to the Ag District. It is the intent of these standards to provide for timely, reasonably priced, and quality access to satellite communication while ensuring the health, safety, and aesthetic quality of Lapel. These regulations are intended to prevent satellite dishes from interfering with the provisions of utilities, provide for the safety of residents traveling public roads, and prevent damage or injury resulting from antenna detached from their base by act of nature or man.

- A. Satellite dishes shall be described and regulated by their size and proposed location within the community with the requirements of Federal Law. A satellite dish shall be described as follows:
  - i. A satellite dish one (1) meter or less in diameter at any location, and two (2) meters or less in a C1, C2, Ig, or II zoned district.
  - ii. A satellite dish over two (2) meters in diameter located in a C1, C2, Ig, or II zoned district, and over one (1) meter in diameter located in a residential area.
- ~~B.~~ All satellite dishes shall be installed in a manner consistent with the requirements of this section, all applicable state

matter, or photographs, films, motion pictures, video cassettes, compact discs, DVDs, Blu-rays, or other visual representations which are characterized by their emphasis upon the exhibition of description of specified sexual activities or specified anatomical areas;

**B. Adult Cabaret:**

A nightclub, bar, restaurant, theater, or other establishment, whether or not alcoholic beverages are served, which displays:

- i. Persons who appear nude or semi-nude,
- ii. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities, or
- iii. Films, motion pictures, video cassettes, slides, DVDs, Blu-rays, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

**V2.2.28**

**Indoor 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.

### V3.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V3.1.2 on page six (6) of this volume, is not allowed unless determined otherwise, through interpretation of the Unified Development Code's intent and the intent for the R1 District.~~

- A. ~~Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~
- B. ~~In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance; the use classification process described in Section V.1.8.10 Use Classification Process or by a variance of use.~~

### V3.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the R1 District.

B. All residential structures shall comply with respect to street orientation and massing of adjacent homes.

C. **Roofing**

- i. All roofing materials shall be subject to the approval of the Plan Commission.
- ii. The structure shall have two or more roof planes visible from the public right-of-way. (See **Figures 3.2.9.1 and 3.2.9.2**)



**Figure 3.2.9.1 - Not Suitable - Only one (1) roof plane is visible from the public right-of-way.**

- iii. The pitch of the largest square footage roof must be 6:12 or greater with façade gables of 8:12, unless the style of the house warrants a change. A roof pitch of 3:12 may be permitted for prairie-style homes subject to review by the Plan Commission.
- iv. There shall be a minimum roof overhang of nine (9) inches on all sides of the home.
- v. The roof shall be covered with the highest industry standard roofing materials including, but not limited to natural clay tiles, slate, concrete tiles (with



**Figure 3.2.9.2 - Suitable - At least two (2) roof planes are visible from the public right-of-way.**

natural texture and color), wood shakes or shingles (with adequate fire protection), or high profile, three-dimensional asphalt/fiberglass shingles with a 30-year warranty, or synthetic or recycled material that stimulates tile, stone, shake or slate.

- vi. Metal roofing shall be permitted so long as the materials meet the following requirements:
  - 1. Galvanized roofs shall have a minimum galvanizing level of at least "G-90" as suggested by the Metal Construction Association.
  - 2. Galvalume roofs shall have a minimum rating of AZ-50 or AZ-55.
  - 3. Painted metal roofs shall meet the minimum requirements of the Metal Construction Association's Certified Premium Painted level (or its equivalent).

D. **Building Material Requirements**

- i. Where two (2) wall materials are combined horizontally on one elevation, the heavier of the

- two (2) materials must be below.
- ii. ~~The exterior elevations of all single story residences greater than 1,500 square feet or less in livable floor area shall be masonry. This requirement shall include all sides of the structure, exclusive of windows, doorways, and bays.~~
  - iii.ii. At least ~~50~~ twenty percent (~~250~~ 25%) of the front elevation of all residential buildings ~~greater than 1,500 square feet~~, exclusive of windows, doorways (other than garage doors), and bays, shall be masonry.
    - 1a. When garage doors are located on a front elevation, in making the calculation, they shall be included as a part of the façade.
  - iv.iii. ~~The side and rear elevations of all residences greater than 1,500 square feet that abut a street, open space, trail, or park, shall have at least 50~~ twenty percent (~~250~~ 25%) masonry as the exterior building material on all ~~visible such~~ elevations.
  - v.iv. The remaining, non-masonry façade area shall have durable siding materials. Manufactured siding shall have at least a 25-year written manufacturer's limited warranty. Durable siding materials include:
    1. Cement fiber
    2. Engineered wood / composite
    3. Masonry
    4. Rust resistant architectural metals
    5. Stucco
    6. Vinyl
      - a. All vinyl siding shall be approved and endorsed as meeting or exceeding ASTM D3679 by the Vinyl Siding Institute through their Vinyl Siding Certification Program.
      - a. Vinyl siding shall
      - b. be a minimum thickness of 0.044 inches.

\_\_\_\_\_ Lap siding shall have a maximum six (6) inch exposed

C. \_\_\_\_\_

board space.

d. A letter or certificate stating ~~such-the above~~ shall be attached to each building permit request.

7. Any other material approved by the Plan Commission
8. A combination of the aforementioned materials
9. Sheathing or bracing may not be used as an exterior wall covering except with the prior written approval of the Plan Commission.

**E. Architectural Design Requirements**

- i. All residential design plans with side or rear elevations adjacent to streets, parks, golf courses, open space, or other public use shall distribute architectural features and materials so as to achieve side-specific design for each side that faces such street, park, golf course, open space, or public use.
- ii. The exterior wall surface of the first floor of any multi-story residence shall have a minimum of one (1), two (2) foot step back on both the front and rear elevation, achieved through a recessed or alternately loaded garage, covered porch, gable, or other architectural feature.
- iii. There shall be no windowless elevations.

**F. Architectural, conservation, and indoor air quality standards.**  
This section is implemented with a weighted point system. Residential design plans subject to the requirements of this ordinance shall be compared against the architectural, conservation, and/or indoor air quality features listed below and shall be assigned points thereunder. All residential design plans shall:

- i. Meet a minimum score of 15 points from Table 3.2.9.1, Architectural Standards; and
- ii. Meet a minimum score of 10 points from Table

1. The fence or other enclosure is subject to regulations of the Fence and Wall Standards (**Section V3.2.24**) and shall be in addition to any Buffer Zone / Landscaping requirements in **Section V3.2.7**.

**V3.2.21  
Mobile / Manufactured Home Standards**

This Mobile / Manufactured Home Standards section applies to the R1 District.

- A. Mobile and Manufactured homes shall be permitted as described by **Table 3.2.21.1**, below.

**Table 3.2.21.1 - Permitted Mobile / Manufactured Homes**

Permitted Mobile / Manufactured Homes			
Zoning District	Mobile Home	Manufactured Homes	
		Type I	Type II
A	S	P	P
R1		P	P
R2		S	
R3	S	S	S

P = Permitted Use | S = Special Use

- B. Mobile Home Defined:  
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:
  - i. 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

- ii. 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).  
~~A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:~~
  - i. ~~Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards-~~

~~established by the Indiana Administrative Building Council; or, Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.~~

- C. Manufactured Home Type I Defined:  
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 eight-hundred (800) square feet as defined by IC 9-13-2-96(a). The term includes a mobile home as defined by IC 9-13-2-103.2A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty three (23) feet in width for its entire length, has at least nine hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.

- D. Manufactured Home Type II Defined:  
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 9-13-2-103.2A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.

- E. Manufactured Home Type III Defined:  
A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended.

### V4.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V4.1.2 on page six (6) of this volume~~, is not allowed unless determined otherwise, through ~~interpretation of the Unified Development Code's intent and the intent for the R2 District.~~

~~A. ——— Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~

~~B. In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance.~~ the use classification process described in V1.8.10 Use Classification Process or by a variance of use.

### V4.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the R2 District.

B. All residential structures shall comply with respect to street orientation and massing of adjacent homes.

C. **Roofing**

- i. All roofing materials shall be subject to the approval of the Plan Commission.
- ii. The structure shall have two or more roof planes visible from the public right-of-way. (See **Figures 4.2.9.1 and 4.2.9.2**)



**Figure 4.2.9.1 - Not Suitable - Only one (1) roof plane is visible from the public right-of-way.**

- iii. The pitch of the largest square footage roof must be 6:12 or greater with façade gables of 8:12, unless the style of the house warrants a change. A roof pitch of 3:12 may be permitted for prairie-style homes subject to review by the Plan Commission.
- iv. There shall be a minimum roof overhang of nine (9) inches on all sides of the home.
- v. The roof shall be covered with the highest industry standard roofing materials including, but not limited to natural clay tiles, slate, concrete tiles (with



**Figure 4.2.9.2 - Suitable - At least two (2) roof planes are visible from the public right-of-way.**

natural texture and color), wood shakes or shingles (with adequate fire protection), or high profile, three-dimensional asphalt/fiberglass shingles with a 30-year warranty, or synthetic or recycled material that stimulates tile, stone, shake or slate.

- vi. Metal roofing shall be permitted so long as the materials meet the following requirements:
  - 1. Galvanized roofs shall have a minimum galvanizing level of at least "G-90" as suggested by the Metal Construction Association.
  - 2. Galvalume roofs shall have a minimum rating of AZ-50 or AZ-55.
  - 3. Painted metal roofs shall meet the minimum requirements of the Metal Construction Association's Certified Premium Painted level (or its equivalent).

D. **Building Material Requirements**

- i. Where two (2) wall materials are combined horizontally on one elevation, the heavier

- of the two (2) materials must be below.
- ~~ii.~~ ~~The exterior elevations of all single story residences greater than 1,500 square feet or less in livable floor area shall be masonry. This requirement shall include all sides of the structure, exclusive of windows, doorways, and bays.~~
  - ~~iii.~~~~ii.~~ At least ~~twenty~~50 percent (250%) of the front elevation of all residential buildings ~~greater than 1,500 square feet~~, exclusive of windows, doorways (other than garage doors), and bays, shall be masonry.
    - ~~1a.~~ When garage doors are located on a front elevation, in making the calculation, they shall be included as a part of the façade.
  - ~~iv.~~~~iii.~~ The side and rear elevations of all residences ~~greater than 1,500 square feet~~ that abut a street, open space, trail, or park, shall have at least ~~twenty~~50 percent (250%) masonry as the exterior building material on all ~~visible~~ such elevations.
  - ~~v.~~~~iv.~~ The remaining, non-masonry façade area shall have durable siding materials. Manufactured siding shall have at least a 25-year written manufacturer's limited warranty. Durable siding materials include:
    1. Cement fiber
    2. Engineered wood / composite
    3. Masonry
    4. Rust resistant architectural metals
    5. Stucco
    6. Vinyl
      - ~~a.~~ All vinyl siding shall be approved and endorsed as meeting or exceeding ASTM D3679 by the Vinyl Siding Institute through their Vinyl Siding Certification Program.
      - ~~a.~~ Vinyl siding shall
      - ~~b.~~ be a minimum thickness of 0.044

inches.

~~Lap siding shall have a maximum six (6) inch exposed~~

- c. \_\_\_\_\_ board space.
- d. \_\_\_\_\_ A letter or certificate stating ~~such the above~~ shall be attached to each building permit request.

ii. Conservation and Indoor Air Quality Standards.

- 7. Any other material approved by the Plan Commission
- 8. A combination of the aforementioned materials
- 9. Sheathing or bracing may not be used as an exterior wall covering except with the prior written approval of the Plan Commission.

E. **Architectural Design Requirements**

- i. All residential design plans with side or rear elevations adjacent to streets, parks, golf courses, open space, or other public use shall distribute architectural features and materials so as to achieve side-specific design for each side that faces such street, park, golf course, open space, or public use.
- ii. The exterior wall surface of the first floor of any multi-story residence shall have a minimum of one (1), two (2) foot step back on both the front and rear elevation, achieved through a recessed or alternately loaded garage, covered porch, gable, or other architectural feature.
- iii. There shall be no windowless elevations.

F. Architectural, conservation, and indoor air quality standards. This section is implemented with a weighted point system. Residential design plans subject to the requirements of this ordinance shall be compared against the architectural, conservation, and/or indoor air quality features listed below and shall be assigned points thereunder. All residential design plans shall:

- i. Meet a minimum score of 15 points from Table 4.2.9.1, Architectural Standards; and
- ii. \_\_\_\_\_ Meet a minimum score of 10 points from Table 4.2.9.2.

(Section V4.2.24) and shall be in addition to any Buffer Zone / Landscaping requirements in Section V4.2.7.

**V4.2.21  
Mobile / Manufactured Home Standards**

This Mobile / Manufactured Home Standards section applies to the R2 District.

- A. Mobile and Manufactured homes shall be permitted as described by **Table 4.2.21.1**, below.

**Table 4.2.21.1 - Permitted Mobile / Manufactured Homes**

Permitted Mobile / Manufactured Homes			
Zoning District	Mobile Home	Manufactured Homes	
		Type I	Type II
A	S	P	P
R1		P	P
R2		S	
R3	S	S	S

P = Permitted Use | S = Special Use

- B. Mobile Home Defined:  
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:
  - i. 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
  - ii. 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). A transportable dwelling unit which is a minimum of eight

- ~~(8) feet in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:~~
- ~~i. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council: or, Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.~~
- C. **Manufactured Home Type I Defined:**
- ~~D. 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 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. A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty three (23) feet in width for its entire length, has at least nine hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site-constructed dwellings.~~
- D. **Manufactured Home Type II Defined:**  
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 A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site-constructed dwellings.~~

~~E. **Manufactured Home Type III Defined:**  
A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended.~~

## V4.2.22

### Satellite Dish Standards

This Satellite Dish Standards section applies to the R2 District. It is the intent of these standards to provide for timely, reasonably priced, and quality access to satellite communication while ensuring the health, safety, and aesthetic quality of Lapel. These regulations are intended to prevent satellite dishes from interfering with the provisions of utilities, provide for the safety of residents traveling public roads, and prevent damage or injury resulting from antenna detached from their base by act of nature or man.

- A. Satellite dishes shall be described and regulated by their size and proposed location within the community with the requirements of Federal Law. A satellite dish shall be described as follows:
  - i. A satellite dish one (1) meter or less in diameter at any location, and two (2) meters or less in a C1, C2, I<sub>g</sub>, or II zoned district.
  - ii. A satellite dish over two (2) meters in diameter located in a C1, C2, I<sub>g</sub>, or II zoned district, and over one (1) meter in diameter located in a residential area.
- B. All satellite dishes shall be installed in a manner consistent with the requirements of this section, all applicable state and local electrical and building codes, and the manufacturer's specifications.
- C. Any satellite dish which is not attached to the primary structure on the property, but is instead mounted separately on the lot shall conform to the following requirements:
  - i. The antenna, together with any support structure, shall not exceed the maximum height requirements for accessory structures for the district in which it is located.
  - ii. All wiring shall be buried underground at a depth of no less than two (2) feet.
  - iii. The antenna and any supporting structure shall be anchored in a concrete foundation which does not extend above grade level.
- D. Any satellite dish which ceases to be used for a period of time

### V5.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted ~~or special~~ use in ~~Section V5.1.2 on page six (6) of~~ this volume, is not allowed unless determined otherwise, through ~~interpretation of the Unified Development Code's intent and the intent for the R3 District.~~

- A. ~~Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~
- B. ~~In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance; the use classification process described in Section V1.8.10 Use Classification Process or by a variance of use.~~

### V5.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the R3 District.

## V5.2.22 Mobile / Manufactured Home Standards

This Mobile / Manufactured Home Standards section applies to the R3 District.

- A. Mobile and Manufactured homes shall be permitted as described by **Table 5.2.22.1**, below.

**Table 5.2.22.1 - Permitted Mobile / Manufactured Homes**

Permitted Mobile / Manufactured Homes			
Zoning District	Mobile Home	Manufactured Homes	
		Type I	Type II
A	S	P	P
R1		P	P
R2		S	
R3	S	S	S

P = Permitted Use | S = Special Use

- B. Mobile Home Defined:  
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:
- i. 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
  - ii. was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law (42 U.S.C. 5401 et seq.)
- C. as defined by IC 9-13-2-103.2. The term includes a manufactured home as defined by IC 9-13-2-96(a). A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:
- i. Prior to June 15, 1976 and bears a seal attached

under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,

- ii. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

- D.C. Manufactured Home Type I Defined:  
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 eight-hundred (800) square feet as defined by IC 9-13-2-96(a). The term includes a mobile home as defined by IC 9-13-2-103.2A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty three (23) feet in width for its entire length, has at least nine-hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.
- E.D. Manufactured Home Type II Defined:  
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 A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.~~

F. ~~Manufactured Home Type III Defined: A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended.~~

### V5.2.23 Satellite Dish Standards

This Satellite Dish Standards section applies to the R3 District. It is the intent of these standards to provide for timely, reasonably priced, and quality access to satellite communication while ensuring the health, safety, and aesthetic quality of Lapel. These regulations are intended to prevent satellite dishes from interfering with the provisions of utilities, provide for the safety of residents traveling public roads, and prevent damage or injury resulting from antenna detached from their base by act of nature or man.

- A. Satellite dishes shall be described and regulated by their size and proposed location within the community with the requirements of Federal Law. A satellite dish shall be described as follows:
  - i. A satellite dish one (1) meter or less in diameter at any location, and two (2) meters or less in a C1, C2, Ig, or II zoned district.
  - ii. A satellite dish over two (2) meters in diameter located in a C1, C2, Ig, or II zoned district, and over one (1) meter in diameter located in a residential area.
- B. All satellite dishes shall be installed in a manner consistent with the requirements of this section, all applicable state and local electrical and building codes, and the manufacturer's specifications.
- C. Any satellite dish which is not attached to the primary structure on the property, but is instead mounted separately on the lot shall conform to the following requirements:
  - i. The antenna, together with any support structure, shall not exceed the maximum height requirements for accessory structures for the district in which it is located.
  - ii. All wiring shall be buried underground at a depth of no less than two (2) feet.
  - iii. The antenna and any supporting structure shall be anchored in a concrete foundation which does not extend above grade level.
- D. Any satellite dish which ceases to be used for a period of time exceeding 12 months shall be removed. Any required bracing, support structures, and fencing shall also be removed at that time.
- E. Satellite dishes one (1) meter or less in diameter in any residentially used or zoned district, and dishes two (2) meters or less in any non-residentially used or zoned district shall be allowed without a permit subject to the following requirements:
  - i. The dish shall be an accessory use, subordinate to the primary use on the property.
  - ii. The dish shall conform with the required front yard setbacks for the district in which it is located.
  - iii. The dish shall not be placed in, or overhang any public right-of-way or utility easement.
  - iv. No part of the dish in combination with the structure upon which it is mounted shall exceed the maximum height requirements for the district in which it is located.
  - v. The dish shall be screened or located in such a manner so that it is not visible from the public right-of-way.
- F. Satellite dishes greater than one (1) meter in diameter in any

# Table of Contents

## V6.1 Introduction and General Standards

- V6.1.1 District Intent.... 5
- V6.1.2 Permitted and Special District Uses. ...6
- V6.1.3 Unlisted or Questionable Uses.... 7
- V6.1.4 General District Standards.....7

## V6.2 Development and Performance Standards

- V6.2.1 Introduction.... 11
- V6.2.2 Expansion or Modification of Existing Land Uses and Structures. ...11
- V6.2.3 Development Standards that Apply ... 11
- V6.2.4 Lot / Yard Standards. ... 11
- V6.2.5 Height Standards.....12
- V6.2.6 Accessory Use / Structures Standards.....12
- V6.2.7 Buffer Zone / Screening Standards.....13
- V6.2.8 Performance Standards. ...23
- V6.2.9 Public Improvement Standards. ... 23
- V6.2.10 Open Space & Amenity Requirements. .... 26
- V6.2.11 Building Design and Architectural Standards. .... 27
- V6.2.12 Lighting Standards.....32
- V6.2.13 Environmental Standards. ... 33
- V6.2.14 Flood Hazard Area Standards.... 37
- V6.2.15 Parking Standards. .... 37
- V6.2.16 Loading Standards.....39
- V6.2.17 Entrance / Drive Standards.....40
- V6.2.18 Sight Visibility Standards. .... 42
- V6.2.19 Home Occupation Standards. .... 42
- V6.2.20 Telecommunication Facility Standards. .... 44
- V6.2.21 Farm Animal Standards.... 47
- V6.2.22 Mobile / Manufactured Home Standards. .... 47
- V6.2.23 Satellite Dish Standards. .... 48
- V6.2.24 Temporary Use / Structure Standards. .... 49
- V6.2.25 Fence and Wall Standards.....52
- V6.2.26 Landscaping Standards.....~~52~~3

- V6.2.27 Large-Scale Retail Standards. .... 57
- V6.2.28 Seasonal Housing Standards. .... 57
- V6.2.29 Sign Standards. .... 60
- V6.2.30 Adult Uses Standards. .... 63

V6.2.31 Indoor Shooting Range Standards 64

## V6.3 Appendix

- V6.3.1 Approved Tree Species. ....65

## V6.1.2 Permitted and Special District Uses

### Permitted Uses

#### Agricultural Uses

- Farmer's Market

#### Park Uses

- Nature Preserve / Center, Park or Playground

#### Institutional / Public Uses

- Day Care Center
- Funeral Home
- Government Office, Police, Fire, or Rescue Station
- Post Office, Library, or Museum / Gallery
- Lodge or Private Club
- Parking Lot or Garage (as primary use)
- Medical Clinic

#### Commercial Uses

- Auto-oriented use (small, medium, and large scale)
- Conference Center
- Hotel
- Indoor Shooting Range
- Office Use
- Personal Service Use
- Recreational Use (small, medium, and large scale)
- Restaurant / Bar
- Retail Sporting Goods Store
- Retail Use (small, medium, and large scale)

### Special Uses

#### Agricultural Uses

- Winery

#### Institutional / Public Uses

- Church or other Place of Worship
- Community Center
- Government Facility (non-office)
- School (Preschool - 12th Grade)
- Institution for the developmentally disabled / mentally ill

#### Communications / Utilities Use

- Water Tower

#### Residential Uses

- Bed and Breakfast
- Dwelling, secondary (on upper floors of other use)
- Residential facility for the developmentally disabled Type I
- Residential facility for the mentally ill

#### Commercial Uses

- Adult Use
- Mass Transit Terminal / Station (excluding public bus stop)
- Data Processing / Call Center
- Fireworks Sale (permanent)
- Kennel
- Truck Stop / Travel Center
- Brewery (with food service / without food service)
- Wine Tasting Facility

### V6.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V6.1.2 on page six (6) of~~ this volume, is not allowed unless determined otherwise, through ~~interpretation of the Unified Development Code's intent and the intent for the C1 District.~~

- A. ~~Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~
- B. ~~In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance.~~ the use classification process described in Section V1.8.10 Use Classification Process or by a variance of use.

### V6.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the C1 District.

- H. **Removal:**  
Any tower unused or left abandoned for 12 consecutive months shall be removed by the tower owner at their expense. At the time an improvement location permit is received for the construction of any tower or antenna, both the property owner and tower owner shall provide a bond meeting the requirements of the Town in an amount and duration necessary to ensure the tower's and/or antenna's removal.

**V6.2.21  
Farm Animal Standards**

This Farm Animal Standards section applies to the C1 District. The impact of farm animals varies by size and type of animal. The concept of a Farm Animal Unit has been created to balance the impact of large and small animals.

- A. **Farm Animals Defined:**  
Nothing in this section shall be interpreted as regulating the keeping of household pets. For the purpose of this section, farm animals shall be defined as those which are raised and maintained for, or in support of, the production of food or other products. The owners of any development may eliminate or restrict the keeping of household pets for residents living in an apartment, condo, or similar type of multi-family development located on their lot.
- B. **Animal Units Permitted:**  
Farm animals are not permitted within the C1 District except as a part of a permitted or special use as listed in Section V6.1.2 of this Code. The Town Council shall have the discretion to determine the minimum acreage for any farm animal not listed below.

Farm Animal Capacity Requirements	
Animal Type	Units
Large Animals: horses, cattle, buffalo, camels, donkeys	1.5

Medium Animals: llamas, emu, ostrich, alpacas, sheep, goats	1
Small Animals: pigs, turkeys, geese	0.5
Very Small Animals: chickens, rabbits, ducks	0.1

- C. **Apiary / Bee Hive Standards:**  
The keeping of bee hives for the purpose of harvesting honey is not permitted in the C1 District.

**V6.2.22  
Mobile / Manufactured Home Standards**

This Mobile / Manufactured Home Standards section applies to the C1 District.

- A. Mobile and Manufactured homes are not permitted in the C1 District.
- B. Mobile Home Defined:  
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:
- i. 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
  - ii. 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)A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:
- i. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana

Administrative Building Council: or,  
ii. ~~Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.~~

- C. ~~Manufactured Home Type I Defined:  
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 eight-hundred (800) square feet as defined by IC 9-13-2-96(a). The term includes a mobile home as defined by IC 9-13-2-103.2A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty three (23) feet in width for its entire length, has at least nine hundred fifty (950)~~

~~square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.~~

- D. ~~Manufactured Home Type II Defined:  
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 9-13-2-103.2A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.~~
- E. ~~Manufactured Home Type III Defined:  
A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended.~~

### V6.2.23 Satellite Dish Standards

This Satellite Dish Standards section applies to the C1 District. It is the intent of these standards to provide for timely, reasonably priced, and quality access to satellite communication while ensuring the

**V6.2.31**

**Indoor 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.

### V7.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V7.1.2 on page six (6) of this volume~~, is not allowed unless determined otherwise; through ~~interpretation of the Unified Development Code's intent and the intent for the C2 District.~~

- A. ~~Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~
- B. ~~In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance.~~ the use classification process described in Section V1.8.10 Use Classification Process or by a variance of use.

### V7.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the C2 District.

- B. **Animal Units Permitted:**  
 Farm animals are not permitted within the C2 District except as a part of a permitted or special use as listed in Section V7.1.2 of this Code. The Town Council shall have the discretion to determine the minimum acreage for any farm animal not listed below.

Farm Animal Capacity Requirements	
Animal Type	Units
Large Animals: horses, cattle, buffalo, camels, donkeys	1.5
Medium Animals: llamas, emu, ostrich, alpacas, sheep, goats	1
Small Animals: pigs, turkeys, geese	0.5
Very Small Animals: chickens, rabbits, ducks	0.1

- C. **Apiary / Bee Hive Standards:**  
 The keeping of bee hives for the purpose of harvesting honey is not permitted in the C2 District.

**V7.2.22  
 Mobile / Manufactured Home Standards**

This Mobile / Manufactured Home Standards section applies to the C2 District.

- A. Mobile and Manufactured homes are not permitted in the C2 District.
- B. **Mobile Home Defined:**  
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:  
 i. 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

- ii. 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)A transportable dwelling unit which is a minimum of eight (8) feet in width and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:  
 i. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,  
 ii. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

- C. **Manufactured Home Type I Defined:**  
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 eight-hundred (800) square feet as defined by IC 9-13-2-96(a). The term includes a mobile home as defined by IC 9-13-2-103.2A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards (42 U.S.C.A. 5401 et seq.) which is at least twenty three (23) feet in width for its entire length, has at least nine hundred fifty (950) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.
- D. **Manufactured Home Type II Defined:**  
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~~A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended, and its pitched roof and siding are of materials customarily used for site constructed dwellings.~~

**E. ~~Manufactured Home Type III Defined:~~**

~~A dwelling unit built in a factory bearing a seal of compliance with Federal Manufactured Housing Construction and Safety Standards which has at least three hundred twenty (320) square feet of occupied space and is installed and anchored on a permanent foundation and perimeter wall, according to the Indiana One and Two Family Dwelling Code, as amended.~~

### V8.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V8.1.2 on page six (6) of~~ this volume, is not allowed unless determined otherwise, through ~~interpretation of the Unified Development Code's intent and the intent for the Is District.~~

- A. ~~Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~
- B. ~~In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance.~~ the use classification process described in Section V1.8.10 Use Classification Process or by a variance of use.

### V8.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the Is District.

# Table of Contents

## V9.1 Introduction and General Standards

- V9.1.1 District Introduction ... 5
- V9.1.2 Permitted Special District Uses ... 6
- V9.1.3 Unlisted Conditional Uses ... 7
- V9.1.4 General Introduction Standards ... 7

## V9.2 Development and Performance Standards

- V9.2.1 Introduction ... 1
- V9.2.2 Expansion and Modification of Existing Land Uses and Structures ... 11
- V9.2.3 Development Standards that Apply ... 11
- V9.2.4 Lot / Yard Standards ... 11
- V9.2.5 Height Standards ... 12
- V9.2.6 Accessory Structures Standards ... 12
- V9.2.7 Buffer Zone Greening Standards ... 13
- V9.2.8 Performance Standards ... 23
- V9.2.9 Public Improvement Standards ... 23
- V9.2.10 Building and Architectural Standards ... 26
- V9.2.11 Lighting Standards ... 30
- V9.2.12 Environmental Standards ... 32
- V9.2.13 Flood Hazard Area Standards ... 35
- V9.2.14 Parking Standards ... 35
- V9.2.15 Loading Standards ... 38
- V9.2.16 Entrance Standards ... 38
- V9.2.17 Sight Visibility Standards ... 40
- V9.2.18 Telecommunication Facility Standards ... 41
- V9.2.19 Farm Animal Standards ... 44
- V9.2.20 Satellite Standards ... 44
- V9.2.21 Temporary Structure Standards ... 45
- V9.2.22 Fence and Sign Standards ... 46
- V9.2.23 Landscaping Standards ... 47
- V9.2.24 Seasonal Storage Standards ... 51
- V9.2.25 Sign Standards ... 52
- V9.2.26 Adult Use Standards ... 55

## V9.1.2 Permitted and Special District Uses

### Permitted Uses

#### Agricultural Uses

- Farm
- Commercial Greenhouse

#### Park Uses

- Nature Preserve / Center, Park or Playground
- Athletic Fields, Courts, & Recreational Areas

#### Communications / Utility Uses

- Communication Service Exchange
- Utility Substation
- Telecommunications Facility / Tower
- Water Tower

#### Institutional / Public Uses

- Heliport
- Medical Clinic
- Police, Fire, Rescue Station

- Parking Lot or Garage (as primary use)

#### Commercial Uses

- General Commercial Uses (except Kennels & Adult Uses)
- Brewery (with food service / without food service)
- Indoor Shooting Range
- Wine Tasting Facility
- Conference Center

#### Industrial Uses

- Warehouse / Storage Facility (Indoor)
- Food and Beverage Production
- Light Industrial Assembly and Distribution
- Light Industrial Processing and Distribution
- Mini-warehouse / Self Storage Facility
- Research and Development Facility
- Wholesale Facility
- Printing / Publishing Establishment

### Special Uses

#### Agricultural Uses

- Agricultural Products Terminal

#### Institutional / Public Uses

- Penal or Correctional Facility
- Airport
- Animal Shelter

#### Communications / Utility Uses

- Public Wellfield / Water Treatment Facility

#### Residential Uses

- Boarding House
- Fraternity / Sorority House

#### Industrial Uses

- Animal and Animal Products Processing
- Boat / RV Storage Facility (Indoor)
- Truck Freight Terminal
- Truck Sales and Service Center

### V9.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V9.1.2 on page six (6) of this volume~~, is not allowed unless determined otherwise; through ~~interpretation of the Unified Development Code's intent and the intent for the II District.~~

- A. ~~Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~
- B. ~~In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance; the use classification process described in Section V1.8.10 Use Classification Process or by a variance of use.~~

### V9.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the II District.

combination with other signs shall follow the regulations of **Section V9.2.25, Section I, Temporary Signs.**

- J. **Permanent Signs:** The following signs shall be permitted. A permit shall be required for each sign unless otherwise specified.
  - i. One ground sign per entrance in conjunction with a permitted or approved special use not exceeding six (6) feet in height and 50 square feet in area.
  - ii. One wall sign in conjunction with a permitted or approved special use not exceeding 32 square feet in area.
  - iii. Directional signs no more than four (4) feet in height and no more than six (6) square feet in area. A minimum setback of 2 feet from any public right-of-way is required. No permit is required for signs of this type.

### V9.2.26 Adult Uses

Adult Uses shall not be permitted in the II District. "Adult Uses" shall be considered as any of the following:

- A. **Adult Bookstore, Adult Novelty Store, Adult Video Store:** Any commercial establishment which has 35% or more of its stock-in-trade, including inventory and/or displayed items, of any one or more of the following:
  - i. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, DVDs, Blu-rays, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- B. **Adult Cabaret:** A nightclub, bar, restaurant, theater, or other establishment, whether or not alcoholic beverages are served, which displays:

- i. Persons who appear nude or semi-nude,
- ii. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities, or
- iii. Films, motion pictures, video cassettes, slides, DVDs, Blu-rays, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

### V9.2.27

#### **Indoor 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.

# Table of Contents

## V10.1 Introduction and General Standards

- V10.1.1 District Intent... 5
- V10.1.2 Permitted and Special District Uses. . . 6
- V10.1.3 Unlisted or Questionable Uses.... 7
- V10.1.4 General District Standards.....7

## V10.2 Development and Performance Standards

- V10.2.1 Introduction.... 11
- V10.2.2 Expansion or Modification of Existing Land Uses and Structures. . . 11
- V10.2.3 Development Standards that Apply ... 11
- V10.2.4 Lot / Yard Standards. .... 11
- V10.2.5 Height Standards.....12
- V10.2.6 Accessory Use / Structures Standards.... 12
- V10.2.7 Buffer Zone / Screening Standards.....13
- V10.2.8 Performance Standards. ....23
- V10.2.9 Public Improvement Standards. ....23
- V10.2.10 Building Design and Architectural Standards.... 26
- V10.2.11 Lighting Standards.... 30
- V10.2.12 Environmental Standards. ....32
- V10.2.13 Flood Hazard Area Standards.... 35
- V10.2.14 Parking Standards.... 35
- V10.2.15 Loading Standards.....38
- V10.2.16 Entrance / Drive Standards.... 39
- V10.2.17 Sight Visibility Standards. .... 40
- V10.2.18 Telecommunication Facility Standards. .... 41
- V10.2.19 Farm Animal Standards.... 44
- V10.2.20 Satellite Dish Standards.... 44
- V10.2.21 Temporary Use / Structure Standards. .... 45
- V10.2.22 Fence and Wall Standards.....46
- V10.2.23 Landscaping Standards.....47
- V10.2.24 Seasonal Housing Standards.....51
- V10.2.25 Sign Standards. ....52

V10.2.26 Adult Uses Standards. .... 55

V10.2.27 Indoor Shooting Range Standards 55

## V10.3 Appendix

- V10.3.1 Approved Tree Species.....57

## V10.1.2 Permitted and Special District Uses

### Permitted Uses

#### Agricultural Uses

- Farm
- Commercial Greenhouse / Plant Nursery

#### Park Uses

- Nature Preserve / Center, Park or Playground
- Athletic Fields, Courts, & Recreational Areas

#### Communications / Utility Uses

- Communication Service Exchange
- Utility Substation
- Telecommunications Facility / Tower
- Water Tower

#### Institutional / Public Uses

- Heliport
- Medical Clinic
- Police, Fire, Rescue Station

- Parking Lot or Garage (as primary use)

#### Commercial Uses

- General Commercial Uses (except Adult Uses)
- Brewery (with food service / without food service)
- Indoor Shooting Range
- Wine Tasting Facility / Vineyard
- Conference Center

#### Industrial Uses

- Warehouse / Storage Facility (Indoor/Outdoor)
- Food and Beverage Production
- Light & Heavy Industrial Assembly and Distribution
- Light & Heavy Industrial Processing and Distribution
- Mini-warehouse / Self Storage Facility
- Research and Development Facility
- Wholesale Facility
- Printing / Publishing Establishment

### Special Uses

#### Agricultural Uses

- Agricultural Products Terminal

#### Institutional / Public Uses

- Penal or Correctional Facility
- Airport
- Animal Shelter

#### Communications / Utility Use

- Public Wellfield / Water Treatment Facility
- Sewage Treatment Plant
- Power Generating Plant

#### Industrial Uses

- Sanitary Landfill, Junk Yard, Salvage Yard
- Animal and Animal Products Processing
- Boat / RV Storage Facility (Indoor/Outdoor)
- Truck Freight Terminal
- Truck Sales and Service Center
- Storage / Sale of Petroleum Products
- Sand / Gravel Extraction Operations
- Mineral Extraction and Procession

### V10.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V10.1.2 on page six (6) of this volume~~, is not allowed unless determined otherwise; through ~~interpretation of the Unified Development Code's intent and the intent for the II District.~~

- A. ~~Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~
- B. ~~In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance; the use classification process described in Section V1.8.10 Use Classification Process or by a variance of use.~~

### V10.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the II District.

- placement of additional temporary signs on any one (1) lot.
- v. Signs consisting of banners, streamers, pennants, and/or inflatable devices with, alone, or in combination with other signs shall follow the regulations of **Section V10.2.25, Section I, Temporary Signs.**
- J. **Permanent Signs:** The following signs shall be permitted. A permit shall be required for each sign unless otherwise specified.
  - i. One ground sign per entrance in conjunction with a permitted or approved special use not exceeding six (6) feet in height and 50 square feet in area.
  - ii. One wall sign in conjunction with a permitted or approved special use not exceeding 32 square feet in area.
  - iii. Directional signs no more than four (4) feet in height and no more than six (6) square feet in area. A minimum setback of 2 feet from any public right-of-way is required. No permit is required for signs of this type.

**V10.2.26  
Adult Uses**

Adult Uses shall not be permitted in the Ig District. "Adult Uses" shall be considered as any of the following:

- A. **Adult Bookstore, Adult Novelty Store, Adult Video Store:** Any commercial establishment which has 35% or more of its stock-in-trade, including inventory and/or displayed items, of any one or more of the following:
  - i. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, DVDs, Blu-rays, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;

- B. **Adult Cabaret:** A nightclub, bar, restaurant, theater, or other establishment, whether or not alcoholic beverages are served, which displays:
  - i. Persons who appear nude or semi-nude,
  - ii. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities, or
  - iii. Films, motion pictures, video cassettes, slides, DVDs, Blu-rays, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

**V10.2.27**

**Indoor 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.

### V11.1.3

#### Unlisted ~~and or~~ Questionable Uses

Any land use not listed or that is questionable as a permitted or special use in ~~Section V11.1.2 on page six (6) of this volume, is not allowed unless determined otherwise, through interpretation of the Unified Development Code's intent and the intent for the Po District.~~

- A. ~~Following the process set forth in Section V1.8 of Volume One, Processes, Permits, & Fees, the Zoning Administrator or Plan Commission may determine that an unlisted or questionable use may be placed if it is significantly similar to another use that is permitted by right.~~
- B. ~~In no instance shall the Zoning Administrator's interpretation be construed as a process for establishing a Use Variance;~~ the use classification process described in **Section V1.8.10 Use Classification Process** or by a variance of use.

### V11.1.4

#### General District Standards

The following illustrations on pages eight (8) and nine (9) display the General District Standards for the Po District.

- ~~E.~~ the Commission, and such approval has been certified on the plat by the President and Secretary of the Commission.
- F. Permitted Uses: No land shall be subdivided unless the intended use of the individual lot is in conformance with the Lapel Zoning Ordinance, now or hereafter adopted.
- G. Natural/Historic Features: In all subdivisions, due regard shall be given to the preservation of historical sites and natural features such as large trees, water courses, wetlands, floodways, and scenic views.
- ~~H.~~ Permits: No Improvement Location Permit or Certificate of Occupancy shall be issued for any parcel or plat of ~~H.~~ land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these Subdivision Regulations. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with all additional construction standards adopted by the Town of Lapel.
- I. Legal Non-Conforming Subdivisions: Any parcel surveyed, recorded, sold, leased, contracted for, or transferred prior to the effective date of this Ordinance that was officially approved and met all the requirements of the subdivision ordinance, or subdivision ordinances in effect at the time the proposed building site was established, and was recorded will be a grandfathered or legal nonconforming subdivision.

**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.~~ ~~Exempt I Subdivision:~~ 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.

- ~~A.~~ by the Lapel Zoning Ordinance for the zoning district in ~~A.~~ which the property is located;
- ~~B.~~ A division of land that is government or court ordered;
- ~~B.~~ ~~Exempt II (Administrative) Subdivision: A division of land consistent with an approved Rural Development Concept Plan meeting the requirements of this Ordinance.~~
- 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, ~~D.~~ 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.
- ~~E.G.~~ Combination of Adjoining Holdings: A combination of adjacent tracts of land with the same owner provided that no additional building sites are created, no additional public improvements are required or created, and the resulting lot(s) meet all of the development standards of the zoning ordinance.

**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 ~~A.~~ 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 any-all other changes in an approved or recorded subdivision plat, ~~if such change results in only the combination of two (2) or more lots, or the division of a lot between adjoining property owners in a manner that does not result in the creation of an additional building site, partial~~

~~remaining tract, or lot in violation of the provisions of the Zoning Ordinance, such change shall be reviewed by the Plan Commission consistent with the provisions of this ordinance for petitions for which the Plan Commission has approval authority by the same procedure and regulations as for a minor subdivision plat.~~

~~B.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.~~

### **Severability**

~~If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances~~

- detailed written statement documenting all waivers requested as part of the petition and reasons for the waiver request(s) consistent with the decision criteria outlined above.
- ii. Only those standards specifically described in the waiver request may be reviewed by the Plan Commission.
  - iii. Waivers may only be granted in a public hearing, and shall generally be considered at the time the preliminary plat for the proposed subdivision is reviewed by the Commission. The Commission may make reasonable conditions an element of any waiver approval.
  - iv. All waiver requests which are granted, and the reasons for approval shall be recorded in the minutes of the Plan Commission. Any conditions imposed by the Commission as part of the waiver approval shall be included in writing on the recorded plat of the subdivision.

### Inspections and Permits

- A. Notification Required: The petitioner shall notify the Building Inspector 72 hours prior to the planned installation of improvements within the development. The Building Inspector will notify the appropriate Town and County departments which shall have the responsibility for inspecting and testing streets, curbs, sub-bases, pavement depth and quality, sidewalks, sewer lines, utilities, drainage improvements, and any other site improvements to see that they conform to the regulations of this Ordinance, all other applicable construction standards of Lapel, and accepted engineering standards.
- B. Permits Withheld: In addition to any other remedy and/or penalties which may be imposed on the petitioner by this Ordinance or by any other Ordinance of Lapel, the Building Inspector shall reserve the right to withhold Improvement Location Permits for the lots in a Final Plat if the subdivider has failed to properly install, maintain, or otherwise provide

for, all of the public improvements shown on the Final Plat and the Construction Plans.

- i. A Certificate of Occupancy shall not be issued for any lot until sidewalks and street trees are installed for said lot or a performance bond is posted to the Town Council by the petitioner in an amount equal to the cost of installation of the sidewalk and/or trees.
- ii. However, three (3) years from the date of the approval of the Final Plat by the Town Council, the petitioner is responsible for installing all sidewalks and/or trees shown on the Final Plat, whether all lots in the development are built upon or not.
- iii. The developer shall be responsible for installing sidewalks through any park and open space areas included in the Final Plat and connecting them to existing and/or proposed sidewalks in other areas of the subdivision, or adjacent sidewalk/pedestrian paths in other developments at the time the streets and other public improvements in each phase of construction are completed.

### 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 Building Inspector/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.

i.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.

- i. ~~Requests for meeting attendance and/or review shall be sent out by the petitioner a minimum of 15 days prior to the scheduled preliminary review.~~
- 1. ~~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.~~
- 2. ~~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.~~
- 3. ~~The Building Inspector shall determine the action taken on each petition by the preliminary review members based on their comments.~~
- B. ~~Intent: The preliminary Plan Commission review will be utilized to provide a technical review of certain types of petitions and applications. The intent of the preliminary review is to provide efficiency in the work load during Plan Commission hearing as well as applicants by establishing a basic review regarding petitions for which the only criteria is consistent with the applicable adopted standards of Lapel. Further, the preliminary review shall provide for efficiency in the approval process of petitions determined by the Plan Commission and Town Council by providing an initial examination and report based on all applicable adopted requirements of Lapel. All approval processes and actions of the preliminary review shall be consistent with the requirements of Indiana Law.~~
- i. ~~Approval Authority: The Plan Commission, during~~

- D. ~~a preliminary review~~, TAC shall have the authority to approve the following types of petitions and applications:
- 1.i. Subdivision Construction Plans,
  - 2.ii. Final Subdivision Plats, and
  - 3.iii. Replats as specified in section V12.1.1 of this Ordinance.
- ii.E. Review Authority: The ~~Plan Commission, during a preliminary review~~TAC, shall have the authority to review Preliminary Subdivision Plats, forwarding comments for the official public hearing.
- iii.F. Appeal Rights: All decisions made during the preliminary review may be appealed to the Plan Commission following the procedure outlined in this Article.
- At the Administrator's discretion, the TAC review can be held in-person, virtually (video conference), by phone, or by email. ~~Committee Structure: 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. The organization of the preliminary review shall be as described below:~~
- G.
- H. Review Record: The Administrator shall make written documentation of the comments and findings of the TAC members for each petition and make those written findings available to the petitioner within five (5) business days of the Commission'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.
- G. ~~Decision Criteria: In all cases, the preliminary review members~~TAC 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

I. ~~Lapel, the State of Indiana, and/or the Federal government.~~

- i. ~~In all cases in which the member of the preliminary review TAC member 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~~
- ii. ~~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.~~

D.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 Building Inspector Administrator with written notice of the appeal within 60 days of the date of the preliminary review decision.~~
- ii. ~~The Building Inspector Administrator shall place the appeal on the agenda for the next appropriate Plan Commission meeting.~~
- iii. ~~Public notice for the meeting shall be required,~~
- iii. ~~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.~~

iv.

v. ~~Withdrawal of Application: Members conducting a preliminary review shall, at~~

a minimum, consist of the following:

- 1. ~~Building Inspector and other staff of the Plan Commission as determined by the Building Inspector.~~
- 2. ~~A member of the staff of the local Soil and Water Conservation District~~
- 3. ~~the County Surveyor or his/her appointee (if necessary)~~
- 4. ~~A member of the County Drainage Board as determined by the Drainage Board~~
- 5. ~~A member of the staff of the Madison County Health Department~~
- vi. ~~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 Building Inspector prior to the appropriate meeting.~~

- ~~1. Requests for meeting attendance and/or review shall be sent out by the petitioner 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 Building Inspector shall determine the action taken on each petition by the preliminary review members based on their comments.~~
- vii. The Building Inspector shall oversee the operation of the preliminary review and shall make the final determination regarding any specific aspect of a petition on which members conducting the review disagree. In cases of disagreement and at his/her discretion, the Building Inspector may forward any petition before the preliminary review members to the Plan Commission for a determination on the request.
- viii. All petitions which are not approved during the preliminary review and not forwarded to the Plan Commission shall be tabled and placed on the agenda for the next appropriate preliminary review meeting.
  1. Prior to that meeting the petitioner shall address the comments of the review members, making appropriate modifications to the application materials.
  2. The petitioner shall provide appropriate

~~copies of the revised materials prior to the next preliminary review meeting based on the adopted calendar of meeting and filing dates.~~

~~3.K. The petitioner may withdraw any petition following the preliminary review by submitting a notice of such withdrawal in writing to the Building Inspector/Administrator. Any petitions which are withdrawn and are subsequently re-filed shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.~~

~~C. Attendance Required: Either the petitioner or a representative of the petitioner shall be required to attend all preliminary review meetings at which time their petition shall be reviewed. If either the petitioner or their representative is not present, the petition shall automatically be tabled and placed on the agenda for the next appropriate review meeting.~~

~~D. Meeting Record: The Building Inspector 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 Commission'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.~~

~~E.L. 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.~~

~~F.M. 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 Building Inspector with written notice of the appeal within 60 days of the date of the preliminary review decision.~~

~~ii. The Building Inspector shall place the appeal on the agenda for the next appropriate Plan Commission meeting.~~

~~iii. Public notice for the meeting shall be required, 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.~~

- D. \_\_\_\_\_ may be abated in such a manner as nuisances are now or may hereafter be abated under existing law.
- E. \_\_\_\_\_ Fines: Any person who violates this Ordinance shall, upon conviction, be fined not less than \$25 nor more than
- E. \_\_\_\_\_ \$2000.00 for each offense. For the purposes of this Ordinance, each day a violation of terms of this Ordinance exists shall constitute a separate offense.
- F. Person in Violation: Any person who attempts, commits, participates in, assists or maintains a violation of this Ordinance may be found guilty and suffer the penalties herein provided.
- G. \_\_\_\_\_ Remedy for Failure: The remedy provided in this section for failure to comply with any of the requirements of this Ordinance, whether civil, criminal or otherwise, shall be cumulative and shall be in addition to any other remedy provided by law. The civil penalty hereinafter described shall be used in preference to the criminal penalty on all violations \_\_\_\_\_ except in the case of repeated, malicious, willfully prolonged
- G. \_\_\_\_\_ or flagrant violations.
- H. Assurance of Discontinuance: For all violations, the Building Inspector may accept an assurance of discontinuance of any act or violation. Such assurance shall specify a time limit in which the act or violation shall be discontinued.

~~density development of rural lands consistent with the agricultural characteristics of Lapel.~~

~~Minimum Standards for an Administrative Subdivision~~

~~A. \_\_\_\_\_ Parcel Zoning and Density Standards: Administrative subdivisions shall be considered a special use in the following zoning districts as established by the Lapel Zoning Ordinance: A and R1 Districts.~~

i. \_\_\_\_\_ Parent Tract Defined: The Subdivision approval \_\_\_\_\_

### V12.1.3

#### ~~Administrative~~ Minor Residential Subdivisions

~~Intent~~

- 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:~~

~~The intent of the administrative subdivision process is to allow a simplified procedure for the creation of low-~~

- i. shall be based upon the parcel number and the characteristics of the Parent Tract legally established prior to January 1, 2010.
- ii. Subdivisions Permitted: ~~In the Ag, and R1 zoning districts~~ 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.

~~B.C.~~ Design Standards: All ~~administrative 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 ~~Administrative minor residential s~~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 ~~Administrative-Subdivision~~ minor residential subdivision provisions of this Ordinance on a ~~Rural-Development Concept Plan~~ 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
- ix. 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
- x. 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
- xi. 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
- xi. 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
- xiii. the parent tract and adjacent properties must be maintained, planned for, and provided.

A. ~~Administrative~~ Minor Residential Subdivision Application and Review Procedure

D. 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.

A.ii. Application Requirements: ~~In order to begin the subdivision process~~ the applicant shall file an application for ~~Rural Development Concept Plan Approval (Primary Plat)~~ a minor residential subdivision with the ~~Building Inspector~~ Administrator. This application shall:

- i.1. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
- ii.2. Be accompanied by the specified number of copies of a ~~Rural Development Concept Plan~~ 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.

Single Plat: The minor subdivision process combines the preliminary and final plat into a single application process.

iii.

i. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the ~~Building Inspector~~ Administrator. No docket number shall be released until all applicable fees have been paid for the application.

iv.

v. Meeting Dates Established: The ~~Building Inspector~~ Administrator shall provide the applicant with a tentative date for ~~the review and approval of~~

~~the administrative subdivision by the Plat Committee, a public hearing before the Plan Commission and the date of the preliminary review.~~ The date of the preliminary review meeting shall be based on the adopted calendar of meeting and filing dates and shall be based on the date upon which the application for ~~Rural Development Concept Plan~~ minor residential subdivision a Approval is filed with the ~~Building Inspector~~ 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.

B.

C. Plat Review Committee: The Building Inspector shall place the application for Rural Development Concept Plan Approval on the agenda for the applicable meeting of the Plat Review Committee and distribute copies of the submittals to the Committee members.

i. The Plat Review Committee shall consist of the

following:

1. the Building Inspector,
2. two (2) members of the Plan Commission,

~~3. the County Surveyor or his/her designated representative (if necessary)~~

~~4. the County Engineer or his/her designated representative, (if necessary) and~~

~~5. the Soil Conservation Officer or his/her designated representative (if necessary)~~

~~ii. Committee Members conducting the review shall either be present at the time of the scheduled Plat Review or submit written comments regarding each specific petition to the Building Inspector prior to the appropriate meeting.~~

~~1. Requests for meeting attendance and/or review shall be sent out by the petitioner a minimum of 15 days prior to the scheduled Plat Review.~~

~~iii. In reviewing the application, the Plat Review Committee shall consider the provisions of this Ordinance, the Zoning Ordinance, and other applicable adopted standards of Lapel.~~

~~iv.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 for Rural Development Concept Plan Approval if it is found to be consistent with the requirements of this Ordinance.~~

~~a.~~

~~2. 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 affect 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 ~~Building Inspector~~Administrator for the records of

b. the Plan Commission.  
~~3.c.~~ The Committee shall require further review of the application ~~for Rural Development Concept Plan Approval~~ if addressing the comments of the Committee will require significant alterations in the lots, topography, drainage ways, driveways or other features. ~~The application shall be placed on the agenda for further review at the next preliminary review meeting.~~ 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 ~~Building Inspector~~Administrator in preparation for further review by members conducting the preliminary review.

4. The Committee shall deny the application ~~for Rural Development Concept Plan Approval~~ 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.

d. 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:

- The manner in which any shared driveways shall be laid out, graded, and improved;
- A provision for water supply, sanitary sewer facilities, and other utility services; and
- 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.

D. Final Plat Procedure:

- i. Final Plat (paper copy) is submitted to the Building Inspector for review (initial review is to be completed within five (5) business days of submittal – i.e. if plat is turned in on Monday at 9:00 A.M., review will be completed by the following Monday at 9:00 A.M., barring paid holidays or office closings).
- ii. After review is complete, Final plat applicant will

be notified by the Building Inspector's Office by phone.

- iii. Final Plat applicant will pick up the Final Plat from the Building Inspector's Office (Town Hall). A form will be included with the Final Plat detailing any changes that need to be made.
- iv. Final Plat applicant will return a mylar copy of the Final Plat to the Building Inspector's Office that is signed by the property owners.
- v. Final Plat (mylar copy) is reviewed by the Building Inspector's Office. (Review of mylar will be completed within three (3) business days, with priority placed on those plats attempting to meet the filing deadline for the Plat Review Committee).
- vi. If all criteria has been met by the, the Final Plat is signed by the Building Inspector and submitted to the Plan Commission. The Plan Commission then places the Final Plat on the next Plat Review Committee Meeting Agenda. The Building Inspector will notify the applicant by phone.
- vii. Applicant and/or their designee appears before the Plat Review Committee. If plat is approved, the Building Inspector signs the plat and the applicant takes the plat to the County Auditor for transfer and to the Recorder's Office for Recording.
- viii. 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.
- ix. A paper copy of the recorded plat is submitted to the Plan Commission.
- x. A building permit may be obtained for any lot in the recorded Administrative Plat.
- xi. Required copies to be submitted with final plat to by the applicant:
  - 1. The Final Plat
  - 2. Copy of the boundary Survey

3. ~~Copy of the deeds for all surrounding property owners~~
4. ~~Copy of the deed for the parent tract~~
5. ~~Copy of recorded documents for any easements, right-of-way grants or takings that are depicted on the Final Plat.~~
6. ~~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)~~

E.xiv. Waivers: The Plan Commission shall have the sole authority to grant waivers of the requirements of this Ordinance.

- i.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 ~~Plat Review Committee~~TAC.
- ii.2. The ~~Building Inspector~~Administrator shall place the waiver request on the agenda for the next appropriate Plan Commission meeting.
- iii. Public notice for the meeting shall be required, ~~and~~ consistent with the provisions of this Ordinance.
- iv.4. The Plan Commission shall consider the intent of the Comprehensive Plan and this Ordinance when deciding the waiver request.
- v. The ~~Plat Review Committee~~TAC, at its discretion, may either hear any application contingent upon the outcome of a waiver request hearing by the

5. Plan Commission, or table the request pending the outcome of the Plan Commission hearing.

Specifications for ~~Administrative~~Minor Residential Subdivision Documents to Be

E. Submitted

The ~~Administrative~~Minor Residential Subdivision application shall be accompanied by

a ~~Rural Development Concept~~ Subdivision Development Plan (Plat), ~~prepared in pen or pencil~~, drawn to a convenient scale of not more than 100 feet to an inch, and show 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 Rural Development Concept~~ Subdivision Development Plan Approval
5. ~~Certificate for signature by the Building Inspector~~ 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~~

- 6. 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.

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 \_\_\_\_\_

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 ~~Building Inspector~~Administrator and, at a minimum,

v. 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. ~~Rural Concept Development Plans~~Registered Surveyor Required: All ~~rural concepts~~subdivision development plans must be prepared by a registered land surveyor.

~~viii.~~ Boundary Survey Requirement: A recorded boundary survey must be prepared for all Administrative Plats, pursuant to Title 865, Article 1, Chapter 12, Sections 1-34. the

viii. instrument number for the recorded boundary survey must be affixed to the Administrative 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 affect)
2. ~~Building Inspector~~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 submitted to the Building Inspector's Office for review.

~~ix.~~

~~x.~~ Statements: Any statements, changes, or requirements placed on the ~~Administrative~~ Plat during the ~~Rural Development Concept Plan Plat Review Meeting~~Preliminary Review, and any other governmental entities reviewing the plat are the complete responsibility of the private surveyor. If these\_

x. \_\_\_\_\_ statements, changes, and/or requirements were requested, but not placed on the Final Plat, and is not found until the Plat Review Meeting for the Final Plat hearing, the surveyor will be required to make the changes and then resubmit the Final Plat to the ~~Building Inspector~~Administrator.

## V12.1.4 Major Subdivisions

### Intent

A. \_\_\_\_\_ The intent of thea major subdivision process is to allow for all subdivisions of land that are not otherwise exempt.

A. \_\_\_\_\_

### 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 ~~submits an application for Sketch Plan Review and the appropriate supportive materials for the review and comment of the Building Inspector~~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 ~~Building Inspector~~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
  2. 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;
  - ~~9.~~ the Indiana Department of Environmental Management;
  - 9.
  10. the

- 11. ~~the~~ Indiana Department of Natural Resources;
- 12. the Madison County Engineer; and
- 12. all applicable utility companies.
- iv. The ~~Building Inspector Administrator~~ forwards/places the ~~request on the agenda for application to the~~ appropriate preliminary review meeting/TAC members for preliminary review and places the application on the agenda for the appropriate Plan Commission meetings.
- v. The ~~preliminary review meeting/TAC~~ reviews the proposed subdivision and provides comments to the petitioner. ~~The petitioner attends the preliminary review meeting for the application and proposed plat to be reviewed.~~
- 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, ~~T~~he petitioner submits an application for Construction Plan Approval and the appropriate supportive materials to the ~~Building Inspector Administrator~~ for review.
- x. ~~————~~ If approved, ~~T~~he 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.
- xi.xii. ——— The petitioner submits an application for Final Plat approval and all appropriate supportive materials to the ~~Building Inspector Administrator~~ for review.
- xii.xiii. ——— The ~~preliminary review members/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.
- xiii.xv. ——— The Town Council considers the acceptance of the public improvements and the signing of the Final Plat.
- xiv. ——— The petitioner obtains any other required signatures and records the Final Plat in the office of the Madison County y

xvi. Recorder. The petitioner supplies one copy of the recorded plat to the Building InspectorAdministrator 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.

**Sketch Plan Application and Review Procedure**

A. Application Requirements: In order to begin the subdivision process the applicant shall file an application for Sketch Plan Review with the Building Inspector. This application shall:

- i. Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
- ii. Be accompanied by the specified number of copies of a Sketch Plan which meets the requirements provided by this Article;
- iii. Be accompanied by a fee in the amount established by the adopted fee schedule;
- iv. Be accompanied by the specified number of copies of an area map which includes an indication of all contiguous holdings of the owner of the property subject to the petition, including land in the same ownership, with an indication of the portion which is proposed to be subdivided.

1. The map shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder's office.

2. The map shall list the legal owner of the property, the contract owner of the property, optionee of the property, and the date on which any contract of sale was executed. If any corporations are involved, the Building Inspector may request a complete list of all directors, officers, and a listing of stockholders if less than 10 in number.

B. Review Procedure: The Building Inspector shall review the

application for Sketch Plan Review and all supportive information and meet with the petitioner within 30 days of the receipt of the application. The Building Inspector shall provide the petitioner with comments regarding the proposed subdivision and either approve, approve with recommended modifications, or recommend re-submittal of the application for Sketch Plan Review.

- i. The Building Inspector shall approve the sketch plan if it is conceptually consistent with the requirements of this Ordinance, the Zoning Ordinance, and the Lapel Comprehensive Plan.
- ii. The Building Inspector shall approve the sketch plan with modifications if specific conceptual adjustments are needed to meet the requirements of this Ordinance or the Zoning Ordinance. The petitioner shall address the comments of the Building Inspector on the Preliminary Plat for the proposed subdivision.

iii. The Building Inspector shall recommend re-submittal of an application for Sketch Plan Review if the proposed subdivision is conceptually inconsistent with the requirements of this Ordinance, the Zoning Ordinance, or the Comprehensive Plan. If re-submittal is recommended, the petitioner may provide a revised application to the Building Inspector within 90 days of the date of the resubmittal application without a new application and fee being required.

C. Review Criteria: In taking into consideration the requirements of this process and Ordinance, particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, lot size and arrangement, the further development of adjoining lands as yet unsubdivided, and the requirements of the applicable Thoroughfare Plan and the Lapel Comprehensive Plan.

D. Expiration of Approval: The petitioner shall file an application for Preliminary Plat approval with the Building

Inspector within six (6) months of the date of Sketch Plan review. If a Preliminary Plat approval application consistent with the requirements of this Article is not made in this time period the Sketch Plan approval shall expire. The petitioner shall be required to submit a new application for Sketch Plan review, including all applicable fees, consistent with the requirements of this Article.

### Specifications for Sketch Plan Documents to Be Submitted

Sketch plans submitted to the Plan Commission's office, prepared in pen or pencil, shall be drawn to a convenient scale of not more than 100 feet to an inch and shall show the following information:

#### A. Property Name:

1. The name of the subdivision if the subject property is within an existing subdivision;
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; or
3. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

#### B. 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 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.

C. Property Description: The location of the property, the name of the local jurisdiction, lot, section, township, range and

county, graphic scale, north arrow, and date.

#### D. Development Description:

1. The location of property lines, existing easements, railroad rights-of-way, watercourses, and existing wooded areas; and the location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.
2. The location and sizes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
3. Approximate topography, at the same scale as the sketch plan (normally showing two (2) foot contour intervals, but the Building Inspector may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
4. The approximate location and widths of proposed streets.
5. Preliminary proposals for connection with existing water supply and sanitary sewage systems (or alternative means of providing water supply and sanitary waste treatment and disposal) and preliminary provisions for collecting and discharging surface water drainage.
6. The approximate location, dimension, and areas of all proposed or existing lots shown in feet and in acres.
7. The approximate location, dimension, and areas of all parcels of land proposed to be set aside for open space, or for another use of property owners in the proposed subdivision.
8. The location of temporary stakes to enable the Building Inspector to find and appraise features of the sketch plan in the field.
  - iv. Vicinity Map: A vicinity map showing streets and

other general development of the surrounding area.

- v. ~~Contiguous Holdings Description: Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit,~~

~~at the scale of no more than 200 feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the property.~~

#### 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 ~~Building Inspector~~Administrator. This application shall:
  - ~~i.1.~~ Be made on forms available at the Plan Commission office and be signed by the owner and developer and notarized;
  - ~~ii.2.~~ Be accompanied by all required approvals of the Madison County Drainage Board.
  - ~~iii.3.~~ Be accompanied by the specified number of copies of a Preliminary Plat meeting the requirements provided by this Article;
  - ~~iv.4.~~ Be accompanied by a fee in the amount established by the adopted fee schedule; and
  - ~~v.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~~Administrator. 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 ~~Building Inspector~~Administrator shall announce the date of a hearing before the Plan Commission within 30 days ~~of receipts~~

~~iii.~~ ~~after receipt~~ of a final and complete application. The dates of the preliminary review ~~meeting~~ 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 ~~Building Inspector~~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 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 the TAC.

~~iv. Preliminary Review: The Building Inspector shall place the application for Preliminary Plat Approval on the agenda for the applicable meeting of the preliminary review members.~~

~~i. In reviewing the application, members conducting the preliminary review shall consider the provisions of this Ordinance, the Zoning Ordinance, and other applicable adopted requirements.~~

~~ii. The members shall make comments regarding the application. Based on those comments, the Building Inspector shall either forward the application to the Plan Commission or require further review.~~

~~a. The Building Inspector 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 Building Inspector in preparation for the Plan Commission hearing by the date specified on the adopted calendar of meeting and filing dates.~~

~~b. The Building Inspector 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 Building Inspector in preparation for further review by members conducting the preliminary review by a date specified on the adopted Calendar of Meeting and Filing Dates.~~

~~E. Notice of Public Hearing: Notice of Public Hearing shall be given in accordance with the requirements of this Ordinance prior to the Plan Commission meeting when the proposed Preliminary Plat is to be heard.~~

~~F. Plan Commission Hearing: The Building InspectorAdministrator shall place all applications forwarded to the Plan Commission~~

vi. by the preliminary review 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.

1.

1. The Plan Commission shall approve the

- ~~Preliminary Plat if it is found to be completely consistent with the decision criteria provided by this section.~~
- ~~2. 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.~~
  - ~~3. The Plan Commission shall table the Preliminary Plat consistent with the adopted Rules and Procedures of the Plan Commission.~~
  - ~~4. 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~~Administrator 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 2 (10) business days of the date of the decision. The ~~Building Inspector~~Administrator shall maintain one (1) file copy of the Preliminary Plat application and plat.
  - ~~3. Approval of a Preliminary Plat by the Commission~~
  3. is not final approval of the subdivision.
- 4.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

1. Plan 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.
2. 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.

5.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.

G.E. Decision Criteria: In reviewing applications for Preliminary Plat approval, the Plan Commission shall consider the following criteria.

- 4.i. The degree to which the proposed Preliminary Plat is consistent with the provisions of the Comprehensive Plan;
- 2.ii. The degree to which the proposed Preliminary Plat is consistent with the requirements of this Ordinance;
- 3.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
- 4.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

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; or
- 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 d

2. 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
4. 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
5. 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.
12. All locations of existing and proposed street lights and street signs.

11.  
12. A

- 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, ~~preliminary review members~~TAC, or ~~Building Inspector~~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

v. 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 enforcement 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
- vii. 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
  - ix. 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 which 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.
  - a. The
  - b. The

The location of drainage courses and the existing direction of surface water flow within the drainage area.

~~iii.~~ 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

3. 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-

i. \_\_\_\_\_ 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 ~~Building Inspector~~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 ~~Building Inspector~~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.

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. The Building Inspector shall place the application for Construction Plan Approval on the agenda for the

~~applicable meeting of the preliminary review and distribute copies of the submittals to the members conducting the review.~~

~~2. \_\_\_\_\_~~

~~iii. \_\_\_\_\_ 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.~~

~~iv-3. \_\_\_\_\_~~ In reviewing the application, the members shall consider whether or not the Construction Plans meet the requirements of this Ordinance an any other adopted and applicable construction standards or common engineering practices, and are consistent with the approved Preliminary Plat.

~~1.4. \_\_\_\_\_~~ 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~~TAC shall approve the Construction Plans if they are consistent\_

- a. \_\_\_\_\_ with the approved Preliminary Plat and all applicable provisions of this Ordinance, other applicable construction standards, and common engineering practices.
- b. \_\_\_\_\_ The ~~review members~~TAC 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 during~~ the preliminary review ~~meeting~~ and which do not impact other aspects of the subdivision's construction which would \_\_\_\_\_ require subsequent review. The specified \_\_\_\_\_ ~~modifications~~ modifications
- b. \_\_\_\_\_ ~~modifications~~ shall be made by the petitioner and the specified number of Construction Plan sets provided to the Building Inspector within 90 days of the completion of the preliminary review ~~meeting~~.
- e. \_\_\_\_\_ The ~~review members~~TAC 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  
~~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 ~~Building Inspector~~Administrator for review ~~prior to that meeting~~

consistent with the adopted calendar of ~~c.~~ meeting and filing dates.

~~d.~~ The ~~review members~~TAC 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 ~~d.~~ 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~~TAC, the ~~Building Inspector~~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 (~~on a disk~~ 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 center

- ii. \_\_\_\_\_ line 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 ~~Building Inspector~~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~~TAC.

#### 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.

- A.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.
- B. \_\_\_\_\_ 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

ii. \_\_\_\_\_ approval request is submitted to the Building Inspector.

iii. \_\_\_\_\_ Instead of building the improvements, the petitioner may submit performance surety to allow recording of the Final Plat before construction of the improvements.

C. \_\_\_\_\_ 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\_ iv. \_\_\_\_\_ 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 ~~Building Inspector~~ 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 a computer disk containing an electronic version of the Final Plat and “as-built” drawings in a format specified by the ~~Building Inspector~~ 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\_

- 6. 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 Building Inspector 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. The Building Inspector shall place the application for Final Plat Approval on the agenda for the applicable meeting of the preliminary review and distribute copies of the submittals to the review members.
  - 1. \_\_\_\_\_
  - 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. In reviewing the application, the review members 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.

- 2. \_\_\_\_\_
- iii.3. ~~The review members shall review all Final Plat approval materials submitted in a meeting with the applicant, and TAC shall either approve, table and require modification, or deny the Final Plat application.~~
  - 1. \_\_\_\_\_ The ~~review members~~ TAC shall approve the Final Plat if all required application materials are provided\_ in a manner consistent with this Ordinance and any\_
    - a. \_\_\_\_\_ other adopted procedures of the Town.
    - 2. \_\_\_\_\_ The ~~review members~~ TAC 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, a
      - b. \_\_\_\_\_ and/or the requirements of this Ordinance.
      - 3.c. \_\_\_\_\_ The ~~review members~~ TAC shall deny the Final Plat if the application materials are inconsistent with the approved Preliminary Plat or Construction Plans.

iv. The

~~The Building Inspector~~Administrator shall sign the Final Plat as an indication of ~~the preliminary review~~TAC approval. The approval of the Final Plat by members of the ~~preliminary review~~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~~TAC disapproves the Final Plat, the ~~Building Inspector~~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.

~~20.~~~~21.~~ C

Certificate of approval by the ~~Building-Inspector~~Administrator

21. \_\_\_\_\_ and Plan Commission.
- ii. All Final Plats shall also show any other information or data requested by the ~~Inspector~~Administrator 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 ~~Building-Inspector~~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~~Administrator, 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 ~~mylar-hard~~ copy of the recorded final plat to the ~~Building-Inspector~~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\_

ii. \_\_\_\_\_ is provided.

**N. Permit Restrictions**

~~i.~~ No Improvement Location Permit shall be issued by the Building Inspector, or his 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, i. sidewalks, and street trees, as specified in this Ordinance.

~~i.~~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.

~~ii.~~iii. The installation of street trees and sidewalks may be delayed until structures are completed on each lot.

~~iii.~~iv. No structure shall receive a Certificate of Occupancy until the required sidewalk and street trees are installed on the lot.

~~iiii.~~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.

**V12.1.5 Surety**

A. At the time when the Final Plat approval request is provided to the Building Inspector and before the plat is certified by the President and Secretary of the Plan Commission, the petitioner shall provide appropriate performance and/or maintenance bonds or irrevocable letters of credit as surety for the public improvements in the subdivision.

B. For plats which have been divided into sections for the purpose of a phased development, surety shall only be required to be provided for the public improvements included in the section which is the subject of the Final Plat approval request. This provision shall not be interpreted as relieving the subdivider of surety requirements for public improvements in previously recorded or future sections, which were/ shall be required at the time of their respective Final Plat approval.

C. The surety shall be in a format and amount consistent with the requirements of this Article, including the following requirements:

i. The surety shall be drawn in favor of the “Lapel Town Council”;

~~ii.~~ The surety shall be in an amount and time period determined by the Engineer, sufficient to adequately maintain completed improvements and to install yet incomplete improvements

ii. in compliance with this Ordinance. The petitioner’s engineer or contractor shall supply an estimate of the cost of the improvements and their installation to aid the Engineer in the determination of the amount of the bond. The petitioner’s estimate, however, shall not be binding. All surety shall be filed in the office of the Town Council.

- companies through the preliminary review process.
- F. When a proposed drainage system shall carry water across private lands outside the subdivision, appropriate drainage rights must be secured by the subdivider and indicated on all required plat drawings.

### Public Sites and Open Space Standards

- A. General Requirements: In all subdivisions that include eight (8) or more total dwelling units, the subdivider shall be required to plat a minimum of 500 square feet of open space for each dwelling unit. The minimum amount of open space provided shall be one (1) acre. For the purposes of this calculation, a dwelling unit shall be defined as a single-family home, condominium, or apartment / rental unit.
- i. Easements, crosswalks, and road frontage to provide public access to the common open space shall be shown on all required subdivision plat drawings.
  - ii. Easements, roadways, and rights-of-way cannot be considered open space.
  - iii. All open space shall be usable spaces for normal recreation.
- B. Design Requirements: The required open space shall meet the following requirements:
- i. Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space.
  - ii. Common open areas may not include floodplains, detention ponds or other portions of the development which are undevelopable. Common open spaces should be located adjacent to such natural features when they are present in, or adjacent to, the development.
  - iii. Existing natural features which add value to residential development and enhance the attractiveness of the community shall be preserved in the design of the subdivision and should be incorporated into designated open space.

~~iv. Common open spaces within each development shall be linked with each other and with existing and future open spaces in adjacent developments through the required sidewalk system or through the use of pedestrian paths.~~

~~iv.~~

~~iii.~~

~~v. Common open spaces within each development shall be linked with each other and with existing and future open spaces in adjacent developments through the required sidewalk system or through the use of pedestrian paths.~~

1. All common open spaces shall have at least ten (10) feet of frontage on a public street which includes sidewalks, and be linked to that sidewalk system by either a sidewalk or pedestrian path.
2. All required common open spaces shall be owned and maintained by the leasing company for tenant-occupied developments and a lot owners association for developments with individually owned dwelling units. In no case may an access easement be substituted for a required common open space.

- vi. Access Easements being a minimum of ten (10) feet wide, and including a minimum five (5) foot wide concrete sidewalk or eight (8) foot wide asphalt trail, shall be provided permitting access from natural site features such as floodplains, detention ponds, and historic sites to public streets with sidewalks.
- vii. Access easements shall be provided for any private sidewalks providing access to the common open space for persons outside the development.
- viii. All common open spaces shall be maintained for the enjoyment of the residents of the development and shall be free of weeds and other noxious vegetation.

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.

~~C. Ownership 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 within the subdivision.~~

## Covenant Standards

A. General Requirements: The following paragraphs shall be required to be present as restrictive covenants for all Final Plats to which the Building Inspector determines that they apply:

- i. No fence, wall, hedge, tree or shrub which obstructs sight lines between 3 and 8 feet above the grade of the adjacent road 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 along the street rights-of-way located:
  1. 35 feet from their intersection for road classified as arterial by the Thoroughfare Plan or Functional Classification Map,
  2. 30 feet for roads classified as collectors by the Thoroughfare Plan or Functional Classification Map,
  3. 15 feet for roads classified as local by the Thoroughfare Plan or Functional Classification Map, and
  4. Ten (10) feet for all private driveways.
- ~~ii.~~ No permanent structure shall be placed within a utility easement. This shall include fencing or ii. any other screening material, accessory structures, or any other item which may prohibit access to a utility or easement holder. If a permanent structure is placed within a utility easement, it may be removed or accessed as necessary by any affected easement holder or utility without cost to that holder or utility.
- iii. No driveway shall be located within 40 feet of the intersection of two street right-of-way lines.

B. Drainage Covenant: Each subdivision submitted for approval shall include on the Final Plat a covenant which states that: This subdivision is subject to all drainage system design and construction standards of the Lapel Subdivision Control Ordinance, which provides for the repair and

B. maintenance of the system, including the assessment of owners of lots to maintain swales and participate in the cost of the maintenance of legal drains. All drainage easements shall run to the Madison County Drainage Board.

C. Maintenance Covenant: Each subdivision submitted for approval shall include a covenant which state 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."

## Flood Hazard Area Standards

- A. Plans and materials for all subdivisions located within the 100-year floodplain shall be forwarded, by the developer, to the Indiana Department of Natural Resources for review and comment. The Plan Commission shall require appropriate changes and modifications to the subdivision in order to assure that:
- ~~i.~~ it is consistent with the need to minimize flood i. damages;
  - ii. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - ~~iii.~~ adequate drainage is provided so as to reduce iii. exposure to flood hazards;
  - ~~iv.~~ onsite waste disposal systems, if provided, will be so located and designed to avoid impairment iv. of them or contamination from them during the o iv. occurrence of the regulatory flood.
- B. Subdividers shall indicate the 100-year flood elevation, the boundaries of the 100-year floodplain, and the boundaries of the 100-year floodway on all subdivision Preliminary and Final Plats containing any lands within a 100-year floodplain.
- C. All developers of subdivisions, all or a portion of which