

Town of Lapel Unified Development Code

Zone Lapel

Ancillary Regulations

Subdivision Control Ordinance | Planned Unit Development (PUD) Standards | Building Code

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V12.1

Subdivision Control Ordinance

V12.1.1

Basic Provisions

Title

This Ordinance shall be formally known as the “Town of Lapel Subdivision Control Ordinance,” and it may be cited and referred to as the “Subdivision Regulations” or “Subdivision Control Ordinance”.

Defined Words & Construction

- A. Words used in a special sense in this Ordinance are defined in the Definitions section of the Lapel, Indiana Land Use & Development Code. Throughout this Ordinance, all words, other than the terms specifically defined, have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.
- B. The following rules of construction shall apply to the text of the Ordinance:
 - i. The particular will control the general.
 - ii. The words “shall” and “will” are always mandatory and not discretionary. The word “may” is permissive.
 - iii. Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.
 - iv. A building or structure includes any part thereof.
 - v. The phrase “used for” includes “arranged for, designed for, intended for, maintained for, or

- occupied for.”
- vi. The word person includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- vii. Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and, or,” or “either . . . or,” the use of the conjunction is defined as follows:
 - 1. “And” means that all the connected items, conditions, provisions, and events apply together and not separately.
 - 2. “Or” means that the connected items, conditions, provisions, or events apply separately or in any combination.
 - 3. “Either . . . or” means that the connected items, conditions, provisions, or events shall apply separately but not in combination.
- vii. The word “includes” does not limit a term to the specified examples, but is intended to extend the term’s meaning to all other instances or circumstances of like kind or character.
- ix. The word “county” means Madison County, Indiana. The word “state” means the State of Indiana, and the word “town” means Lapel, Indiana.

Authority

This Subdivision Control Ordinance is adopted by the Town of Lapel, Indiana pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this Ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

Jurisdiction

This Ordinance shall apply to all land within the jurisdiction of the Lapel Plan Commission, being all portions of the Town not in the

ownership of the state or federal government. This Ordinance, which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles Section 36-1-3-4 and the Section 36-7-4-700 series, as amended), authorizes the Town of Lapel Plan Commission to review and approve or disapprove plats for subdivisions within the jurisdiction defined above.

Purpose

The purposes of the Subdivision Regulations are to protect and promote public health, safety, and general welfare, and to:

- A. Provide guidance for future growth and development in accordance with the Lapel Comprehensive Plan and applicable ordinances;
- B. Provide protection for the character and the social and the economic stability of all parts of the Town;
- C. Encourage the orderly and beneficial development of the Town;
- D. Provide protection and conservation of the value of land, structures, and other improvements to the land;
- E. Discourage conflicts between the uses of land and structures;
- F. Avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services;
- G. Establish reasonable standards and procedures for subdivisions and re-subdivisions, in order to further the orderly layout and use of land;
- H. Ensure proper legal descriptions, legal recording, and documenting of subdivided land;
- I. Prevent the pollution of air, water, and soil;
- J. Ensure the provision of drainage facilities, the safeguarding of the water table, and the protection from flooding or the causing of increased risk of flooding;
- K. Encourage the protection of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land;
- L. Plan for a balance between land uses, natural resources,

open spaces, recreation, and public ways that is beneficial to the community as a whole, both currently and in the future;

- M. Cause the cost of design and installation of improvements in new, platted subdivisions to be borne by the developer and persons purchasing the lots, and to avoid any direct or indirect burden placed upon adjacent property owners or the Town of Lapel as a whole; and
- N. To cause the petitioner to bear all costs associated with the approval process, development process, and inspection process.

Compliance

No person shall divide, record, transfer or sell any parcel before the proposed subdivision has been approved in accordance with the processes and provisions of this Ordinance, and filed with the County Recorder, unless otherwise specified by this Ordinance.

- A. Subdivision Defined: The division of any lot for the purpose of sale, transfer, gift, or lease resulting in the creation of one (1) or more new building sites shall be considered a subdivision and shall be subject to the requirements of this Ordinance.
- B. Public Safety: Land to be subdivided and developed must be able to be done so without adding peril to public safety, welfare, or health from flooding or other menace.
- C. Accessibility: Land shall not be subdivided unless appropriate road access is demonstrated to be possible.
- D. Public Facilities: Land shall not be subdivided unless all required public facilities are in place, or improvements and proper provisions have been planned and a surety given by the petitioner to meet all requirements for drainage, water, sewerage, and transportation facilities adequate for serving the subdivision. The general requirements of public schools, local police and fire departments, and other public service providers may also be considered.
- E. Plan Commission Approval: No plat or re-plat of a subdivision of land located within the jurisdiction of the Lapel Plan Commission shall be recorded until it has been approved by

- 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 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.
- by the Lapel Zoning Ordinance for the zoning district in which the property is located;
- 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, 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.

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 any change 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.

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.

- A. Exempt I Subdivision: A division of land 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

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 shall not be affected.

Interpretation

The provisions of this Ordinance shall be the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large. The provisions are also designed to establish and maintain reasonable community standards for the physical environment. If two (2) or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws, or other regulations regulates a structure or parcel of land, the greater restriction shall control.

- A. **Public Provisions:** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation, or other provision of law; whichever provisions are more restrictive or impose higher standards shall control.
- B. **Private Provisions:** These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirement of these regulations, and such private provisions are not inconsistent with these regulations, then such private provisions shall be

supplemental to these regulations. (Note: Private provisions can only be enforced privately, unless a public agency has been made party to such agreements.)

Saving Provision

This Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous subdivision ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

Repealer

This Ordinance shall repeal and replace all existing subdivision regulations, ordinances, and amendments for the Town of Lapel as of the effective date.

Transition Rules

- A. **Subdivision Regulations:** Any subdivision either fully approved or submitted and docketed for a public hearing prior to the adoption of this Ordinance shall be regulated by the terms and conditions of the Subdivision Regulations which were in place at the time of the approvals. However, all administrative procedures and penalties shall follow those set forth by this Subdivision Control Ordinance.
- B. **Permit Applications:** Any application for an Improvement Location Permit which has been filed with the Plan Commission or its designees and which is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Subdivision Regulations which were in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Ordinance.
- C. **Property Splits:** All new building sites shall meet the requirements of this Ordinance unless:
 - i. An Improvement Location Permit for the site has been issued and is still valid, or
 - ii. A parcel was approved as a buildable lot by the Plan Commission or the Board of Zoning Appeals

- D. prior to the effective date of this Ordinance. Previous Approvals: All plats and other petitions regulated by this Ordinance which were approved prior to the effective date of this Ordinance and not yet executed though consistent with the provisions of the Ordinance under which they were approved shall expire and become void one (1) year following the effective date of this Ordinance. All approvals which expire and/or become void shall comply with all applicable provisions of this ordinance if re-issued.

This Ordinance was recommended for adoption by the Plan Commission of Lapel, Indiana on the _____ day of _____, _____.

President

Vice-President

Amendments

- A. In accordance with I.C. 36-7-4-602, the legislative body may amend or partially repeal the text of this Ordinance. The Lapel Town Council or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Plan Commission Rules and Procedures.
- B. In its review of the text amendments, the Council and the Plan Commission shall pay reasonable regard to:
 - i. The most recently adopted Town of Lapel Comprehensive Plan;
 - ii. The most recently adopted Lapel Zoning Ordinance;
 - iii. The current conditions and character of structures and uses in each district;
 - iv. The most desirable use for which the land in each district is adapted;
 - v. The conservation of property values throughout the Town of Lapel;
 - vi. Responsible development and growth; and
 - vii. The public health, safety and welfare.

Secretary

This Ordinance was passed and adopted by the Lapel, Indiana Town Council on the _____ day of _____, _____.

President

ATTEST:

APPROVED AS TO FORM:

Town Attorney

Effective Date

This Ordinance shall be in full force and in effect at _____ m, on _____. The effective date is based on the passage and notice of adoption as required by law.

V12.1.2

Administration

Administrative and Enforcement

- A. Administrator Defined: The administrator of this Ordinance shall be the Lapel Building Inspector. The Building Inspector is hereby authorized and directed to enforce and carry out all provisions of this Ordinance both in letter and spirit, pursuant to state statute.
- B. Delegation Authority: The Building Inspector is hereby empowered to delegate the duties and the powers granted to, and imposed upon him/her under this Ordinance. As used in this Ordinance, Building Inspector shall include any authorized representative(s).
- C. Inspections: The Building Inspector is hereby empowered to enter or inspect any structure, or premises in the jurisdictional area of this Ordinance to insure compliance with the provisions of this Ordinance. Such inspections shall be carried out during business hours, unless an emergency exists.
 - i. Investigations of property may be done by the Building Inspector either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.
 - ii. In the event that the Building Inspector is denied entry to any property necessary to carry out an inspection, he/she may apply to a court of jurisdiction to invoke legal, applicable, or special remedy for the inspection of the property and the enforcement of this Ordinance or any other applicable ordinances adopted under state code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional

information may be necessary as requested by the court. Pursuant to applicable regulations and the determination of the court, the owner of the property shall permit entry by the Building Inspector.

Notice of Public Hearing

Within 30 days of the receipt of the proper documents, and after the granting of any required approvals or favorable recommendations by the Plan Commission, the Building Inspector shall set a date for a public hearing before the Commission. For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section. Required public notice shall include the following:

- A. Notice Sign: The petitioner shall allow the Plan Commission staff to post on the subject property a sign giving notice of the hearing provided by the Plan Commission office. The sign shall remain on the property until the final decision on the request is made by the Plan Commission.
- B. Legal Notice: The Plan Commission staff shall prepare a legal notice consistent with the requirements of IC 5-3-1 for publication in a local newspaper of general circulation specified by the Rules and Procedures of the Plan Commission. The legal notice shall appear in the newspaper no less than one (1) time at least 10 days prior to the date of the public hearing. Legal notices shall include each of the following:
 - i. The general location of the subject property and a legal description of the land;
 - ii. The street or common address of the real estate;
 - iii. That the project plans are available for examination at the office of the Lapel Plan Commission;
 - iv. That a public hearing will be held and giving the date, place, and hour of the hearing; and
 - v. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Building Inspector.
 - vi. Notice to Interested Parties: The petitioner shall prepare and distribute written notice of the

petition to all property owners within two (2) ownerships or 500 feet of the boundaries of the subject property, whichever is greater.

- i. The notice shall contain the same information as the legal notice which is published in the newspaper.
- ii. The distribution and cost of the notice shall be the responsibility of the petitioner.
- iii. The petitioner shall obtain the names and mailing addresses of those to be notified from the Property Transfer Books contained in the Madison County Auditor's Office. The names and addresses of these property owners shall be submitted to the Building Inspector at the time of filing for a petition requiring a public hearing as specified by this Ordinance.
- iv. The notices shall be sent to each property owner at least one (1) time, and must be postmarked a minimum of at least 10 days before the date of the public hearing. The mailing shall be via certified mail through the United States Postal Service. No other form of mailing shall be accepted.
- v. A copy of the materials provided to each property owner, all certified mail return receipts, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Building Inspector a minimum of three (3) business days prior to the date of the public hearing.

Waivers of Subdivision Regulations

- A. General Provisions: Where the Plan Commission finds that extraordinary hardships or practical difficulties may result from the strict compliance with these regulations, or the purposes and intent of these regulations may be served

to a greater extent by an alternative proposal, it may grant waivers of the subdivision regulations set forth in this Ordinance so that substantial justice may be done and the public interest served. No waiver shall be granted in relief of mere inconveniences or financial disadvantages of the subdivider.

- B. Decision Criteria: The Plan Commission shall not approve any waivers of the subdivision regulations unless it makes written findings based upon the evidence presented to it in each specific case, such that:
 - i. The granting of the waiver will not be detrimental to the public safety, health, or welfare;
 - ii. The granting of the waiver will not be injurious to the reasonable use and development of other property;
 - iii. The conditions upon which the request for waiver is based are unique to the property for which it is sought and are not applicable generally to other property;
 - iv. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a hardship to the owner would result if the strict letter of these regulations were carried out; and
 - v. The waiver will not contradict the intent of the Lapel Zoning Ordinance or Comprehensive Plan.
- C. Public Facility Waiver: Where the waiver impacts the design, construction or maintenance obligations of public facilities, it shall not be granted unless the appropriate public agency has reviewed and approved in writing the proposed development to the Plan Commission.
- D. Conflict of Authority: No waiver of these Subdivision Regulations shall conflict with the powers and duties of the Board of Zoning Appeals.
- E. Procedure: The procedure for review of waiver requests is as follows:
 - i. At the time of filing a subdivision request consistent with this Ordinance, the petitioner must submit a

- 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. 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

- a preliminary review, shall have the authority to approve the following types of petitions and applications:
1. Subdivision Construction Plans,
 2. Final Subdivision Plats, and
 3. Replats as specified in section V12.1.1 of this Ordinance.
- ii. Review Authority: The Plan Commission, during a preliminary review, shall have the authority to review Preliminary Subdivision Plats, forwarding comments for the official public hearing.
- iii. Appeal Rights: All decisions made during the preliminary review may be appealed to the Plan Commission following the procedure outlined in this Article.
- B. 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:
- i. 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
 - 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 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.
 - iii. 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.
 - iv. 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. The petitioner may withdraw any petition following the preliminary review by submitting a notice of such withdrawal in writing to the Building Inspector. 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. **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. **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.

Commercial and Industrial Subdivisions

It is recognized by this Ordinance that the development of commercial and industrial subdivisions is required by the nature of the marketing of such projects to deviate from the standard procedure used for

residential subdivisions.

- A. **Review Emphasis:** In reviewing commercial and industrial subdivisions, the initial emphasis of the Commission shall be on street lay out and block arrangement.
- B. **Procedure:** The subdivider shall follow the procedure for Major Subdivisions provided in this Ordinance, but in terms of lot arrangement shall only be required to show two defined lots and a block layout.
 - i. The subdivider shall prepare Construction Plans and the Final Plat for only the lots identified, and shall re-plot the approved preliminary plat as additional lots become necessary.
 - ii. All commercial and industrial preliminary plats shall expire within ten (10) years of the date of preliminary plat approval by the Plan Commission.

Violations and Penalties

- A. **Violations:** A failure to comply with any of the requirements of this Ordinance, including violations of conditions and safeguards established in connection with the granting of waivers, as well as subdivision approval, shall constitute a violation of this Ordinance.
- B. **Legal Proceedings:** The Plan Commission, Plan Commission attorney, the Board of Zoning Appeals, the Building Inspector, or any designated enforcement official may bring to the attention of the Building Inspector and/or Town Attorney a violation of the provisions of this Ordinance in order to initiate legal proceedings pursuant to statute.
- C. **Mandatory Injunction:** The Plan Commission, the Board of Zoning Appeals, the Building Inspector or any designated enforcement official may request the Town Attorney to bring an action for a mandatory injunction directing any person to remove a structure and/or to discontinue working in violation of the provisions of this Ordinance pursuant to state statute.
- D. **Common Nuisance:** Any structure erected, raised or converted, or land or premises used in violation of any provision of this Ordinance or of the requirements thereof, is hereby declared to be a common nuisance and as such

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 \$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 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.

V12.1.3

Administrative Subdivisions

Intent

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

- 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. Design Standards: All administrative 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 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 provisions of this Ordinance on a Rural Development Concept Plan.

- 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.

Administrative Subdivision Application and Review Procedure

- A. Application Requirements: In order to begin the subdivision process the applicant shall file an application for Rural Development Concept Plan Approval (Primary Plat) 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 Rural Development Concept Plan which meets the requirements provided by this Article;
 - iii. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Building Inspector. No docket number shall be released until all applicable fees have been paid for the application.
- C. Meeting Dates Established: The Building Inspector shall provide the applicant with a date for the review and approval of the administrative subdivision by the Plat Committee. 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 Approval is filed with the Building Inspector.
- D. 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 Lapel 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. The Committee shall make comments regarding the application and either approve, approve with conditions, require further review, or deny the application.
1. 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.
 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 for the records of

the Plan Commission.

3. 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 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. When resubmitted, the request shall be treated as a new application following the process established by this Article and with all fees required.

E. 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 right-of-ways 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)
- F. Waivers: The Plan Commission shall have the sole authority to grant waivers of the requirements of this Ordinance.
- i. 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.
 - ii. The Building Inspector shall place the waiver request 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 intent of the Comprehensive Plan and this Ordinance when deciding the waiver request.
 - v. The Plat Review Committee, 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.
- Specifications for Administrative Subdivision Documents to Be Submitted**
- The Administrative Subdivision application shall be accompanied by
- a Rural Development Concept Plan prepared in pen or pencil, drawn to a convenient scale of not more than 100 feet to an inch, and show the following information:
 - A. Property Name: The property address, general location, and name (if there is a name by which the property is locally known).
 - B. Property Ownership:
 - i. 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.
 - ii. Citations of any existing covenants on the property.
 - iii. The name and address, including telephone number, of the professional person(s) responsible for the subdivision design and for surveys.
 - C. 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.
 - D. Development Description:
 - i. A legend and notes, including a graphic scale, north point, and date.
 - ii. An indication of the lot to be considered the remainder of the parent tract.
 - iii. 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.
 - iv. The approximate location of any existing or proposed wells.
 - v. A Rural Development Concept Plan Approval Certificate for signature by the Building Inspector.
 - vi. 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

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.

V12.1.4

Major Subdivisions

Intent

The intent of a major subdivision process is to allow for all subdivisions of land that are not exempt.

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.

- A. The petitioner submits an application for Sketch Plan Review and the appropriate supportive materials for the review and comment of the Building Inspector.
- B. The petitioner submits an application for Preliminary Plat Approval and the appropriate supportive materials to the Building Inspector for placement on the Plan Commission agenda.
- C. The petitioner corresponds with all applicable regulatory agencies for all other permits necessary. These may include, but are not limited to the following:
 - i. the Madison County Health Department;
 - ii. the Madison County Soil and Water Conservation District office;
 - iii. the Madison County Surveyor and Drainage Board;
 - iv. the Madison County Auditor's Office;
 - v. the Lapel Police Department;
 - vi. the appropriate local fire district;
 - vii. the appropriate local school corporation;
 - viii. the Indiana Department of Transportation;
 - ix. the Indiana Department of Environmental Management;
 - x. the Indiana Department of Natural Resources;
 - xi. the Madison County Engineer; and
 - xii. all applicable utility companies.
- D. The Building Inspector places the request on the agenda for appropriate preliminary review meeting and Plan Commission meetings.
- E. The preliminary review meeting 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.
- F. The petitioner revises the proposed Preliminary Plat and submits revised copies of all appropriate materials for use at the Plan Commission hearing.
- G. 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.
- H. The petitioner attends the Plan Commission public hearing for consideration of the Preliminary Plat.
- I. The petitioner submits an application for Construction Plan Approval and the appropriate supportive materials to the Building Inspector for review.
- J. The petitioner constructs 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.
- K. The petitioner submits an application for Final Plat approval and all appropriate supportive materials to the Building Inspector for review.
- L. The preliminary review members consider 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.
- M. The Town Council considers the acceptance of the public improvements and the signing of the Final Plat.
- N. 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 Building Inspector for the records of the Plan Commission.

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:
 - i. The name of the subdivision if the subject property is within an existing subdivision;
 - ii. 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
 - iii. 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:
 - i. 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.
 - ii. Citations of any existing covenants on the property.
 - iii. 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:
 - i. 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.
 - ii. 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.
 - iii. 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).
 - iv. The approximate location and widths of proposed streets.
 - v. 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.
 - vi. The approximate location, dimension, and areas of all proposed or existing lots shown in feet and in acres.
 - vii. 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.
 - viii. 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.

Preliminary Plat Application and Review Procedure

- A. Application Requirements: The applicant shall file an application for Preliminary Plat Approval and the specified number of copies 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 all required approvals of the Madison County Drainage Board.
 - iii. Be accompanied by the specified number of copies of a Preliminary Plat meeting the requirements provided by this Article;
 - iv. Be accompanied by a fee in the amount established by the adopted fee schedule; and
 - v. 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).
- B. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Building Inspector. No docket number shall be released until all applicable fees have been paid for the application.
- C. Meeting Dates Established: In accordance with I.C. 36-7-

4-703, the Building Inspector shall announce the date of a hearing before the Plan Commission within 30 days 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.

- D. 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.
 - 1. 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.
 - 2. 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 Inspector shall place all applications forwarded to the Plan Commission by the preliminary review on the agenda for a public hearing at the appropriate Commission meeting based on the adopted calendar of meeting and filing dates.
- i. 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.
 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.
 - ii. 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.
 - iii. Approval of a Preliminary Plat by the Commission is not final approval of the subdivision.
 - iv. 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. Non-residential preliminary plats shall expire ten (10) years from the date of approval consistent with this Ordinance.

- v. 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. 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.

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:

- A. Property Name:
 - i. The name of the subdivision if the subject property is within an existing subdivision; or
 - ii. 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
- B. Property Ownership:
 - i. 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.
 - ii. Citations of any existing covenants on the property.
 - iii. 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:
 - i. A dimensioned drawing of the parcel of land which is being subdivided, including any remaining tract.
 - ii. Subdivision boundary lines showing dimensions, bearings, and references to section, township, range, and lines or corners.
- D. Development Description:
 - i. A legend and notes, including a graphic scale, north point, and data.
 - ii. 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.
 - iii. The approximate location of any existing or proposed wells.
 - iv. Preliminary Plat approval certificate for signing by the Plan Commission President and Secretary.
 - v. 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.
 - vi. 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.
 - vii. Any parcels of land proposed to be dedicated or reserved for common areas, schools, parks, playgrounds, or other public, semi-public, or community purposes.
 - viii. 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.
 - ix. The location(s) of any existing structure(s) on the site and a description of its future demolition or incorporation into the proposed subdivision.
 - x. 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.
 - xi. All proposed sidewalks or pedestrian trails. m. All locations of existing and proposed street lights and street signs.
 - xii. A statement of the expected demand of the subdivision for capacity at the applicable waste water treatment facility.
 - xiii. All proposed landscaping, signage, development entrance features, screening, and attempts at preserving natural terrain and open space. (The Plan Commission, preliminary review members, or Building Inspector may request a landscaping plan or buffering plan, prepared by a registered landscape architect, or landscape designer prepared on a separate sheet).
 - xiv. 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.
- E. 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.
 - F. 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.
 - G. 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.

- H. 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.
- I. 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.
- i. Drainage Report: A registered professional engineer or land surveyor shall prepare the report, which shall include:
1. The conditions of the watershed which may affect run-off, such as subsoil type, positive drainage, and obstructions.
 2. The location of all subsurface known drainage tiles and a plan to preserve or relocate the tiles.
 3. 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).
 4. 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.
- ii. Watershed Map: On a separate sheet, a watershed map complementing the Drainage Report using USGS contour information shall be provided, showing:
1. The delineation of the drainage area in which the subdivision is located.
 2. The location of drainage courses and the existing direction of surface water flow within the drainage area.
- iii. 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:
1. The location of natural streams, regulated drains, 100-year flood plains and floodways.
 2. The location of any existing or proposed subsurface drain tile, structures, culverts, or swales.
 3. 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.
 4. 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.
- J. Vicinity Description: On a separate sheet a vicinity map must be submitted that includes the following information:
- i. Location of the proposed subdivision within the Town
 - ii. 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.
 - iii. Existing schools, parks, playgrounds, or other

- similar public facilities that will serve the proposed subdivision.
 - iv. 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.
 - v. All public thoroughfares/rights-of-way adjacent to or within 200 feet of the site.
 - vi. 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.
 - vii. Existing zoning of the tract and all contiguous tracts surrounding the proposed subdivision.
 - viii. All section and municipal corporate boundaries lying within or contiguous to the tract.
- K. 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:
 - i. 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.
 - ii. 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.

Construction Plan Application and Review Procedure

- A. 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 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 the Construction Plans meeting the requirements provided by this Article; and
 - iii. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Building Inspector.
- C. 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.
- i. 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.
 - ii. 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.
 - iii. 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.
 - 1. The review members shall approve the Construction Plans if they are consistent

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

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 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:

- A. 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.
- B. 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

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.

- C. The Building Inspector may require, where steep slopes exist, the cross-sections of all proposed streets.
- D. 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.
- E. 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.
- F. Any other construction details required to be shown by the Building Inspector, Engineer, or members conducting the preliminary review.

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. 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

- C. approval request is submitted to the Building Inspector. 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.

Final Plat Application and Review Procedure

- A. Application Requirements: The applicant shall file an application for Final Plat Approval and the specified number of copies 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 the Final Plat meeting the requirements provided by this Article;
 - iii. Be accompanied by the original documents and the specified number of copies of the surety required by this Ordinance for all public improvements.
 - iv. Be accompanied by "as-built" drawings showing the location, dimensions, and materials used to construct all improvements within the subdivision.
 - v. Be accompanied by a computer disk containing an electronic version of the Final Plat and "asbuilt" drawings in a format specified by the Building Inspector.
 - vi. 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.
- vii. Be accompanied by a fee in the amount established by the adopted fee schedule.
- B. Processing Standards: No application shall be processed until the application is filled out correctly and all applicable attachments are presented to the Building Inspector.
- C. Preliminary Review: 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.
- i. 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.
- ii. The review members shall review all Final Plat approval materials submitted in a meeting with the applicant, and shall either approve, table and require modification, or deny the Final Plat application.
- iii. The review members shall approve the Final Plat if all required application materials are provided in a manner consistent with this Ordinance and any other adopted procedures of the Town.
- iv. The review members shall table and require modifications of the Final Plat application if additional information is needed or modifications are required for the Final Plat drawing or the accompanying materials to be consistent with the approved Preliminary Plat, Construction Plans, and/or the requirements of this Ordinance.
- v. The review members shall deny the Final Plat if the application materials are inconsistent with the approved Preliminary Plat or Construction Plans.
- D. The Building Inspector shall sign the Final Plat as an indication of the preliminary review approval. The approval of the Final Plat by members of the preliminary review 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.
- E. If the review members disapproves the Final Plat, the Building Inspector 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.
- F. 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.
- Specifications for Final Plat Documents to be Submitted**
- A. 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:
- i. Accurate boundary lines, with dimensions and angles, which provide a survey per state statute in state plane coordinates.
- ii. Accurate distances and directions to the nearest official monument. Reference corners shall be accurately described on the plat.
- iii. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- iv. Accurate metes and bounds description of the tract boundary.
- v. Source of title of petitioner to the land as shown by the last entry in the books of the County Auditor.

- vi. Name of subdivision followed by the words “Final Plat.”
- vii. Name, address, and phone number of the petitioner.
- viii. North point, graphic scale, and date.
- ix. Street names.
- x. Complete curve table for all curves included in the plat.
- xi. 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.
- xii. Lot numbers and dimensions including the square footage and acreage of each lot.
- xiii. Accurate locations of easements, description of their use, and any limitations on such semi- public or community use.
- xiv. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use, including sidewalks, bikeways, and other recreational ways.
- xv. Building lines and setback dimensions throughout the subdivision.
- xvi. Location, type, material, and size of all monuments and markers.
- xvii. Construction plans and specifications for the improvements required by this Ordinance.
- xviii. Restrictions of all types which will run with the land and become covenants in the deeds for lots.
- xix. Certification by a registered land surveyor.
- xx. 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.

xxi. Certificate of approval by the Building Inspector and Plan Commission.

- B. All Final Plats shall also show any other information or data requested by the Inspector necessary to clarify conditions and terms of plat approval.

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 shall place the application on the agenda of the Town Council.

- A. The Council shall review the application materials, the preliminary review report prepared by the Building Inspector, and the condition of the public improvements and surety. The Council shall consider input from the Town Attorney, Engineer, and the town departments responsible for the maintenance of the improvements.
- B. 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.

Recording of Final Plat

- A. 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.
- B. The applicant shall be required to submit a mylar copy of the recorded final plat to the Building Inspector 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.

Permit Restrictions

- A. 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, sidewalks, and street trees, as specified in this Ordinance.
 - i. 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. The installation of street trees and sidewalks may be delayed until structures are completed on each lot.
- B. No structure shall receive a Certificate of Occupancy until the required sidewalk and street trees are installed on the lot.
- C. 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 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.
 - iii. The surety shall specifically list the name of the subdivision and section, if applicable, to which it applies, the date from which it is valid, the time period for which it is valid, the public improvements to which it applies, and whether it is “maintenance”

or “performance” surety. The surety shall further comply with all statutory requirements and shall be satisfactory to the Town Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.

iv. Maintenance surety shall be provided in an amount equal to 25% of the cost of the public improvements and their installation and shall be provided for a period of three (3) years from the date the improvements are accepted by the Town Council.

v. Performance surety shall be provided in an amount equal to 125% of the cost of the yet incomplete public improvements and their installation and shall be provided for a time period sufficient to ensure the installation for the improvements.

1. Performance surety shall be provided for sidewalks, street trees, erosion control, and the street surface which are generally not complete at the time of Final Plat acceptance, subject to the provisions for the installation of such improvements provided by this Ordinance.

2. Performance surety shall be also be provided for any other public improvements which are incomplete in total or in part at the time of Final Plat acceptance. The acceptance of performance surety rather than complete improvements in the case of items other than sidewalks, street trees, erosion control, and the street surface shall be considered by the Town Council, upon the recommendation of the Engineer and Building Inspector, based on the following considerations:

a. Whether or not the failure

to complete the public improvements was the result of a situation specific to the physical conditions or unique design requirements of the subdivision or a natural event beyond the control of the subdivider.

b. Whether or not the incomplete improvements would negatively affect public safety, health or welfare.

c. Whether or not the incomplete improvements would negatively affect property values or pose a hazard to adjacent property, or structures to be completed in the development prior to the completion of the improvements.

d. Whether or not the subdivider is able to complete the public improvements in a satisfactory and timely manner.

3. In no case may the initial time period for the performance surety for these improvements exceed two (2) years. The Town Council may, upon review and advice of the Building Inspector and Engineer, extend the time period allowed for the completion of improvements and the validity of the performance surety.

vi. Either maintenance or performance surety shall be provided for all public improvements, including but not limited to, street compaction, subsurface, base, and surface; sanitary sewers; curbs; gutters; sidewalks; surface swales; subsurface and storm drainage systems; seeding/erosion control; landscaping; and any other public improvements

- required by the Plan Commission or other appropriate public agency through the Preliminary Plat and Construction Plan review and approval process.
- vii. A developer may request permission of the Town Council to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had a sufficient time period to prove its durability under the stress of heavy construction traffic. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the one (1) inch surface layer of asphalt.

Release of Performance Surety

- A. Upon completion of the public improvements for which performance surety has been provided, the subdivider shall make a written request to the Town Council for the release of the surety. The request shall include the following:
- i. a description of the public improvements which have been completed;
 - ii. a report from the subdivider's engineer certifying that the improvements were completed consistent with all applicable requirements and standards; and
 - iii. maintenance surety for the public improvements consistent with the requirements of this Article.
- B. The Building Inspector and Engineer shall provide appropriate inspections of the public improvements and the matter shall be placed on the agenda for the appropriate meeting of the Town Council.
- C. Before any performance surety covering a street installation is released, the Building Inspector, Town Council, or Engineer may request that core borings of the street be done at the subdivider's expense. Cores shall be reviewed by an independent testing laboratory or registered engineer for analysis.
- D. If the Building Inspector and Engineer report that the
- E. public improvements were completed consistent with all applicable standards and appropriate maintenance surety is provided, the Town Council shall release the performance surety and accept the public improvements. If the Building Inspector and/or Engineer report that the public improvements have not been completed in a satisfactory manner then the Town Council may deny the request for the release of the performance surety, providing a written statement of denial to the subdivider which includes a detailed list of required corrections. The petitioner shall make the required corrections and reapply for the release of the surety.
- F. In reviewing requests for the release of performance surety, the Building Inspector, Engineer, and Town Council shall consider the following:
- i. Whether or not the improvements were completed in a manner consistent with the approved Preliminary Plat, approved Construction Plans, and all applicable standards and requirements;
 - ii. Whether or not the report provided by the subdivider's engineer is complete and satisfactory; and
 - iii. Whether or not the public improvements are in good condition and appropriate for use by the public.
 1. All streets and sidewalks shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
 2. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
 3. All erosion control measures shall be consistent with applicable standards for the limiting of erosion and sedimentation.
 4. The areas adjacent to all sidewalks shall be graded and seeded.
 5. All street trees shall be healthy and the

planting area shall be graded.

- G. In any case where the required public improvements have not been completed two (2) months prior to the date the performance surety will expire and the Town Council and the subdivider are unable to reach agreement on an extension of the time frame for the surety and the completion of the public improvements, the Council may declare the surety to be in default. The required public improvements may then be installed by the Town, using the funds from the surety.

Release of Maintenance Surety

- A. The subdivider shall be required to ensure that the public improvements covered by the maintenance surety remain free of construction related defects for the term of the surety.
- i. The public improvements shall be subject to periodic inspection by the Town. Written notice shall be provided to the subdivider of any defects that are detected and any corrections that are required. The subdivider shall make the necessary corrections consistent with all applicable construction requirements.
 - ii. The Town Council may require, upon review and advice of the Building Inspector and/or Engineer, that additional maintenance surety be provided for the portion of the public improvement which was subject to repair for a time period of three (3) years from the date the repair was completed.
- B. Two (2) months prior to the expiration of the surety, the subdivider shall make a written request to the Town Council for the release of the surety on the expiration date. The request shall include the following:
- i. a description of the public improvements to which the surety applies; and
 - ii. a report from the subdivider's engineer certifying that the improvements remain free of construction related defects.
- C. The Building Inspector and Engineer shall provide appropriate inspections of the public improvements and the matter shall be placed on the agenda for the appropriate meeting of the Town Council.
- D. If the Building Inspector and Engineer report that the public improvements are in satisfactory condition and free of construction related defects, the Town Council shall release the maintenance surety and assume complete responsibility for the upkeep of the improvements
- E. If the Building Inspector and/or Engineer report that the public improvements are not in satisfactory condition and do contain unresolved construction related defects then the Town Council may deny the request for the release of the maintenance surety, providing a written statement of denial to the subdivider which includes a detailed list of required corrections. The petitioner shall make the required corrections and reapply for the release of the surety.
- i. Subject to the approval of the Council, the subdivider may provide a performance surety for any portion of the public improvements to be corrected in lieu of the completion of the correction in order to obtain the release of the maintenance surety.
 - ii. Generally, the use of performance surety in this manner shall be limited to instances when weather conditions or other features unique to the subdivision or nature of the public improvements prevent the timely completion of the required corrections. In no case may the time period provided for the completion of the corrections and the performance surety be more than one (1) year from the date of the Council meeting at which notice of the required corrections is provided to the subdivider.
- F. In reviewing requests for the release of maintenance surety, the Building Inspector, Engineer, and Town Council shall consider the following:
- i. Whether or not the improvements are free of construction related defects;

- ii. Whether or not the report provided by the subdivider's engineer is complete and satisfactory;
- iii. Whether or not the public improvements are in good condition and appropriate for use by the public.
 - 1. All streets and sidewalks shall be clear of all dirt, debris, standing water, and construction equipment and/or supplies.
 - 2. All drainage structures shall be clear of sedimentation, debris, or other obstructions and be adequately secured to prevent access by the public.
 - 3. All erosion control measures shall be effective consistent with applicable standards for the limiting of erosion and sedimentation.
 - 4. The areas adjacent to all sidewalks shall be graded and seeded.
 - 5. All street trees shall be healthy and exhibiting a normal growth pattern.
- G. In any case where the public improvements are not deemed to be free of construction defects and otherwise in satisfactory condition two (2) months prior to the date the maintenance surety will expire, and the Town Council and the subdivider are unable to reach agreement on an extension of the time frame for the surety and the correction of the public improvements, the Council may declare the surety to be in default. The required corrections to the public improvements may then be made by the Town, using the funds from the surety.

V12.1.6

Major Subdivision Principles & Design Standards

General Standards

- A. No land shall be subdivided for any use if the land is considered by the Plan Commission to be unsuitable for such use by reason of flooding or improper drainage, or objectionable earth or rock formations, topography or other features harmful to the health, safety and welfare of future residents or visitors and by the community as a whole.
- B. The Plan Commission may require either a general or operational soil survey, with interpretations, where it is not readily apparent from existing information that the land to be subdivided is not subject to flooding or does not contain poor drainage characteristics.
 - i. If required, the survey shall be conducted by a qualified person or agency acceptable to the Plan Commission. In the event that the Plan Commission finds the land to be subdivided unacceptable due to the results of the soils survey, the Plan Commission shall not approve the plat.
 - ii. The Plan Commission may prescribe conditions that the subdivider must meet to obtain approval and these conditions may be incorporated into an agreement between the Plan Commission and the subdivider.
- C. The subdivision design and layout shall be such that it protects the health, safety, and general welfare of the residents in the jurisdiction of the Lapel Plan Commission.
- D. No Parent Tract shall be permitted unless public sewer systems are available and will be used by all lots to be created and any remaining tract.
- E. In addition to the requirements established herein, all subdivision plats shall comply with the following rules, laws, and regulations:
 - i. The local zoning ordinance, building and housing codes, and all other applicable laws of Lapel and the statutory provisions of the State of Indiana.
 - ii. The current Comprehensive Plan as adopted by

- the Town Council.
- iii. The rules and regulations of the Indiana Department of Environmental Management, the Department of Natural Resources, the Aeronautics Commission, the Madison County Drainage Board, and other appropriate agencies.
- iv. The rules, regulations and standards of the Indiana Department of Transportation (if the subdivision or any lot contained therein abuts a state highway).
- v. All applicable planning and regulatory guidelines, including access control, driveway manuals, parking and traffic control ordinances, and other applicable guides published or adopted by the Town of Lapel.
- vi. The “Indiana Manual of Uniform Traffic Control Devices” for placement and installation of traffic control devices.
- vii. All subdivisions shall be designed on state plane coordinates.

Lot Standards

- A. All lot sizes, setbacks, widths, width to depth ratios, and other dimensions shall comply with the minimum standards provided by the Lapel Zoning Ordinance for the district in which the subdivision is zoned.
 - i. When not served by public sewer, the lot sizes and other dimensions shall also conform with any additional requirements for the adequate provision of sewage treatment and water supply as determined by this Ordinance or the Madison County Health Department.
 - ii. In cases where the provisions of the Zoning Ordinance and requirements of the Health Department are in conflict, the more restrictive shall apply.
- B. Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this requirement is permissible, but irregular

lots, such as flag lots shall be avoided.

- C. The lot size, width, depth, shape, grade, location, and orientation shall be in proper relation to the street and block design and to existing and proposed topographical conditions.
- D. Every lot shall abut on a public street consistent with the requirements of this Ordinance and the Lapel Zoning Ordinance.
- E. Double Frontage lots (also known as through lots - See **Figure V12.1.6.1**, below) shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

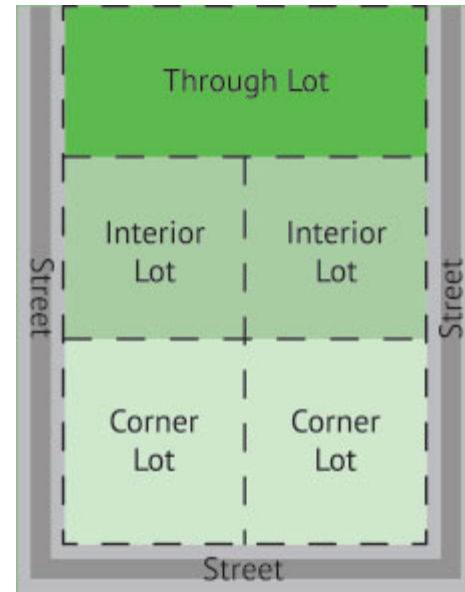


Figure V12.1.6.1

- i. For all through lots, a landscaped common area shall be provided between the rear yard of the lots and the right-of-way of the adjacent street.
- ii. The landscaped area shall be a minimum of 15 feet in width and meet the following requirements:
 - 1. A row of deciduous canopy trees shall be

planted parallel to the adjacent street, within the common area with trees placed an average of 20 feet apart. The trees shall measure 2 1/2 inches in diameter at nursery height (six (6) inches above the rootball) at the time of planting.

2. A six (6) foot tall opaque wooden fence or brick or stone wall, a four (4) foot tall undulating mound planted with shrubs, or a row of evergreen trees shall be placed within the landscape common area between the deciduous trees and the rear yard of the lots.

a. If an undulating mound is used to fulfill the requirements, one (1) shrub for every ten (10) feet of continuous boundary shall be planted on the mound. All required shrubs shall measure 18 inches in height measured from grade at the time of planting.

b. If a row of evergreen trees is used to meet the requirements, one (1) tree shall be placed every ten (10) feet along the common area. Evergreens shall measure six (6) feet in height at the time of planting.

iii. In cases where the provisions of the landscaped common area and Buffer Zone requirements for the district are in conflict, the more restrictive shall apply.

F. Corner lots shall be required to provide front yard setbacks on both frontages, and shall be designed with adequate size and width to accommodate the required setbacks and adequate buildable area.

G. Lots shall be numbered consecutively throughout the entire

subdivision and shall be consistent with any phasing that may be planned for the development.

H. Lots abutting a watercourse, drainage way, channel, stream, or flood plain shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required by the Zoning Ordinance from front, rear, and side yards.

I. Direct vehicular access from lots to Arterial streets shall be prohibited. Lots in all developments shall generally be designed so as to prevent vehicles from having to back into any Collector Street. All nonresidential lots (including multifamily residential lots) shall generally be designed so as to prevent vehicles from having to back into any public street.

Block Standards

A. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted where reverse or double frontage lots are used in blocks adjacent to arterial or collectors streets, watercourses, or industrial, or commercial areas.

B. Block length, width, and acreage within bounding streets shall be such as to accommodate the size of lot required by the Zoning Ordinance for the district in which the subdivision is to be located, and to provide convenient access, circulation control, and safety of street traffic.

C. Blocks shall not exceed 800 feet in length, nor be less than 300 feet in length. Regardless of block size, a pedestrian sidewalk a minimum of five (5) feet in width shall be provided within an easement not less than ten (10) feet in the width near the center and entirely across the block to provide circulation or access to schools, playgrounds, common open space, shopping centers, transportation and other community facilities.

i. The sidewalks shall be constructed consistent with the sidewalks construction standards provided in this Ordinance.

- ii. An association of lot owners in the subdivision shall be responsible for the maintenance of the sidewalk and easement.

Street Location and Arrangement Standards

- A. General Requirements: The arrangement, character, extent, width, grade and location of all streets shall be correlated to existing and planned streets, existing topography, public convenience and safety, and the proposed uses of the land to be served by such streets.
 - i. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
 - ii. The street layout shall provide adequate vehicular access to all lots and parcels of land within the subdivision.
- B. Design Considerations: In designing and approving subdivision streets, the following factors shall receive consideration:
 - i. accessibility for emergency vehicles and school buses;
 - ii. safety for both vehicular and pedestrian traffic;
 - iii. efficiency of service for all users;
 - iv. connectivity between subdivisions and the development of complete communities;
 - v. liabilities or amenities as affected by traffic elements in the circulation system; and
 - vi. economy of both construction and use of land.
- C. Street Arrangement: The arrangement of streets in all subdivisions shall promote the continuation of existing streets, proposed future streets, and streets to be provided as a result of the subdivision construction.
 - i. Continuation of Existing and Proposed Streets: The arrangement of streets in all subdivisions shall provide for the continuation and projection of existing and proposed streets on immediately adjacent properties and in surrounding areas generally, or conform to a street plan of the general

- ii. Continuation of Subdivision Streets: Right-of-way of proposed streets shall be extended to the boundary lines of the proposed subdivision so that either (1) at least one connection may be made to each adjacent undeveloped property, or (2) at least one connection may be made for every 1,600 feet of property line shared between the subdivision and adjacent undeveloped property. In cases where these provisions are in conflict, that which provides the most points of connectivity shall apply.
 - 1. The Plan Commission may waive this requirement in cases where the Commission deems that any such extension is not feasible due to topography or other physical conditions, or the extension is not necessary or desirable for the coordination of existing and future streets or not appropriate for the development of adjacent property consistent with the Comprehensive Plan.
 - 2. No subdivision shall be designed so as to create or perpetuate the land-locking of any adjacent undeveloped tract.
- iii. Temporary Dead-End Streets: A temporary dead-end street shall be permitted in any case in which a street is designed to be extended to adjacent properties in the future.
 - 1. Any dead end street which extends more than 300 feet in length shall be provided with a temporary cul-de-sac or other turn-around consistent with the requirements of the Engineer.
 - 2. Any temporary turn-around shall be included in a roadway easement which shall be vacated to the property owners at the time the street is extended or the area approved and adopted by the Plan Commission.

- Town Council, upon recommendation of the Engineer and Building Inspector, determines that the turn-around is no longer needed.
3. All temporary dead end streets shall be provided with street signage that indicate the road as being a “dead end”. The subdivider shall assume all costs of the installation of the signs.
- E. **Traffic Separation Requirements:** Where a subdivision abuts or contains an existing or proposed arterial or collector street, the Plan Commission may require:
- i. marginal access streets;
 - ii. reverse frontage contained in a nonaccess reservation along the rear property line having a minimum width of five (5) feet;
 - iii. lots with rear service ways, or
 - iv. any other such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- F. **Service Road Requirements:** Where a subdivision borders on, or contains an existing or proposed interstate or other limited access highway or arterial road or a railroad right-of-way, the Plan Commission may require a street approximately parallel to, and on each side of the right-of-way, at a distance suitable for the appropriate use of the intervening land (such as for park purposes in residential districts).
- i. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.
 - ii. The Plan Commission may require that the intervening land strips be dedicated to the Town or to a lot owners association for the subdivision in which it is located. The land strip shall be maintained by the involved government unit or lot owners association from the date of any such dedication.
- G. **Half-Streets:** Half-streets shall be prohibited. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract.
- H. **Improvement of Existing Streets:** Whenever a proposed subdivision borders or includes an existing street, the Commission may require, as a condition of plat approval, the reconstruction or widening of such street, the provision of sidewalks, and any other improvement consistent with the requirements of this Ordinance for new streets developed as a part of the subdivision.
- i. Additional dedication of right-of-way shall be required.
 - ii. Except for situations where a passing blister is required at the entrance to a subdivision, this provision shall not be interpreted as requiring the acquisition and dedication of right-of-way or the completion of improvements extending onto property on the opposite side of a street adjacent to the subdivision, where such property is not included in the street right-of-way and not owned or otherwise controlled by the subdivider.
- I. **Access Requirements:** Subdivisions of 20 lots or less shall be limited to one point of access onto any arterial or collector road. For subdivisions of greater than 20 lots, two (2) or more streets, driveways, or points of vehicle access may be approved or required by the Plan Commission if such accesses are determined by the Plan Commission to be required for safe and efficient traffic circulation or the continuation of existing streets.
- i. This shall not be required if the subdivision is adjacent to an existing development with streets laid out in a grid pattern (sometimes referred to as traditional or gridiron)
 1. In this case, the subdivision shall be designed so that the streets connect to the existing grid pattern of the adjacent development.

- J. Private Streets: Private streets shall be prohibited.
- i. In no case shall this be interpreted as being in conflict with the shared drive requirements of this Ordinance.
 - ii. When there is a situation of unusual physical conditions or a controlled design environment in evidence, and it can be satisfactorily demonstrated to the Commission that a waiver of the public street requirement, and the provision of a private street, is the only feasible solution, said private street may be permitted and shall be equal in all aspects of construction to like-classified public streets, including pavement section and width.
 1. A road way easement shall be provided which equates the right-of way requirements for like-classified public streets.
 2. Required setbacks from the private street roadway easements shall be equal to those which are required from the rights-of-way of like-classified public streets.
 3. Street lights, curbs and gutters, and sidewalks shall be provided for all private streets consistent with the requirements for like-classified public streets.
 4. Adequate covenant provisions shall be made for direct responsibility and control by the property owners involved to provide for the perpetual operation, liability, and maintenance of said private streets at no expense to any current or future governing jurisdiction.

Street Geometric Standards

- A. General Requirements: The classification of all streets shall be defined by a Thoroughfare Plan or Functional Classification Map (available through the Metropolitan Planning Organization). The Plan Commission shall assign a classification, based on the provisions of the Thoroughfare Plan or Functional Classification Map, to all proposed streets at the time of Preliminary Plat review and approval.
- B. Street Measurement: Street width shall be measured from back of curb to back of curb.
- C. Intersection Requirements: Street intersections shall be designed to promote the maintenance of the sight visibility triangle requirements of the Lapel Zoning Ordinance and shall be consistent with the following additional requirements;
 - i. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than 80 degrees shall not be acceptable. All streets shall intersect at 90 degrees whenever possible and maintain the 90 degree orientation for a minimum distance of 100 feet in residentially used and/or zoned areas and a distance of 300 feet in non-residentially zoned or used areas.
 - ii. Not more than two (2) streets shall intersect at any one (1) point, unless specifically required to promote efficient and safe traffic movement or in response to a recommendation of the Thoroughfare Plan.
 1. In instances in which more than two (2) streets intersect at any one (1) point, the installation of a roundabout shall be required.
 - a. The roundabout shall be designed in accordance with the most recent standards of the Federal Highway Administration.
 - iii. Proposed new intersections along one (1) side of an existing street shall, whenever practicable, coincide with any existing or proposed intersection on the opposite side of such street. Street jogs with center line offsets of less than 200 feet shall not be permitted.
 - iv. Local street intersections shall be rounded by radii

- of at least 25 feet. A radius of at least 35 feet shall be used at all intersections with an arterial road, and radius of at least 30 feet shall be used at all intersections with a collector road. The above minimum radii shall be increased as required by the Engineer when the angle of street intersection is less than 90 degrees, and/or where necessary to accommodate a school bus or emergency vehicle.
 - v. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of 100 feet in either direction, measured from the center line of the intersecting street.
 - vi. At the intersection of any proposed Local Road with any existing street, acceleration and deceleration lanes, and passing or left turn lanes may be required by the Plan Commission and/or Engineer.
- D. Reverse Curve Requirements: A tangent of at least 100 feet long shall be introduced between reverse curves on arterial and collector roads. All local roads shall have a tangent at least 50 feet long on reverse curves.
- E. Sight Distance Requirements: A clear sight distance, measure along the centerline of the road, shall be provided for a minimum 300 feet along all roads with speed limits greater than 45 miles/ hour (MPH), 200 feet along all roads with speed limits between 30 and 45 mph, and 100 feet along all roads with a speed limits of 30 mph or less.
 - F. Vertical Grade Requirements: The maximum vertical grade shall not exceed a maximum of 5% for arterial roads, 7% for collector roads, and 8% for local roads. Such maximum grades shall be reduced by 50% on all roads within 200 feet of an intersection with another street or a railroad.
 - G. Street Geometric Design Requirements: All streets shall conform to the minimum specifications for design established by the following table based on the classification provided by the Thoroughfare Plan, Functional Classification Map, or otherwise assigned by the Plan Commission. All alleys shall have a minimum pavement width of 16 feet and a minimum right-of-way width of 20. All alleys shall be consistent with

Street Design Standards							
	Arterial (all uses)		Collector		Local Road		
	Divided	Non-divided	Residential	Non-Res.	Residential	Commercial	Industrial
Right-of-way Width (ft)	100	90	70	80	60	60	70
Pavement Width (ft)	2 @ 24	48	36	36	26	26	28
Median (ft)	16	NA	NA	NA	NA	NA	NA
Curb and Gutter	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Minimum Sidewalk Width (ft)	8	8	5	8	5	8	8
Minimum Planting Strip (ft)	10	10	10	10	6	6	6
Maximum Grade	5%	5%	7%	7%	8%	8%	8%
Minimum Grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Minimum Tangent	100	100	100	100	50	50	50
Minimum Corner Radius (ft)	35	35	30	30	25	25	25

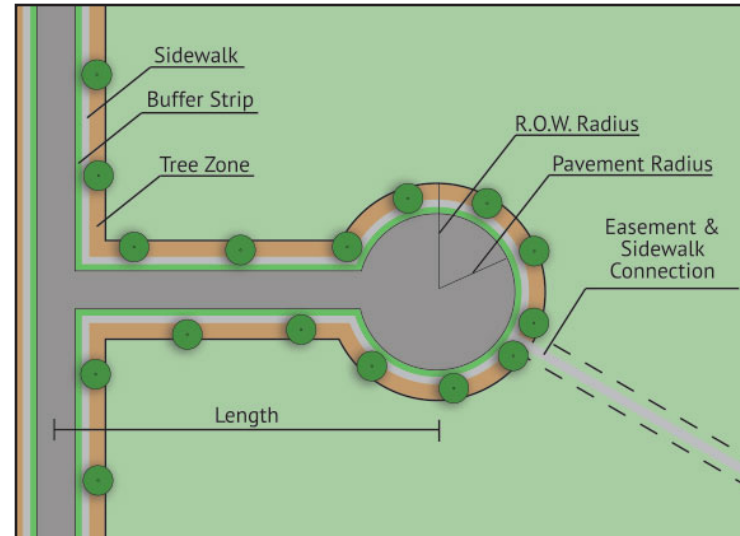
the construction standards provided in this Ordinance for local roads.

Cul-de-sac Standards

- A. General Requirements: Cul-de-sacs may be permitted by the Plan Commission only in locations where either of the following conditions exist:
- i. the construction of a through street is not possible due to the presence of natural barriers, or
 - ii. the construction of a through street is not possible due to the presence of an adjacent development which provides no opportunities for connecting any through street.
- B. All cul-de-sacs shall meet the following design requirements:
- i. The maximum length of all cul-de-sacs shall be 300 feet, measured along the centerline from its intersection with the centerline of another street to the center of the turn-around right-of-way.
 - ii. The minimum pavement radius of all cul-de-sacs shall be 60 feet.
 - iii. The minimum right-of-way radius of all cul-de-sacs shall be 75 feet. Sufficient right-of-way shall be provided to allow a minimum of 16 feet of right-of-way between all sides of the cul-de-sac turn-around pavement and adjacent properties.
 - iv. The intersection of the cul-de-sac street segment and cul-de-sac turn around shall be rounded by a radii of at least 30 feet.
 - v. A sidewalk 5 feet in width shall be provided around the entire turn-around of the cul-de-sac. A three (3) foot wide buffer strip shall be provided between the back of curb of the cul-de-sac pavement and the sidewalk.
 - vi. An eight (8) foot wide Tree Zone shall be provided between the edge of the sidewalk and primary structure to allow space for the planting of street trees.
 - vii. In no case may an arterial or collector road

terminate in a cul-de-sac.

- viii. A sidewalk shall be provided between two (2) lots located on the turn-around of the cul-de-sac connecting the sidewalks adjacent to the turn-around with those on adjacent streets and/or within adjacent developments.
1. The sidewalk shall be a minimum of five (5) feet in width and shall be located in an access easement which is a minimum of ten (10) feet in width.
 2. The sidewalks shall be constructed consistent with the sidewalks construction standards provided in this Ordinance.
 3. An association of lot owners in the subdivision shall be responsible for the maintenance of the sidewalk and easement.



- C. Cul-de-sacs shall be distinguished from the shared drives required for Administrative Subdivisions in this Ordinance.

Curb & Gutter Standards

- A. General Requirements: Poured concrete two (2) foot curbs and gutters shall be provided on all roads. Curbs shall be installed on each side of the street surface and are to be considered as part of the width of the street.
- B. Gutter Grade Requirements: The minimum grade of any street gutter shall not be less than 0.5%.

Sidewalk Standards

- A. General Requirements: Sidewalks shall be provided on all roads including the perimeter around any residential developments or subdivision, and shall meet the following design standards.
 - i. Sidewalks shall be provided on both sides of the road, including completely encircling the turnaround of any cul-de-sac.
 - ii. Sidewalks shall be separated from the back of the curb of the adjacent road by a buffer strip which is a minimum of ten (10) feet in width along arterial and collector roads and six (6) feet in width along local roads.
 - 1. Screening materials used to comply with any buffer zone requirements may be located within the buffer strip.
 - iii. Sidewalks shall be a minimum of five (5) feet in width in residential areas and subdivisions, and eight (8) feet in width in non-residential and mixed use areas, or when located along the perimeter of a subdivision or residential development.
 - iv. Smooth transitions (slow tapers) are required if a sidewalk is to be transitioned from one width to another.
 - v. The surface of any sidewalk when completed shall have a sufficient slope to drain toward the center of the street.
- B. Asphalt pedestrian paths, rather than concrete sidewalks are permitted when they are a part of a trail system linking common open spaces, public

spaces, or natural features.

- i. All asphalt paths must be a minimum of eight (8) feet wide and meet the thickness and base requirements of the Engineer.
- C. When sidewalks or pathways cross roads within or adjacent to the subdivision, safety devices such as painted crosswalks, alternative pavement types, signs, or traffic signals shall be installed.
 - i. When deciding the appropriate safety device to be installed, the Engineer shall consider the following.
 - 1. The location of the crossing (for example, a crossing within close proximity to a school would require an enhanced safety features).
 - 2. Traffic volumes (all modes)
 - 3. Posted speed limits
 - 4. Other items deemed significant by the Engineer, Plan Commission, or Town Council.
- D. Easements of at least ten (10) feet in width shall be provided for sidewalks or pedestrian paths which are not completely included in public right-of-way adjacent to a road. Pedestrian paths and sidewalks which link common areas, public sites, or natural features as part of the subdivision's open space design shall be included in the subdivision's common area, and may not be located within an easement on private property.

Street Lighting Standards

- A. Street lights shall be provided by the subdivider at all intersections of roads within and adjacent to the subdivision and where necessary to provide continuous lighting on all subdivision streets.
- B. The specific locations and design of the street lighting shall be approved by the Plan Commission, the Engineer, and the Town Council, based on the lighting options made available by the appropriate local electric company.
- C. Street lights shall be located in the right of way, adjacent to

- the road. The light fixtures shall be located in the planting strip which separates the road pavement from the sidewalk.
- D. All costs related to the installation of the street lighting shall be the responsibility of the subdivider. All costs relating to the use and maintenance of the street lights shall be the responsibility of the lot owner's association in the subdivision.

Subdivision and Street Name Standards

- A. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in Lapel. The Plan Commission shall have final authority to approve the name of the subdivision which shall be determined at the time of the Preliminary Plat approval.
- B. Street names shall not duplicate any existing name within Lapel except where a new street is a continuation of an existing street.
- i. Streets which are designed and/or shall function as the extension of an existing street shall be named consistent with the existing street.
 - ii. The term "court" shall be reserved for cul-de-sac streets.
 - iii. The terms "place" and "circle" shall be reserved for circular streets which intersect with another street at two locations and cannot be divided into more than one street.
 - iv. Street names that may be spelled different but sound the same as existing streets shall not be used.
 - v. All street names and addresses are subject to review and approval by the Plan Commission for consistency with the local 911 emergency phone system.
 - vi. The Town Council shall have final authority to name all streets at the time of acceptance of public improvements.

Easement Standards

- A. General Requirements: Adequate areas of suitable size and location shall be provided as utility easements for the conveyance of utility systems to, and within the subdivision. Generally, easements shall be provided in the following manner:
- i. Easements for water supply, telephone, cable television, electricity transmission, data networks, and natural gas shall be a minimum of 15 feet in width and provided in the front yard adjacent to the right-of-way of the public road. Water supply service may also be provided in the right-of-way.
 - ii. The provision of sanitary sewer service shall be accomplished in the right-of-way.
- B. Drainage easements shall be a minimum of 15 feet in width, with 1/2 the width of the easement taken from each lot. In the case of lots extending to the boundary of the lands platted, and not adjoining another plat, and front yard drainage easements, the full width of the easement shall be provided on such lots. Drainage easements shall:
- i. provide continuity from block to block,
 - ii. be located along rear, side, or front lot lines as necessary, and
 - iii. generally be contiguous to the street at the end of the block to connect with adjoining blocks in the shortest direct line.
- C. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream the subdivider shall designate drainage easements on both sides of the watercourse, the width to be determined by the Plan Commission and the Engineer and, in the case of a legal drain, the Madison County Drainage Board.
- D. Easements to permit access for maintenance and repair of surface and subsurface drainage improvements established by law and utility installations, shall be provided on the Preliminary Plat, Construction Plans, and Final Plat.
- E. The location of all easements shall be reviewed by the Town and/or its representatives along with the local utility

- 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.
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.
- v. 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.
- vi. Access easements shall be provided for any private sidewalks providing access to the common open space for persons outside the development.
- vii. 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 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.

Street Tree Standards

- A. General Requirements: All subdivisions shall be required to provide street trees along all streets within and adjacent to the subdivision.
 - i. Street trees shall be planted in the eight (8) planting area located in the Frontage Zone when within residential developments and in the ten (10) foot buffer strip around the perimeter of the development.
 - ii. Existing trees on property located in the right-of-way of a public street may be considered as meeting the street tree requirement if such trees are in good health and are protected during the construction process.
 - 1. The Plan Commission shall determine whether or not existing trees may be used to satisfy the street tree requirement at the time of Preliminary Plat review.
 - 2. The Building Inspector may require the provision of maintenance bonds consistent with this Ordinance for any existing trees preserved for use as street trees.
- B. Planting Requirements: One street tree shall be planted for every 40 feet of street frontage. Street trees shall also meet the following requirements:
 - i. There shall be a minimum of three (3) tree species planted throughout the development - selected from the approved list of street trees. Tree species shall be evenly distributed throughout the development so that there is no consecutive planting of trees belonging to the same species.
 - ii. All street trees shall be a minimum of 2 1/2 inch calliper as measured consistent with the American Nursery Standards Institute (ANSI), six (6) inches from the top of the rootball, at the time of planting.
 - iii. No tree may be planted so that its center is closer than two (2) feet to a sidewalk or curb, or edge of pavement if no curbs are present.

- iv. No tree shall be planted within 25 feet of the intersection of two street rights-of-way, within the (10) feet of the intersection of a street and an entrance driveway, or within the Sight Visibility Triangle established by the Lapel Zoning Ordinance.
- v. No tree shall be planted within ten (10) feet of any fire hydrant or two (2) lateral feet of any underground utility service.
- vi. Street trees shall be hardy to Madison County, Indiana, free of disease and insects, and conform to the American Standard for Nursery Stock approved by the American Nursery & Landscape Association.

Approved Street Tree Species	
Common Name	Horticultural Name
American Hornbeam	Carpinus caroliniana
Pagoda Dogwood	Cornus alternifolia
Thornless Hawthorn	Crataegus crus-galli inermis
European Hornbeam	Carpinus betulus
Yellowwood	Cladrastis kentukea
Amur Cork Tree (male only)	Phellodendron amurense
River Birch	Betula nigra
Hackberry	Celtis occidentalis
European Beech	Fagus sylvatica
Ginkgo (male only)	Ginkgo biloba
Sweetgum	Liquidambar styraciflua
Tuliptree	Liriodendron tulipifera
Cucumber Magnolia	Magnolia acuminata
London Planetree	Platanus x acerfolia
Swamp White Oak	Quercus bicolor
Shingle Oak	Quercus imbricaria

English Oak	Quercus robur - 'Fastigiata'
Northern Red Oak	Quercus rubra
Japanese Pagodatree	Sophora japonica
Silver Linden	Tilia tomentosa
<p>This list is provided as a guide to the most appropriate species to be planted as street trees. Species not on this list may be suitable as street trees and may be approved for planting by the Plan Commission.</p>	

Sanitary Sewer Standards

- A. General Requirements: Lots in all major subdivisions, except those containing six (6) lots or less consistent with this Ordinance, shall be served by sanitary sewers. The appropriate sanitary sewer system shall be designed and installed by the subdivider and dedicated to the appropriate sanitary sewer provider.
 - i. The system shall be provided with all necessary supplemental equipment or machinery (including, but not limited to, lift stations) and be in such lengths, sizes, dimensions and specifications as shall be required by the sanitary sewer service provider.
 - ii. Sewer mains, transmission lines and structures, with the exception of any above ground structures such as lift stations or pumps, shall generally be located underground in the right-of-way provided along public streets. In all instances, the required drawings of these transmission lines shall be shown with the locations of any required street trees.
- B. Plans and Specifications: The plans for the installation of a sanitary sewer system shall be prepared by a registered professional engineer, be provided by the subdivider, be approved by the appropriate sanitary sewer service provider, and be in accordance with the Indiana State Board of Health and Indiana Department of Environmental

Management (IDEM) regulations. Upon completion of the sewer installation, the plans “as-built” in paper (hard copy) and electronic format, shall be filed with the Building Inspector and the appropriate sanitary sewer service provider.

Water Supply Standards

- A. General Requirements: Lots in all major subdivisions, except those containing six (6) lots or less consistent with this Ordinance, shall be served by a public water supply. The appropriate water supply system shall be designed and installed by the subdivider and dedicated to the appropriate water provider.
 - i. The water system shall include all necessary supplemental equipment and machinery necessary for the distribution of water to each unit.
 - ii. Water lines and other structures, with the exception of any above ground structures such as water towers, shall generally be located underground in the right-of-way provided along public streets. In all instances, the required drawings of these lines shall be shown with the locations of any required street trees.
- B. Installation Standards: The installation of the water supply system shall be done in accordance with the plans, profiles and specifications prepared by a registered professional engineer and shall be approved by the Town and be in conformance with at least the minimum requirements of the Indiana State Board of Health and Indiana Department of Environmental Management (IDEM).
- C. Plans and Specifications: The plans for the installation of water systems shall be provided by the subdivider and approved by the Town. Upon completion of the water supply installation, the plans for such system “as built”, in paper (hard copy) and electronic format, shall be filed with the Building Inspector. In cases where the provisions of these standards and the standards of the Zoning Ordinance or the requirements of the Health Department are in conflict,

the more restrictive shall apply.

Private Utility Standards

- A. General Requirements: All utility transmission lines providing service to the subdivision, including electrical power, gas, telephone, cable television, data transmission, sewer, and water shall be located underground throughout the subdivision. The location of utility lines shall be shown on the Preliminary Plat and on the Construction Plans.
- B. Design Requirements: Service lines for electrical power, natural gas, telephone, cable television, and data transmission utilities shall generally be located in the front yard of lots, included in easements as specified by this Ordinance.

Environmental Standards

- A. General Requirements: The following measures to minimize erosion and sedimentation shall be included where applicable in the overall development plan.
 - i. Existing features which would add value to residential, commercial, natural, or man-made assets such as trees or other vegetation, streams, vistas, historically significant items, and similarly irreplaceable assets shall be preserved through careful and harmonious design.
 - ii. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
 - 1. The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - 2. Temporary vegetation and mulching shall be used to protect environmentally sensitive areas during development.
 - 3. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

- iii. Development plans shall keep cut / fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
 - iv. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally abated.
 - v. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
- B. Maintenance Requirements: Design and construction of the erosion control system shall be such that it will be durable and easy to maintain, meeting the requirements of the Building Inspector. All erosion control methods shall be consistent with the Erosion Control Standards provided by this Ordinance.

General Drainage Standards

- A. General Requirements: Drainage controls shall conform to the requirements of the Madison County Drainage Board, and shall meet the specifications of the Engineer and Surveyor.
 - i. A storm drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area which drains into the subdivision. All areas included in the drainage area shall be considered based on their present development conditions for the purposes of designing the necessary drainage facilities.
 - ii. All streets shall be provided with an adequate storm drainage system consisting of curbs, gutters, storm sewers, and inlets consistent with the specifications of the Madison County Drainage

- Board.
- iii. All lots within each subdivision shall be provided with a drainage system connected to a working outlet such as a legal drain, a natural stream, a storm sewer, or an existing open ditch. In no case shall a field tile be considered an acceptable outlet.
- B. Professional Design Requirements: The plans for the installation of the storm sewer system shall be prepared by a registered professional engineer or licensed surveyor, be provided by the subdivider, and approved by the Plan Commission and the Madison County Drainage Board. In the approval of such plans, the Drainage Board may require off-site improvements of drainage outlets to adequately handle the run-off from the subdivision.
- C. Detention / Retention Ponds: To the extent possible, all subdivision detention / retention requirements shall be accommodated in the least number of ponds or dry areas. One large pond or area shall be preferred to a series of smaller ponds or areas. Detention / Retention Ponds shall also adhere to the following standards:
- i. All detention / retention ponds shall be designed in a manner to mimic a natural pond, wetland, or other natural water feature.
This shall include:
 1. A 15 foot wide vegetated buffer around the retention area consisting of plants and natural features native to Madison County, Indiana.
 - ii. All detention / retention ponds located within 25 feet of the required setback of a public road shall require a protective barrier to prohibit vehicles from leaving the road and entering the detention / retention pond.
 1. If the detention / retention pond is located more than 25 feet away from the required setback of a public road, then natural materials such as trees, mounding, and boulders, shall be used to create the protective barrier.
 2. If the Building Inspector determines that an already required buffer zone provides a sufficient protective barrier, then no additional barrier shall be required.
- iii. All detention and retention areas shall be placed in a common area under the responsibility of a lot owners association for the subdivision in which they are located. In no case, shall subdivision detention or retention ponds be dedicated to the Town of Lapel.
- D. Floodway Development: The Plan Commission shall not approve any proposed plat which includes lots platted with buildable areas located in any 100-year floodway. The 100-year floodway may be included as part of the lots, however, the required buildable area for each lot shall be provided outside of the floodway. All such floodways shall be placed within drainage easements.
- E. Loss of Storage Capacity: Loss of the 100-year floodplain water storage capacity due to building or filling shall not be allowed. No primary structures are permitted to be constructed in the 100-year floodway fringe unless explicitly permitted by the Lapel Zoning Ordinance. No building or filling is allowed at all in the 100-year floodway.
- F. Positive Drainage from Structures: All lots, tracts, or parcels shall be graded to provide proper drainage away from the buildings, and dispose of such water without ponding in locations other than intended dry or wet detention basins.
- G. Discharge Requirements: It shall be illegal for sump pumps, down spouts, or foundation drains to outlet directly to the street or into the right-of-way of the street, or to be connected to the sanitary sewer.
 - i. Sump pumps shall be connected to the subsurface drainage system described in this Ordinance.
 - ii. Down spouts shall not be connected directly to the subsurface drainage system, but shall outlet into the yard of the structure on which they are located.

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 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

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.

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 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 exposure to flood hazards;
 - iv. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the 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 is located within the Special Flood Hazard Area (SFHA) identified on the community's National Flood Insurance Program (NFIP) Map shall develop an evacuation plan for those lots located in the SFHA and file it with the Plan Commission and have it filed with and approved by the appropriate community emergency management authorities.

V12.1.7

Major Subdivision Construction Standards

Purpose and Use

The following pages state the construction standards for all major subdivisions. Each section is broken down into specific categories.

Additional Construction Standards that Apply

This Article represents general and basic construction standards for the public improvements to be included in major subdivisions of Lapel. The Plan Commission and Town Council, through the Building Inspector, or appointed official or board may supplement and clarify the provisions of this Article by the formulation and issuance of detailed requirements, either in manual form or by reference to accepted technical standards which shall be deemed incorporated by reference into this Article.

Storm Water and Drainage Standards

- A. General Requirements: A stormwater sewer or a surface drainage system adequate to serve the subdivision and potential subdivisions in the drainage area of which the subdivision is a part shall be provided by the subdivider.
 - i. If, in the opinion of the Plan Commission, a hardship would be created by sizing the system to the entire drainage area, the Plan Commission may recommend that the subdivider develop an approved optional solution that would adequately serve drainage throughout the subdivision.
 - 1. The optional solution must be approved by the Building Inspector and the Plan Commission.
 - ii. When the surface drainage, in the opinion of the Plan Commission, is adequate, easements for such drainage shall be provided.
 - iii. Roadside drainage shall not be disrupted by public driveways or other obstructions.
 - iv. The subdivider shall initiate and petition the Drainage Board to establish a legal drain and a maintenance assessment fund for the extension of
 - any legal-urban drain, if required.
- B. Street Drainage System General Requirements: The streets shall serve as the primary drainage system and be designed to carry, at a minimum, the storm water from the streets and the adjacent land and structures:
 - i. The street drainage system shall consist of curbs, gutters, and storm sewers where required by this Ordinance.
 - 1. Bioswales may be installed in the buffer strip along roadways to help remove silt and pollution from surface runoff water.
 - ii. Drainage inlets shall be spaced and their capacity shall be adequate to limit the spread of water into the street. Inlets shall be placed at all low points in the grade of the gutter and at intersections to prevent stormwater from flowing across traffic lanes and crosswalks.
 - 1. Storm drainage systems shall be designed to prevent overtopping of curbs by a ten (10) year storm.
 - 2. Local streets shall have a minimum 12 foot wide section free from water during a ten (10) year storm.
 - 3. Collector and arterial streets shall have a minimum 24 foot wide section free from water during a ten (10) year storm.
 - 4. All water shall be contained within the right-of-way for a 50 year storm.
 - iii. Protective gratings shall be placed over all inlets and bar screens placed over all outlet piping ten (10) inches or larger, and shall be subject to approval by the Engineer.
 - iv. All streets having curb and gutter on which storm water flows across intersections and/or driveways, shall be provided with concrete cross-gutters at all such intersections and driveways.
- C. Underdrains: The sub-divider shall provide for the placement of the under drains 18 inches outside the curb line. The

purpose of the subsurface piping system is to provide drainage for the street subbase and/or the swales.

- i. The subsurface drainage system shall discharge to the storm sewer system or to the surface drainage system upon approval from the Engineer.
 - ii. No subsurface drainage system connections will be permitted to the sanitary sewer system.
- D. Off-street Drainage System General Requirements: The following standards shall apply to the off-street portion of a subdivision drainage system:
- i. The design of the off-street drainage system shall include all watersheds affected by the subdivision, and shall extend to a water course or ditch adequate to receive the storm drainage as determined by the Engineer.
 - ii. No storm drainage course, other than those which collect only lot surface drainage within a single block, shall be located within 75 feet of a building, as measured from the top of the ditch bank.
- E. Side and Rear Yard Swales: All side and rear yard swales shall meet the following requirements:
- i. The minimum flow line grade of swales shall be one percent (1%).
 - ii. Swales not meeting the one percent (1%) minimum grade will be required to install underdrains two (2) feet below the proposed flow line. Swales of less than one percent (1%) shall be planted with grass seed.
 - iii. Swales with a slope between one percent (1%) and three percent (3%) shall be sodded.
 - iv. Swales with a slope three percent (3%) or greater shall have a concrete or rip rap surface, or be enclosed in a pipe, as specified by the Engineer.
 - v. The maximum flow line grade of ditches shall be seven percent (7%). Ditches with greater than a seven percent (7%) flow line grade shall be protected with an erosion control mat.
 - vi. The front and back slope of swales shall not be steeper than a four (4) (horizontal) to one (1) (vertical) slope.
- F. Detention Ponds: All storm water detention ponds shall meet the following requirements:
- i. Local basins are those which have a total land area contributing flow to the detention/ retention basin, including on-site and off-site areas, of less than five (5) acres. Minimum hydraulic performance levels and accepted design methodologies for local basins shall conform to the following:
 - 1. Release, at a minimum, the peak discharge resulting from the 100-year design storm event runoff at the 10-year design storm event runoff peak discharge rate for existing watershed conditions.
 - 2. Release the peak discharge resulting from a two (2) year design storm event runoff from the contributing watershed area at the two (2) year design storm event runoff peak discharge rate for existing watershed conditions.
 - ii. Regional basins are those which have a total land area contributing to the basin, including on-site and off-site areas, of five (5) acres or larger. Minimum hydraulic performance levels and accepted design methodologies for regional basins shall conform to the following:
 - 1. Release runoff resulting from a two (2) year design storm event over the entire contributing watershed for post-development conditions at a peak rate and velocity no greater than the peak rate and velocity from the two (2) year design storm event runoff based on the pre-development watershed conditions.
 - 2. The developed site runoff during both the ten (10) year and 100-year design storm events shall be designed to be released

- at a peak rate and velocity no greater than the peak rate and velocity from the ten (10) year design storm event runoff based on pre-development watershed conditions.
 - iii. All detention / retention designs shall use runoff hydrographs and routing techniques.
 - iv. The minimum accepted bottom transverse slope of dry detention basins shall be one (1%) and must be designed to include underdrains. Vegetated bank side-slopes shall be no steeper than 4 (horizontal) to 1 (vertical).
 - vii. Vegetated areas of wet detention basins shall have an earthen embankment constructed with side slopes no steeper than 4 (horizontal) to 1 (vertical). Earthen embankments armored with rock riprap shall not be accepted.
 - viii. The maximum ponding depth for parking lot detention shall be four (4) inches for the 100-year storm event runoff from the entire contributing watershed.
Minimum normal depth of a wet pond, calculated at the shallowest point in the pond, shall be eight (8) feet.
 - ix. Emergency spillways shall be capable of handling one and one-quarter times the peak discharge and peak flow velocity resulting from the 100-year design storm event runoff from the entire contributing watershed, assuming post-development conditions, draining to detention/retention facility. However, engineering judgement may dictate use of a higher design standard. Many types of emergency spillways are allowable provided adequate provision is made for the discharge of the flow through the facility and a minimum freeboard of one (1) foot is provided for larger regional ponds above the maximum anticipated flow depth through the emergency spillway.
 - G. Drainage Easements: Drainage Easements shall be provided consistent with the Design Standards provided by this Ordinance. Easements shall be provided on the Final Plat for all existing, constructed, or reconstructed water courses.
 - H. Order of Construction: The locations, grading, and placement of subgrade (base) material for all roads, public driveways, and public parking areas shall be accomplished as the first work done on any subdivision construction.
 - I. Excavation and Fills: Excavations and fills shall meet the following requirements:
 - i. Fills shall not encroach or impede flows of natural watercourses or constructed channels.
 - ii. Grading shall not be done in such a way so as to divert water onto the property of another land owner without the expressed consent of the land owner.
 - iii. During grading operations, necessary measures for dust control shall be exercised.
 - iv. Grading equipment shall not be allowed to cross streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.
- Erosion Control Standards**
- A. General Requirements: Erosion, and sediment control shall conform with the requirements of the Natural Resource Conservation Service (NRCS) and other provisions of this Ordinance, other requirements adopted by Lapel or other requirements of the Engineer.
 - B. Erosion Control Plan Requirements: No changes shall be made in the contour of the land, nor shall grading, or excavating begin until a plan for minimizing erosion and sedimentation has been reviewed and approved by an approved Engineer.
 - i. The erosion control plan shall be submitted as an element of the subdivision construction plans.

- ii. If NRCS review and approval is required, a copy of said approval shall be provided by the subdivider to the Building Inspector for the records of the Plan Commission and to the Engineer.
- C. Sedimentation Control: Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the applicant, person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at his/her expense.
- i. The Engineer and/or Building Inspector may require the subdivider to remedy any sedimentation that they identify.
 - ii. Failure by the subdivider to control sedimentation may be used during the preliminary review or Plan Commission as grounds to deny a Final Plat, by the Town Council as grounds to refuse the acceptance of public improvements, or by the Building Inspector as grounds to withhold the issuance of Improvement Location Permits for structures on lots in the affected subdivision.
 - iii. The clean-up of all erosion control barriers and the results of any erosion control failure shall be covered by the erosion control bond provided consistent with this Ordinance.
- D. Watercourse Requirements: No applicant, person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Madison County Drainage Board and/or the Indiana Department of Natural Resources, Division of Water, whichever is applicable.
- i. It is the responsibility of the applicant and any person, corporation, or other entity doing any action on or across a communal stream, watercourse, or swale, or upon the flood plain or

floodway area of any watercourse during the period of development, to return these areas to their original or equal conditions upon completion of said activities.

- ii. It is the responsibility of the applicant or owner to keep all major watercourses, not under the jurisdiction of any public agency, open and free flowing.
- iii. The applicant or owner will assume the responsibility for maintaining in open and free flowing condition in all minor streams, watercourses, and drainage systems, constructed or otherwise improved in accordance with this Article, which are necessary for proper drainage.

Street Standards

- A. General Requirements: All streets and alleys shall be completed to grades shown in plans, profiles and cross-sections provided in the approved Subdivision Construction Plans.
- i. All plans shall be prepared by a registered professional engineer or licensed surveyor.
 - ii. All stages of development (street construction) must be inspected consistent with the adopted procedures of the Town of Lapel.
- B. Construction Requirements: The streets shall be graded, surfaced and improved to the dimensions shown in approved cross-sections, and shall meet the requirements in **Table V12.1.7**.
- i. Additional requirements may be imposed by the Engineer, Building Inspector, Plan Commission, or Town Council to account for unusual soil conditions, extraordinary traffic volume, heavy loads, or other abnormal use characteristics.
 - ii. Poorly drained ground or muck ground may need #2 stone or railroad stone under the base. It shall meet the approval of the Engineer.
 - iii. The final grade of the base and all road surfaces

- iv. shall be two percent (2%) from center to both edges.
- iv. All HAC materials and application must meet INDOT specifications, unless otherwise modified by the provisions of this Ordinance. All HAC mixing and application shall be performed under proper weather conditions as defined by the Engineer.
- v. The base for all streets shall extend two (2) feet beyond the asphalt road surface on both sides of the road.
- vi. Concrete streets shall have transverse contraction joints every 1/2 street width. Expansion joints shall only be used at cold construction joints or at street

intersections. Keyway and tied center line construction joints shall be utilized unless a sawed centerline joint is used. If utilizing a sawed centerline joint, # 5 bars @ 3'0" on center shall be used to tie the two street half sections.

Curb & Gutter Standards

- A. Curb and Gutter Standards: All curbs and gutters shall be constructed to the following specifications.
 - i. The base for the curb and gutter shall be well compacted on the existing roadway base.
 - ii. Curb and gutter shall be a six (6) bag mix of cement for concrete.

Table V12.1.7 - Street Construction Materials			
Pavement Requirements	Local Roads	Collector Road	Arterial Road
Concrete (Option 1)*			
Uniform Design Thickness**	6 inches	7 inches	9 inches
Lime Stabilized Base	12 inches	12 inches	12 inches
Total Thickness**	18 inches	19 inches	21 inches
Asphalt (Option 2)*			
Asphaltic Surface Course	1 inch	1 inch	1 inch
Hot Asphaltic Binder Course	2 inches	2.5 inches	2.5 inches
Hot Asphaltic Stabilized Base	3.5 inches	5.5 inches	9.5 inches
Lime Stabalized Base	12 inches	12 inches	12 inches
Total Thickness**	19 inches	21 inches	25 inches
Notes			
* Intersections and parking strips along local streets shall be constructed consistant with collector street requirements.			
** Asphalt, Concrete, and pavement base materials measuring less than the specified thickness by more than one (1) inch shall not be accepted by the Town Council.			

- iii. All curbs and gutters shall be poured on site with proper joints. The use of precast sectionalized curbs and gutters shall be prohibited.
- iv. Curbs shall have contraction joints every ten (10) feet and expansion joints every 100 feet.
- v. The grade of any curb shall not be less than .50% in order to provide appropriate drainage to storm water inlets.

B. Inlet Standards: Inlets shall be located at all low points in the street grade and other locations as storm water system calculations require.

- i. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of greater than
 - 1. 400 feet on a local road,
 - 2. 300 feet on a collector road, or
 - 3. as specified by the Engineer based on approved calculations and a ten (10) year storm design and maximum spread on an arterial road.
- ii. Additional inlets shall be required when encroachment of storm water into the street disrupts traffic under the ten (10) year storm design.
- iii. Inlet grates should be depressed slightly below the plane of the gutter to improve removal of runoff water. Inlet grates shall be heavy-duty type and appropriate for bicycle traffic.

Street Light Standards

- A. Street lights shall be pole mounted on standards of non-corrosive metal not to exceed 28 feet in height. Light standards shall be mounted in appropriate concrete foundations.
- B. Street lights shall consist, at a minimum, of high-pressure sodium bulbs or comparable, a minimum of 100 watts each.
- C. All electric lines providing service to the street lights shall be located underground.

Street Sign Standards

- A. Street signs shall be installed by the Town at all locations specific on the Preliminary Plat and otherwise required by the Engineer and/or Town Council.
- B. The subdivider shall assume all costs for street sign installation as the Final Plat for each section or phase of the subdivision is accepted by the Town Council. Payment of sign fees shall be provided at the time of Final Plat application, and shall be consistent with the standard rates established by the Fee Schedule and adopted by the Town Council.

Sidewalk Standards

- A. Sidewalks shall be concrete within subdivisions in accordance with the Standard Specifications of the Indiana Department of Transportation, latest edition, with contraction (tooled) joints a maximum of every six (6) feet apart. Sidewalks shall be a minimum of six (6) inches thick in all locations, with a four (4) inch base of either compacted stone or sand, and be of a width consistent with the design standards of this Ordinance.
- B. Americans with Disabilities Act compliant ramps for wheelchairs and bicycles shall be provided appropriately on all sidewalks and pathways. Ramps are to be located at all intersections and other transition access points.
 - i. Rolled curbs are not a substitute for wheelchair ramps.
 - ii. It is the legal responsibility of the developer to assure compliance with current ADA laws.
 - iii. The developer or his engineer may be required to sign-off on the compliance with ADA laws.

Monuments and Marker Standards

- A. Monuments and markers shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

- B. Permanent concrete markers 30 inches deep with 5/8 inch rebar shall be installed at the perimeter (outside boundary) of the overall subdivision.
- C. Markers consisting of 5/8 inch rebar eight (8) inches long shall be set in concrete as street control at the following locations:
 - i. the intersection of all street center lines in the subdivision.
 - ii. the beginning and ending of all curves in street right-of-way lines and centerline of streets at the beginning and ending of all curves and street intersections.
- D. Markers consisting of rebar at least 30 inches long and not less than 5/8 inch in diameter, shall be placed at the following locations:
 - i. all angles formed by the intersection of lot lines,
 - ii. all other lot corners not established by a monument, and
 - iii. all points required to delineate the location or extent of reservations, easements, or dedications not otherwise defined.
 - iv. centerline of right-of-ways.

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V12.2

Planned Unit Developments

V12.2.1

Purpose and Intent

The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of the Zoning and Subdivision Control Ordinances. Planned Unit Development regulations are intended to encourage innovations in land development techniques so that unique opportunities and circumstances may be met with greater flexibility. Planned Unit Developments should be used to address unique environmental concerns, provide a unique mix of land uses, and implement the Comprehensive Plan in ways not considered by the established zoning districts. A Planned Unit Development should not be used if the proposed development can be created using established zoning districts.

Uses

All uses are subject to the discretion and approval of the Plan Commission. Once uses are approved by the Commission, they are granted by right. All land uses proposed in a Planned Unit Development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

Development Requirements

Development requirements for all proposed Planned Unit Developments shall be created by the applicant as part of the Preliminary Plan submittal. All proposed development requirements are subject to the review and approval of the Plan Commission and the Town Council. Generally, the Planned Unit Development shall provide standards for the development that replace (1) the lot standards established for each of the Zoning Districts, and (2) each

topic area regulated by the Development Standards for each Zoning District.

Rules and Procedures

All proceedings brought under this Article are subject to the Rules and Procedures of the Plan Commission.

Limitation of Ordinance Amendments

Any initiative of the Plan Commission to amend this Ordinance that would affect an approved Planned Unit Development before its completion shall not be enforced on the Planned Unit Development. New amendments to this Ordinance shall only apply to Planned Unit Developments that have been declared abandoned, or for which an approval has expired.

Origination of Proposals

Any applicant may propose a Planned Unit Development district in accordance with the procedures established in this Article. A parcel or site proposed for a Planned Unit Development may or may not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement (1) not to develop the parcels separately, but in accordance with a single, unified plan, and (2) in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan Commission. The Town Council may grant an extension of such time for such a period as it deems in the public interest.

V12.2.2

PUD Application Requirements

All applications may be obtained through the Town Hall or Plan Commission. Fees shall be paid at the Town Hall at the time the applications are submitted.

i. Application Forms

All applications shall be made on forms available at the Town Hall. All applicants shall submit original applications which are completed in their entirety in ink or typed.

- ii. **Copies Required**
All applicants shall submit copies of applications and necessary attachments as required by the applicable Rules and Procedures of the Plan Commission.
- iii. **Review Schedule**
All applications shall be assigned reference and/or docket numbers by the Building Inspector, or his or her designee. Applications shall be scheduled by the Building Inspector, or his or her designee, for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article.

V12.2.3

Preliminary Plan & Rezoning

Purpose and Intent

The purpose of the Preliminary Plan is to provide a formal opportunity for the applicant and the Plan Commission to discuss the general elements of the proposed PUD. The Preliminary Plan prepares the Plan Commission for a future discussion of details and minimizes the risk incurred by the applicant in creating the Detailed Plan.

Pre-application Meeting Required

A Planned Unit Development Preliminary Plan shall only be filed after the petitioner has met with the Building Inspector, or his or her designee, to discuss the request.

Application

The applicant shall submit a Planned Unit Development Preliminary Plan review application, an affidavit and consent of property owner(s) (if the owner is someone other than the petitioner), a copy of the deed(s) for the property involved, the required filing fee, the Preliminary Plan and Plat, and any other supporting information.

Preliminary Plan Data

The Preliminary Plan may take the form of a booklet of letter or legal sized paper, a set of 24 inch by 36 inch sheets, or a combination of these formats. The following shall be included in the Preliminary Plan submission:

- i. **Cover Page & Index**
The cover sheet shall indicate that it is the Preliminary Plan for that particular development and include the date of submittal, and an index identifying all sections included in the Preliminary Plan document, and references to any separate sheets of information.
- ii. **Site Description**
A description of the property and applicants involved, including:
 - a. The name, mailing address, e-mail address, and telephone number of the applicant;
 - b. The name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Preliminary Plan design;
 - c. The legal description of the subject property and common address of the site; and
 - d. The proposed name of the development (if applicable).
- iii. **Common Holdings Map**
A map of any property adjacent to the property subject to the Preliminary Plan owned or otherwise controlled by any or all of the petitioners. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Preliminary Plan. The general description shall be in map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.
- iv. **Sewerage Verification**
A letter verifying that proper waste disposal will be available to the property. A letter from the Lapel Sewer Utility shall be included verifying that the proposed development shall be

- served.
- v. Existing Site Conditions
A description of all existing conditions on the subject property, including:
- a. Built Features
All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights.
 - b. Easements
All existing easements and an indication of their purpose.
 - c. Topography
A topographic survey of the area with contour lines a maximum of two (2) feet apart.
 - d. Natural Features
The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated trees that are able to be preserved (with greater than an eight (8) inch DCH).
 - e. Historic Features
An identification of any historic features listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.
 - f. Other Significant Features
Any other significant feature(s) that may influence the design of the Development.
- vi. Proposed Development
A conceptual plan of the proposed development of the property, including:
- a. Street Systems
The layout and design of proposed street systems (including on-street parking, sidewalks, and street trees);
 - b. Land Uses
The land use areas and number of acres within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);
 - c. Open Space
The proposed location, improvements to open space (including park facilities, natural areas, trail systems, and other common areas);
 - d. Landscaping
The conceptual design of landscaping, buffering, and/or screening proposed for the development, wooded areas to be preserved;
 - e. Natural Features
A description of the accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated trees which are able to be preserved (with greater than an eight (8) inch DCH).
 - f. Historic Features
An identification of any historic features listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.
 - g. Development Requirements
Detailed text documenting the development requirements that will apply to development (including general lot size and dimensions, building setbacks, off-street parking requirements, lighting standards, signs standards, landscaping requirements, etc.)
 - h. Written Commitments
A description of any written commitments that are being proposed as part of the development.
 - i. Covenants

- A description of any private covenants and restrictions that will be established for the development.
- j. Drainage
A detailed drainage concept meeting the requirements of the Madison County Drainage Board.
- k. Lighting Plan
A site lighting plan prepared by an electrical engineer licensed by the State of Indiana drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing the type and location of all exterior lighting fixtures (site and building lighting).
- l. Project Phasing
A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.
- m. Supplemental Information
Any other information requested by the Building Inspector or Plan Commission to aid in the review of the Preliminary Plan. This may include, but is not limited to: topic areas such as traffic; utilities; tree preservation; flood hazards; and architectural design standards.

Preliminary Plan Review

The preliminary plan shall pass an initial review by the Building Inspector before being forwarded to the Plan Commission.

- i. The Building Inspector shall record any issues, concerns, or other comments in a report that will be included with the Preliminary Plan.

Preliminary Plan / Plat Requirements

Planned Unit Developments shall be required to comply with the Lapel Subdivision Control Ordinance (per IC 36-7-4-1513). In no instance shall the approval of a PUD be interpreted as waiving or

modifying any Subdivision Control Ordinance or Site Development Plan processes. If a subdivision of land and/or Site Development Plan review is required for the development, the Preliminary Plat and/or Site Development Plan may be filed simultaneously as the Preliminary Plan for review by the Plan Commission.

Public Hearing Notification

Notification for the scheduled public hearing regarding the Preliminary Plan shall be completed consistent with the requirements of this Ordinance and the Rules and Procedures of the Plan Commission.

- i. Representation
Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.
- ii. Presentations
The Plan Commission shall consider a report from the Building Inspector and testimony from the petitioner, remonstrators, and other interested parties at the hearing. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the Rules and Procedures of the Plan Commission.
- iii. Possible Action
The Plan Commission will in concurrence with established rules and procedure review the application and required supporting information. The Preliminary Plan shall be forwarded to the Town Council with a favorable recommendation, forwarded with an unfavorable recommendation, forwarded with no recommendation or continued by the Commission. Per IC 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.
 - a. Favorable Recommendation
The Preliminary Plan application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below.

- b. **Unfavorable Recommendation**
The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in this Ordinance.
 - c. **No Recommendation**
The application may be forwarded with no recommendation only if it is found that the application includes aspects that the Commission is not able to evaluate.
 - d. **Continued**
The application may be continued based on a request by the Building Inspector or petitioner. The application shall be continued in the case of an indecisive vote wherein the item is essentially tabled, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.
 - 1. Additional legal notice shall not be required unless specified by the Plan Commission.
 - 2. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Plan Commission.
- iv. **Certification of Recommendations**
The Plan Commission shall certify its recommendation by resolution to the Town Council within five (5) business days of its decision. The Building Inspector, or his or her designee, shall forward to the Town Council appropriate copies of the Plan Commission certified decision, the original application and all supporting information, any staff reports regarding the petition, and a PUD district ordinance (rezoning) meeting the requirements of IC 36-7-4-1503 for the Town Council's consideration.
- Town Council Meeting**
The Town Council shall hold a meeting and vote on the proposed Planned Unit Development district ordinance (re-zoning) within 90 days of its certification by the Plan Commission.
- i. **Legal Notice**
Legal Notice of action on the ordinance shall be provided consistent with Indiana Law.
 - ii. **Possible Action**
The Town Council may either approve or deny the PUD district ordinance (rezoning) consistent with the decision criteria provided by this Section. The Town Council also may approve with modifications per IC 36-7-4-1512: such as impose conditions, require written commitments from the applicant, and/or condition the release of Improvement Location Permits on the provision of adequate surety for any public improvements.
 - a. **Failure to Act**
If the Town Council fails to act within the 90 day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission and the provisions for rezoning petitions of IC 36-7-4-608.
 - b. **Denial**
If a PUD district ordinance (rezoning) is denied by the Town Council a one-year waiting period shall be imposed prior to the filing of a new Preliminary Plan for the same development.
 - c. **Reject or Amend**
If the Town Council rejects or amend the proposal, it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The commission has forty-five (45) days in which to consider the rejection or amendment and report to the Town Council as follows:
 - 1. If the commission approves the amendment or fails to act within the forty-

- five (45) day period, the ordinance stands as passed by the Town Council as of the date of the filing of the commission's report of approval with the Town Council or the end of the forty-five (45) day period.
2. If the commission disapproves the rejection or amendment, the action of the Town Council on the original rejection or amendment stands only if confirmed by another vote of the Town Council within forty-five days after the commission certifies it disapproval. If the Town Council fails to confirm its action, then the ordinance takes effect in the manner provided by IC 36-7-4-606(f).
- d. **Approval**
If the Town Council approves the rezoning, the land is officially rezoned upon the recording of the rezoning ordinance and any written commitments. The Official Zoning Map must be amended to reflect the zoning change, the date of approval by the Town Council, and the ordinance number.

Preliminary Plan Signatures and Filing

The implementation of an approved Preliminary Plan must be consistent with the following provisions:

- i. **Preliminary Plan Signatures**
When approved, the Preliminary Plan shall be signed by the Plan Commission President and Secretary.
- ii. **Preliminary Plan Filing**
The approved Preliminary Plan, including all development requirements serving as the zoning requirements on the subject property shall be filed with the Building Inspector by the applicant. The documents must clearly state that the development requirements and any written commitments in recordable form are enforceable by the Plan Commission.
- iii. **Covenant Recording**
Any covenants for the development shall be recorded with the Madison County Recorder. The documents must (a) clearly distinguish covenants for development requirements and written commitments in recordable form and (b) indicate that covenants are private agreements that are not enforceable by the Plan Commission. The petitioner shall provide one (1) copy of the recorded documents to the Building Inspector for the records of the Plan Commission.

Preliminary Plan Decision Criteria

In reviewing the Planned Unit Development Preliminary Plan petition, the Plan Commission and Town Council shall pay reasonable regard to the following, consistent with IC 36-7-4-603:

- i. **Requirements and Intent**
The extent to which the proposal fulfills the requirements and intent of this Article and the Subdivision Control Ordinance.
- ii. **Planning Documents**
The Comprehensive Plan and any other applicable, adopted planning studies or reports.
- iii. **Characteristics**
The current conditions and the character of current structures and uses in each zoning district.
- iv. **Desired Use**
The most desirable use of which the land in each district is adapted.
- v. **Property Values**
The conservation of collective property values throughout the Town of Lapel.
- vi. **Growth Management**
Responsible growth and development.
- vii. **Overlay Requirements**
Consistency with the requirements of all applicable overlay districts.

Expiration of Preliminary PUD Plan

The Final Detailed Plan filing shall occur within 18 months of the date of Preliminary Plan approval. If no Final Detailed Plan filing has occurred within that period, the Preliminary Plan approval shall expire. An extension may be granted upon request to the Plan Commission at their discretion without the need for a public hearing. If the project is phased and was part of the preliminary plan, the petitioner may submit partial Final Detailed Plans which correspond to the phases involved.

V12.2.4

Final Detailed Plan Requirements

The Final Detailed Plan may take the form of a set of 24 inch by 36 inch sheets. The Final Detailed Plan may include any graphics that will explain the features of the development. The following shall be included in the Final Detailed Plan submission.

- i. Cover Page & Index
The cover sheet shall indicate that it is the Final Detailed Plan for that particular development and include the date of submittal, an index identifying all sections/phases included in the Final Detailed Plan document, and references to any separate sheets of information
- ii. Site Description
A description of the property and petitioners involved, including:
 - a. The name, mailing address, e-mail address, and telephone number of the applicant;
 - b. The name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Final Detailed Plan design;
 - c. The legal description of the subject property and common address of the site; and
 - d. The proposed name of the development (if applicable).
- iii. Vicinity Map
A vicinity map showing the use and zoning of all properties

within 1,320 feet (1/4 mile) of the property subject to the Final Detailed Plan. A site location diagram shall also be included.

- iv. Common Holdings Map
A map of any property adjacent to the property subject to the Final Detailed Plan that is owned or otherwise controlled by any or all of the applicants. The Common Holdings Map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the Final Detailed Plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.
- v. Existing Site Conditions
A site survey of all existing conditions on the subject property, including:
 - a. Built Features
All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights.
 - b. Easements
All existing easements and an indication of their purpose.
 - c. Topography
A topographic survey of the area with contour lines a maximum of two (2) feet apart.
 - d. Natural Features
The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated trees that are able to be preserved (with greater than an eight (8) inch DCH).
 - e. Utilities

- The general location of utilities serving the site, including sanitary sewer, water, electricity, natural gas, and data transmission.
 - f. Historic Features
 - An identification of any historic features listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.
 - g. Other Significant Features
 - Any other significant feature(s) that may influence the design of the Development.
 - vi. Proposed Development
 - A description of the proposed development of the property, including:
 - a. Street Systems
 - The general plan, profile, and description of proposed street systems.
 - b. Land Uses
 - The general land use areas within the development, including proposed densities of residential uses.
 - c. Open Space
 - The general location of open space.
 - d. Landscaping
 - Detailed plan areas of landscaping, buffering, and/or screening proposed for the development.
 - e. Lighting
 - A site lighting plan prepared by an electrical engineer licensed by the State of Indiana drawn to an appropriate scale with the scale clearly indicated and a graphic scale for reference, showing the type and location of all exterior lighting fixtures (site and building lighting).
 - f. Natural Features
 - A description of the general accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands, and wooded areas identified above.
 - g. Historic Features

A description of the general accommodation of historic features, specifically Those listed in the National Register of Historic Places and/or Indiana Register of Historic Sites & Structures.

- h. Written Commitments
 - a description of any written commitments that are being proposed as part of the development.
- i. Covenants
 - A general description of any private covenants and restrictions that may be established for the development.
- j. Drainage
 - A drainage plan meeting the requirements of the Madison County Drainage Board.
- vii. Supplemental Information
 - Any other information requested by the Building Inspector or Plan Commission to aid in the review of the Final Detailed Plan. This may include, but not be limited to, topic areas such as traffic, utilities, tree preservation, flood hazards, and architectural design standards.

Administrative Review by Staff

Upon review, the Building Inspector, or his or her designee, shall approve, approve with modifications, or deny the Final Detailed Plan application.

- i. Approve
 - The application may be approved if it is found to be consistent with all applicable requirements and the intent of this Ordinance and the Lapel Comprehensive Plan. Staff may accept or require written commitments in recordable form from the petitioner as part of the approval. The Building Inspector may require certain additional written commitments to be lettered on the plat of record.
- ii. Approve with Modifications
 - The application may be approved with modifications if it is generally consistent with all applicable requirements of this Ordinance. Staff may impose conditions on the

- approval of the Final Detailed Plan, which shall become written commitments in a recordable format of the applicant. The Building Inspector may require certain additional written commitments to be lettered on the plat of record.
- iii. Deny
The application may be denied if it is found to be inconsistent with any applicable requirements and/or the intent of this Ordinance and/or the Comprehensive Plan.
 - iv. Continue
The application may be continued and referred back to the Plan Commission based on a request by the Building Inspector, the petitioner, or the Town Council. The application shall be continued in the case of an indecisive vote wherein the item is essentially tabled, a determination by the Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the applicant fails to appear at the public hearing.
 - a. Additional legal notice shall not be required unless specified by the Plan Commission.
 - b. The continuing of all petitions shall be consistent with the adopted Rules and Procedures of the Commission.
 - v. Re-Filing Following Denial
If Staff determines that there is not compliance with the ordinance, the applicant may re-file a revised Final Detailed Plan within 90 days of the date of denial. The revised Final Detailed Plan shall be reviewed as if it were a new application. Final Detailed Plan applications that have been denied and not re-filed within the specified deadline shall not be re-filed for a period of one year from the date of the denial.

Recording

All approved Final Detailed Plans and modifications thereof shall automatically expire and become null and void unless recorded in the office of the Madison County Recorder within two (2) years of

approval.

- i. Failure to Record
Failure to record the plans and modifications in the time provided for above shall automatically void the approval of the Final Detailed Plan.
- ii. As-Built Drawings
If, upon completion of all development, the exact measurements as to the location of buildings or structures erected during the development are deemed desirable for public record by recording thereof, the developer shall submit a copy of the approved Final Detailed Plan to the Building Inspector as an amended approved Final Detailed Plan with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original approved Final Detailed Plan, the Building Inspector shall re-approve, date, and sign the amended approved Final Detailed Plan, which the developer shall then record.

Improvement Location Permit

Final Detailed Plan approval is required prior to the issuance of an Improvement Location Permit. An Improvement Location Permit (consistent with this Ordinance) is required prior to any construction activity occurring on the subject property.

- i. Plat Approval Required
If a subdivision plat is required, plat approval consistent with the Subdivision Control Ordinance must also be obtained prior to the receipt of any Improvement Location Permits.
- ii. Supporting Information
The Plan Commission may require any additional supporting information not already stated by this Article to be provided prior to the issuance of an Improvement Location Permit.

Written Commitments

The applicant in any Planned Unit Development may make written commitments in recordable form regarding the characteristics of

the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-615. Commitments made by the applicant and conditions of approval established by the Plan Commission or Town Council shall be considered written commitments for the purpose of this Article.

Commitment Proposals

Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Building Inspector, or in response to any modifications requested by the Plan Commission or Town Council.

Consideration of Commitments

Any commitments shall be considered by the Plan Commission and Town Council if they have been established at the time of the review. Written Commitments shall be included as an element of the PUD district ordinance (rezoning) establishing the PUD zoning and shall be recorded in the office of the Madison County Recorder by the petitioner. A copy of the recorded commitments shall be provided to the Building Inspector.

Enforcement of Commitments

The written commitments shall be considered part of this Ordinance binding on the subject property.

- i. **Applicability**
The written commitments shall be binding on the owner(s) of the subject property, any subsequent owners of the \ subject property, and any property owner(s) or entity that acquires an interest in any portion of the subject property.
- ii. **Enforcement**
The written commitments shall be enforceable by the Plan Commission or Board of Zoning Appeals consistent with the adopted provisions for the enforcement of this Ordinance.
- iii. **Modification**
The recorded written commitments may be modified only through the Planned Unit Development process described

by this Article.

Covenants

Covenants shall be set forth in detail. The Plan Commission may review covenants that pertain to any written commitments, development requirements and/or common areas, swales, or drainage systems. A copy of the recorded covenants shall be provided to the Building Inspector by the petitioner for the records of the Plan Commission.

Lot Owner's Association

Adequate provision shall be made for a private organization (i.e., Lot Owner's Association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided which show that the private organization is self-perpetuating.

Service Access to Common Areas

The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them. All streets, roadways, and common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

Enforcement

Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements that are not enforceable by the Plan Commission.

V12.2.5

Modifications

Minor Modifications

- i. Administration
The Building Inspector may from time to time approve minor modifications of the Preliminary Plan and/or Final Detailed Plan without a public hearing consistent with IC 36-7-4-1511(i). The modifications shall be consistent with the purpose and intent of the overall development and the approved Preliminary Plan. Such modifications shall not include any change in type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in access points, or any alteration of the development requirements.
 - a. Procedure
To request a minor modification, the property owner(s), developer, or applicant shall provide the Building Inspector with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. The Building Inspector, or his or her designee, shall provide a written response within 15 business days informing the applicant if the minor modification has been approved. All materials relating to the minor modification shall be kept on file with the other PUD materials in the office of the Plan Commission.
 - b. Public Notice
In addition to that which may be required by the Rules & Procedures of the Plan Commission, notice to adjacent property owners shall be required for the review or approval of minor modifications.
- ii. Appeal
Any affected party may appeal any minor modification decision by the Building Inspector to the Board of Zoning

Appeals within 30 days of the determination.

- iii. Rules and Procedures
The Plan Commission may, through its Rules & Procedures, establish rules governing the nature of proceedings and notice required to make a minor modification under this Article.

Major Modifications

Major modifications that may include any change in type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in access points, or any alteration of the development requirements shall require a public hearing to be conducted in the same manner as that for initial approval of either the preliminary plan or detailed plan, whichever is being modified. Notice of the hearing must be given as prescribed by this Ordinance.

V12.2.6

Expiration, Abandonment, & Extensions

Expiration

Approval of a final Detailed Plan shall expire after a period of five years from the approval of the Preliminary Plan, unless the development is 50% completed in terms of improvements including streets, parks, walkways, utility installations, and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation by the Building Inspector. Following expiration of a Final Detailed Plan, the Town Council of the Advisory Plan Commission may declare the bond to be in default and cause all public improvements to be installed according to the Final Detailed Plans.

Abandonment

The Planned Unit Development may be considered officially abandoned if, in the written opinion of the Building Inspector, the development is incomplete and no, or minimal, construction activity has occurred for a period of five consecutive years. Any outstanding

surety for the project may be utilized by the Town Council in any manner deemed appropriate and associated with the project.

Extensions

An extension, not to exceed six (6) months, for accomplishing any processes required by this Article, or for resuming construction activity in an abandoned development may be granted by the Plan Commission upon a written request from the petitioner. All requests for extensions must occur a minimum of 30 days prior to the applicable deadline.

Plan Commission Rezoning

The Plan Commission may initiate a rezoning for any property included in a Planned Unit Development that has been abandoned or for which the Final Detailed Plan approval has expired. Any rezoning by the Plan Commission shall meet all applicable requirements for the rezoning process provided by this Ordinance.

V12.3

Building Code

V12.3.1

Title

This Ordinance shall be known as the Town of Lapel Building Code.

V12.3.2

Jurisdiction

The provisions of this Ordinance shall apply to all lands within the territorial limits of the Town of Lapel, Indiana.

V12.3.3

Purpose

The purpose of this Building Code is to provide minimum standards for the protection of life, limb, health, environment, public safety, and welfare, and for the conservation of energy in the design and construction of buildings and structures.

V12.3.4

Definitions

Unless otherwise clearly indicated by its context, the words and terms defined in this section shall have the specified meanings:

- A. “Building Inspector”, as used in this ordinance, includes individuals employed by the Town of Lapel that are authorized to represent the Building Inspector.
- B. “Class 1 structure” has the meaning ascribed thereto in Indiana Code (IC) 22-12-1-4.
- C. “Class 2 structure” has the meaning ascribed thereto in IC 22-12-1-5.
- D. “Construction” has the meaning ascribed thereto in IC 22-12-1-7.
- E. “Industrialized building system” has the meaning ascribed thereto in IC 22-12-1-14.

- F. “Manufactured home” has the meaning ascribed thereto in IC 22-12-1-16.
- G. “Mobile structure” has the meaning ascribed thereto in IC 22-12-1-17.
- H. “Person” has the meaning ascribed thereto in IC 22-12-1-18.
- I. “Structure” means both Class 1 and Class 2 structures, unless specifically stated otherwise.
- J. “Vehicular bridge” has the meaning ascribed thereto in IC 22-12-1-26.

V12.3.5

Scope

- A. All Construction shall be accomplished in compliance with the provisions of this Building Ordinance.
- B. Pursuant to IC 22-13-2-6, this Building Ordinance shall not apply to industrialized building systems or mobile structures certified under IC 22-15-4; however, the provisions of this Building Ordinance and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under IC 22-15-4.
- C. Pursuant to IC 22-13-2-9, this Building Ordinance is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.

V12.3.6

Authority

A Town Building Inspector shall be appointed by the Town Council and his/her appointment shall continue during good behavior and service which shall be under direction and supervision of the Building Inspector. Whenever the terms “planning director” or “building inspector” appear in this Ordinance, they refer to the Building Inspector, or their designees.

V12.3.7**Adoption of Regulations**

- A. The following rules, regulations, and codes, are hereby incorporated by reference as the rules and regulations governing the construction and alterations of structures in the Town. Whenever any of these regulations is updated or replaced by the State of Indiana, they shall be considered updated and replaced for the purposes of this Ordinance.
- i. All construction rules and regulations, electrical codes, plumbing codes, and mechanical codes, or other similar regulations adopted by the State of Indiana.
 - ii. Indiana Standard for the Permanent Installation of Manufactured Homes.
 - iii. One (1) and Two (2) Family Dwelling Code of Indiana which identifies, amends, and incorporates therein the One (1) and Two (2) Family Dwelling Code.
 - iv. Indiana Energy Conservation Rules and Regulations for New Building Construction published under that title.
 - v. Swimming Pool Code published as the Indiana Swimming Pool Code.
- B. Two copies of this Code and rules, regulations, and codes incorporated herein by reference are on file for public inspection in the Plan Commission office.
- C. All work on the construction, alteration and repair of structures shall be performed in a good and workman-like manner according to excepted standards and practices in trade.

V12.3.8**Effective Date**

This Ordinance shall be in full force and in effect at _____ m, on _____ . The effective date is based on the passage and notice of adoption as required by law. This Ordinance was passed and adopted by the Lapel, Indiana Town Council on the _____ day of _____, _____ .

 President

ATTEST:

APPROVED AS TO FORM:

Town Attorney

V12.3.9**Building Inspector Powers & Duties**

The Building Inspector is hereby authorized and directed to enforce all of the provisions of this Building Code as provided by law in the State of Indiana and all applicable Lapel Ordinances. The Building Inspector may issue improvement location permits, collect permit fees, perform inspections, order the correction of violations of this Article, authorize occupancy of all buildings and structures, and upon presentation of proper credential, enter at reasonable times any building or property to enforce this Code.

V12.3.10**Flood Hazard Area Construction**

The Building Inspector shall review all applications for Improvement Location Permits for new construction, additions to existing construction, or other development to ascertain as to whether the proposed construction, addition or development lies in a

flood hazard area. The determination and actions of the Building Inspector regarding permit applications for construction in a flood hazard area shall conform to the Flood Hazard Standards in the Town of Lapel Zoning Code.

V12.3.11 Appeals

All decisions made by the Building Inspector may be appealed to the Board of Zoning Appeals by any such person claiming to be adversely affected by such decision following the provisions for Administrative Appeal provided in the Town of Lapel Zoning Code.

V12.3.12 Violations

The Building Inspector shall in the name of the Town bring actions in the Circuit, Superior, or County Courts for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders they have made. Each day any such violation continues shall be a separate offense.

V12.3.13 Fees

All applications for Improvement Location Permits shall be accompanied by a fee in accordance with the adopted Fee Schedule.

- A. No part of any filing fee shall be returnable to the applicant. All monies shall be payable to Lapel Town Council, and shall be deposited according to procedures established by the Town Treasurer.
- B. No fee shall be required to be paid by any governmental agency for construction or remodeling of any public building or structure. No fee or permit shall be required for normal maintenance and repair operations, including but not limited to roofing, floor repairs, plumbing and heating repairs and replacement, insulation, and minor adjustments or replacements to building openings, such as

doors and windows.

V12.3.14 Toilet Facilities

In all new construction, a working, maintained portable toilet is required to be on site from the time the foundation is started until a Certificate of Occupancy is issued. The Building Inspector has the authority to waive this requirement only in cases where the private homeowner is the builder and a minimum of subcontractors is used.

V12.3.15 Permit Required

No person shall erect, construct, enlarge, alter, repair, move, remove, improve, convert, equip, use, or demolish any structure, other than for use in pursuing farming or agricultural purposes, with the Town or cause the same to be done, without first obtaining a separate Improvement Location Permit for each structure from the Building Inspector, who shall require plans therefore, together with any necessary statement of materials to be used.

V12.3.16 Improvement Location Permit Specifications

Persons desiring an Improvement Location Permit shall file an application therefore in writing on a form to be furnished by the Building Inspector, and each applicant shall complete all information requested on such application form.

- A. The application form shall include a statement reading: Culvert grades, shall be prescribed by an Engineer per the Town of Lapel Zoning Code (Culvert Dimension: 10" diameter and 20' in length).
- B. Applicants desiring to construct a new structure shall describe the materials to be used, purpose and use of structure, and the size and general description of construction or alteration to be made. Applicants shall also provide duplicate sets of detailed plans and specifications for such proposed construction or alteration, one (1) set to

be returned with approval and permit, one (1) copy to be kept on file by the Building Inspector.

- C. The permit shall be posted in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement, or moving, and shall be valid for six (6) months after date of issuance unless construction has begun.
- D. Building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in approved plans and applications, and no other use, arrangement, or construction.
- E. The application, plans, and specifications filed by an applicant shall be checked by the Building Inspector. If the Building Inspector is satisfied that the work described in the application conforms to the requirements of the building code, this Ordinance and other pertinent laws and ordinances, he/she shall issue a permit. When the Building Inspector issues the permit, he/she shall endorse in writing and stamp. Plans and specifications shall not be changed or modified, without the written authorization of the Building Inspector. If the permit is denied, the Building Inspector shall state in writing the reasons for the denial.
 - i. No permits shall be issued for the foregoing purposes, unless the application for such permit is accompanied by a plat or sketch of the proposed location showing lot boundaries and by plans and specifications showing all work to be done. All plans for building construction under the authority of the Administrative Building Council of the State of Indiana must also be filled with the Administrative Building Council who will issue an approved Certificate of Compliance, under provisions of Indiana Code (IC) 22-11-1-12. In all such cases under the authority of said Administrative Building Council, no local permits shall be issued hereunder until a copy of the Release for Construction from the

Administrative Building Council is received by the Building Inspector.

- ii. After the issuance of any improvement location permit hereunder, the Building Inspector shall make such inspections of the work being done under such permit as are necessary to insure full compliance with the provisions of this section and the terms of the permit.
 - iii. Whenever any work is being done contrary to the provisions of this Ordinance, the Building Inspector may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.
- F. In reviewing the applications for permits for compliance with the requirements of this Ordinance, the Building Inspector shall assure that all necessary permits from other State, Federal, and local agencies have been obtained.

V12.3.17

Certificate of Occupancy

No building shall be occupied until the applicant shall have applied for in writing and received a Certificate of Occupancy from the Building Inspector. Such certificate shall be issued after the premises have been thoroughly inspected by said officer and found to be in full compliance with the provisions of this Ordinance and all other applicable requirements of the Town of Lapel, including the Lapel Zoning Code and Subdivision Control Ordinance.

V12.3.18

Adoption & Administration

- A. Under the provisions of Indiana Code (IC) 36-7-9-4, the Town of Lapel Unsafe Building Ordinance is adopted.
- B. Indiana Code 36-7-9-1 through 36-7-9-28 is incorporated by reference as the Town Unsafe Building Ordinance. All

proceedings within the Town for the inspection, repair, and removal of unsafe buildings shall be governed by the provisions of this Ordinance.

- C. All buildings or portions thereof which are determined after inspection by the Building Inspector, the Board of Health, and the Township or local Fire Chief in which the alleged unsafe building is located to be unsafe, as defined in this section are public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this Ordinance.
- D. The Building Inspector shall order the repair or removal of any buildings found to be unsafe as defined in this section.
- E. Whenever the Town Building Code or the Town Unsafe Building Ordinance provide that any act must be done with the approval of the Building Inspector, or any other Town Officer, this shall be construed to give such officer only the discretion of determining where the rules and standards established by this section have been complied with. No such provisions shall be construed as giving any officer discretionary powers as to what such regulations or standards shall be, power to require conditions not prescribed by this section, or to enforce the provisions of this section in an arbitrary or discretionary manner.
- F. All work for the reconstruction, alteration, repair, or demolition of buildings and other structures shall be performed in a good workman-like manner according to the accepted standards and practices in the trade. The Rules and Regulations promulgated by the Administrative Building Council of Indiana, shall be considered standard and acceptable practices for all matters covered by this section or issued pursuant to this section by the Building Inspector.
- G. The Building Inspector is hereby designated the enforcement authority in accordance with the provisions of IC 36-7-9-2. The hearing authority shall perform those functions specified by the Act.
- H. Substantial property shall be defined as it is in IC 36-7-

9-2 and is hereby specifically incorporated by reference into this Ordinance as if fully set forth herein.

V12.3.19

Unsafe Building Defined

Any building or structure which has any or all of the conditions or defects described in the definition below shall be deemed to be an unsafe building, provided that such conditions or defects endanger the life, health, property, or safety of the public or its occupants.:

- A. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability is materially less than it was before such a catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location;
- B. Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property;
- C. Whenever any portion thereof has wracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes that is required in the case of similar new construction;
- D. Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration or decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.
- E. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;
- F. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated as to become (1) an attractive nuisance to children, or (2) freely accessible to persons for

the purpose of committing unlawful acts;

- G. Whenever a building or structure, used or intended to be used for dwelling purposes, because maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air, or sanitation facilities, or otherwise, is determined by the Building Inspector, Board of Health, Township or local Fire Chief, or Administrative Building Council State Inspector to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease;
- H. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections, or heating apparatus, or other cause, is determined by the Building Inspector, Board of Health, Township or local Fire Chief, or Administrative Building Council State Inspector to be a fire hazard;
- I. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure. Further, whenever any building or structure has been abandoned and deteriorated to the point of becoming an attractive nuisance or hazard to the public.