

Town of Lapel Unified Development Code

# R1

## **Single-family Residential: Suburban Neighborhood District** **Ordinances and Development Regulations**

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# V3.1

## Introduction & General Standards

### V3.1.1

#### District Intent

The “R1”, Single-family Residential District is intended to provide suburban style, medium to low density residential development along with contributing infrastructure and other necessary features.

## V3.1.2

## Permitted and Special District Uses

## Permitted Uses

**Agricultural Uses**

- Farm (general)

**Residential Uses**

- Dwelling, Single-family (includes Manufactured Home types I & II)
- Residential Facility for the Developmentally Disabled Type I
- Residential Facility for the Mentally III

**Park Uses**

- Athletic Fields, Courts, & Recreational Areas
- Golf Course and/or Country Club (including driving range)
- Nature Preserve / Center
- Park and/or Playground

## Special Uses

**Residential Uses**

- Bed and Breakfast Facility

**Institutional / Public Uses**

- Church or other Place of Worship
- Community Center
- Police, Fire, or Rescue Station
- School (Preschool - 12th Grade)

**Communications / Utility Uses**

- Water Tower

### V3.1.3

#### Unlisted and Questionable Uses

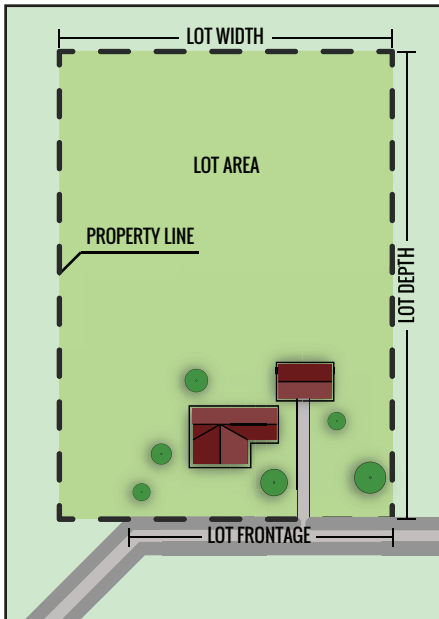
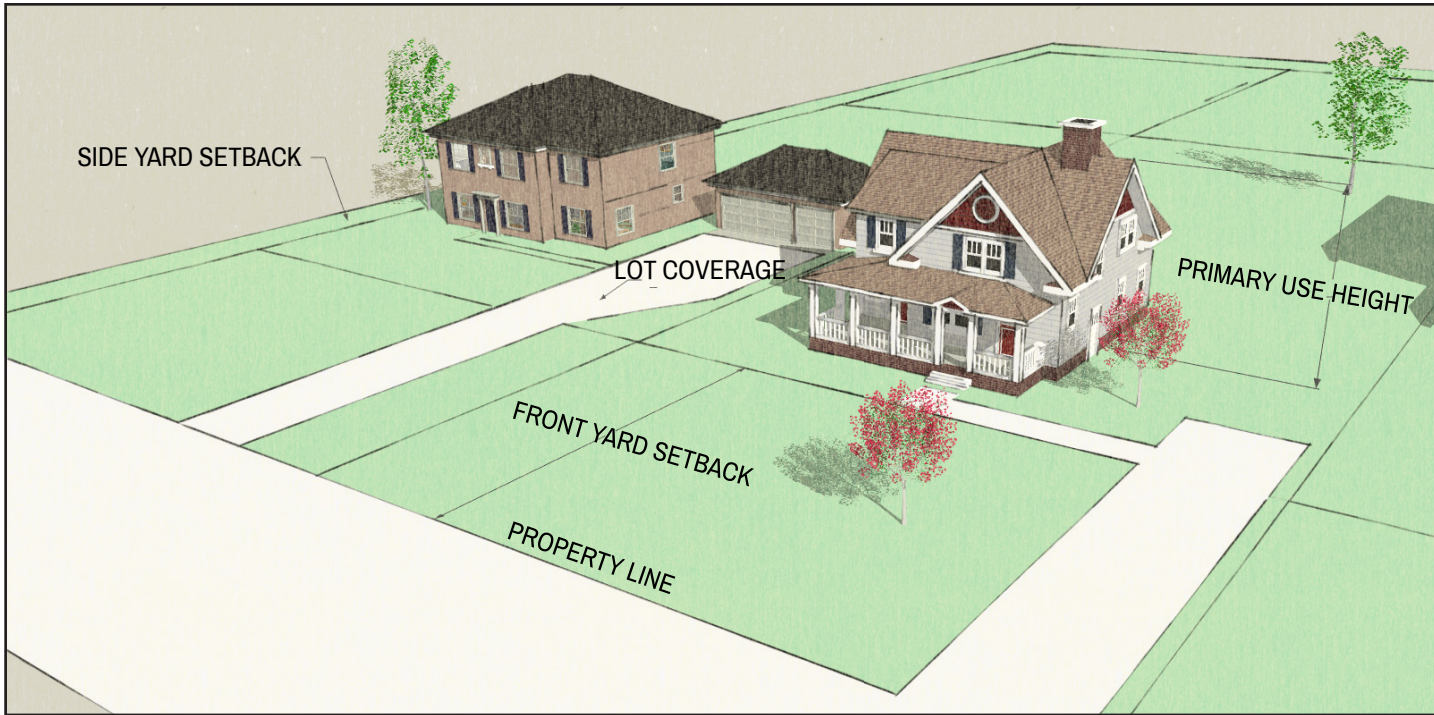
Any land use not listed or that is questionable as a permitted use in **Section V3.1.2** on page six (6) of this volume, is not allowed unless determined otherwise, through interpretation of the Unified Development Code's intent and the intent for the R1 District.

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

### V3.1.4

#### General District Standards

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



**Minimum Lot Area:**

- 12,000 Square Feet (Sewer) | 2 Acres (Septic)

**Minimum Lot Width:**

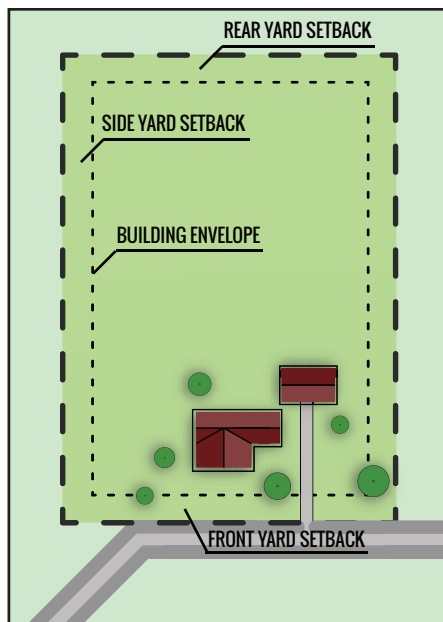
- 100 Feet

**Minimum Lot Frontage:**

- Not applicable

**Maximum Lot Depth:**

- Not applicable



#### Sewer and Water:

- Lot must be a minimum of two (2) acres for septic.

#### Minimum Front Yard Setback:

*(When adjacent to "Road Type": If there are Existing Structures, take the average of the two adjacent properties | If there are no existing structures, use the "New, # feet")*

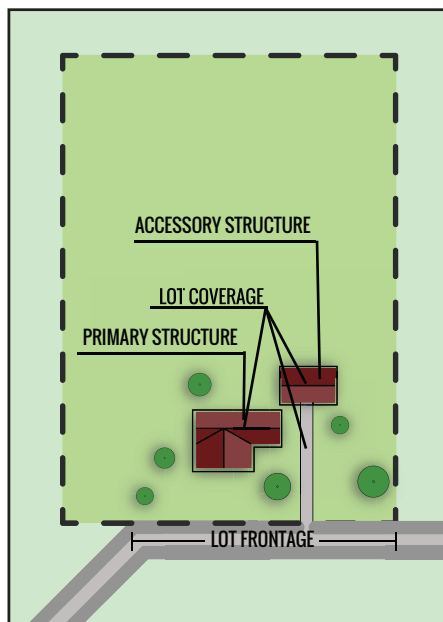
- Arterial Road: Existing, Average | New, 40 feet
- Collector Road: Existing, Average | New, 30 feet
- Local Road: Existing, Average | New, 30 feet

#### Minimum Side Yard Setback:

- 10 feet, each side

#### Minimum Rear Yard Setback:

- Primary Structure, 25 feet | Accessory Structure, 10 feet



#### Maximum Lot Coverage:

- Square footage of all structures and impervious surface cannot exceed 30% of the Lot Area

#### Minimum Living Area:

- 1,800 square feet

#### Minimum Ground Floor Area:

- Not applicable

#### Maximum Dwelling Structures per Lot:

- One (1) dwelling unit

#### Maximum Height of Structures:

- 35 feet for Primary Dwelling units
- 35 feet for Accessory Structures

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# V3.2

## Development & Performance Standards

### V3.2.1

#### Introduction

All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or otherwise occur after the effective date of this Code (except as may otherwise be provided within this Ordinance) shall be subject to all Development and Performance Standards and regulations for this District.

### V3.2.2

#### Expansion or Modification of Existing Uses and Structures

No structure, parking area, or other site feature regulated by this Code shall be enlarged, altered, or expanded unless the minimum improvements required by this Section are provided to the property to the extent of its alteration or expansion.

In the case of a substantial expansion, the entire site must meet the requirements of this Section. An alteration or expansion to an existing property is substantial when the area or square footage of the expanded or altered land (including property used for building space, parking, or storage) or structure, respectively, exceeds 25% of the area or square footage of the existing land or structure, exclusive of the alteration or expansion.

### V3.2.3

#### Development Standards that Apply

The sections that follow contain Development Standards arranged by category. The standards listed in this Volume apply specifically to the R1 – Single-family Residential District. Development and Performance Standards for the other districts will be located in their corresponding Volumes.

### V3.2.4

#### Lot / Yard Standards

This Lot / Yard Standards section applies to the R1 District:

- A. Legal Nonconforming Lots: All existing lots in conflict with the lot/yard regulations at the effective date of this Ordinance shall be considered Legal Non-Conforming Lots.
- B. General Requirements: Except as provided in this Ordinance, no building or structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:
  - i. Front Yard Setbacks: The minimum front yard setbacks shall be as follows:
    - a. 40 feet when adjacent to an Arterial Rd (if there are no neighboring residential dwellings) | If there are neighboring residential dwellings, the average setback of the adjacent properties shall be used.
    - b. 30 feet when adjacent to a Collector Rd (if there are no neighboring residential dwellings) | If there are neighboring residential dwellings, the average setback of the adjacent properties shall be used.
    - c. 25 feet when adjacent to a Local Rd (if there are no neighboring residential dwellings) | If there are neighboring

residential dwellings, the average setback of the adjacent properties shall be used.

- ii. Side Yard Setbacks: The minimum side yard setbacks shall be as follows:
    - a. 10 feet on each side
  - iii. Rear Yard Setbacks: The minimum rear yard setbacks shall be as follows:
    - a. Primary Structure, 25 feet
    - b. Accessory Structure(s), 10 feet
  - iv. Lot Areas: The minimum lot area for this District shall be 12,000 square feet if the property is connected to public sewer. If the property is on septic, the minimum lot area shall be two (2) acres. There is no maximum lot area for this district.
  - v. Lot Width: The minimum lot width shall be 200 feet.
  - vi. Lot Frontage: There is no minimum lot frontage for this District.
  - vii. Lot Depth: There is no minimum lot depth for this district.
  - viii. Public Utility Requirements: Both public sewer and private well and septic systems are permitted in the R1 District.
  - ix. Lot Coverage: The maximum lot coverage, including all impervious surfaces, shall not exceed 30% of the total lot area.
  - x. Living and Ground Floor Areas: There is no minimum ground floor area.
  - xi. Primary Structures: The maximum number of residential and/or dwelling units per lot shall not exceed one (1) unit.
- C. Setback Standards: No portion of any structure or material for sale stored outdoors is allowed to be located within the required setbacks. Structures shall include, but not be limited to garages, carports, balconies, roofs, decks, chimneys, cornices, bay windows, eaves, fire escapes, steps, and platforms above normal grade level. Parking

spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at normal grade level subject to the requirements of this Code.

### V3.2.5

#### Height Standards

This Height Standards section applies to the R1 District:

- A. The maximum height permitted shall not exceed 35 feet for all primary structures / dwelling units
  - i. The maximum height permitted shall not exceed 35 feet for all accessory structures.
  - i. Agricultural-use structures are exempt.
- B. No structure may be erected or changed so as to make its height greater than specified in **Subsection A of V3.2.5**, except as noted below: Exceptions to the height standards include:
  - i. The following structures may exceed the permitted height regulations by twofold (x2), but shall not exceed a total height from grade level of 70 feet.
    - a. Church steeples,
    - b. Water towers, and
    - c. Utility transmission towers
  - ii. The following structures may exceed the permitted height standards by up to 15 feet, but shall be completely shielded from view by design features of the building:
    - a. Necessary mechanical appurtenances, and
    - b. Elevator bulkheads.
  - iii. The height of telecommunication towers and antenna shall meet the requirements of **Section V3.2.19, Telecommunication Facility Standards**.



## V3.2.6

### Accessory Use / Structures Standards

This Accessory Use / Structures Standards section applies to the R1 District:

- A. No accessory structures shall be placed in any required setbacks and shall otherwise comply with all Development Standards for the R1 District.
- B. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Code.
- C. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Code.
- D. Accessory structures shall comply with the following location requirements:
  - i. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
  - ii. No accessory structures shall be placed in any operable septic fields.
  - iii. A minimum separation of ten (10) feet shall be provided between an accessory structure and any primary structure or other accessory structure.
  - iv. All accessory structures, with the exception of gazebos, and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
- E. No vehicle may be used as an accessory structure in the R1 District.
- F. Barns and other similar agricultural buildings shall be considered primary structures on property used for agricultural purposes. All other structures on property used for agriculture, including dwellings, shall be considered accessory structures.
- G. Accessory structures and uses permitted as special uses are specified for each zoning district in the Accessory Use / Structures Standards section of the corresponding district's volume.
- H. Agricultural uses located in the R1 District shall be permitted. The accessory uses and structures permitted in the Ag District are specified in **Volume Two, Section V2.2.6, Subsections I - M**.
- I. The following accessory uses are permitted, subject to all applicable requirements of this Ordinance:
  - i. child day-care home,
  - ii. home occupation (type I) (subject to the Home Occupation Standards in **Section V3.2.18**), and
  - iii. swimming pool.
- J. The following accessory structures are permitted, subject to all applicable requirements of this Code. These structures, with the exception of detached garages, may be allowed no closer than 10 feet to a side or rear property line. Detached garages must meet the setback requirements for the district:
  - i. antennas and satellite dishes,
  - ii. bath houses, hot tubs, and saunas,
  - iii. attached and detached decks and patios,
  - iv. detached garages and car ports,
  - v. gazebos,
  - vi. mini barns, sheds, and other storage buildings,
  - vii. sports courts, and
  - viii. swimming pools
- K. Accessory uses and structures shall be consistent with the following requirements:
  - i. No more than five (5) accessory structures may be placed on any one (1) lot with no duplication of accessory structures.
  - ii. The combined size of accessory structures,

including swimming pools, on any one lot, may not exceed an amount equal to 65% of the living area of the primary structure on that lot.

1. Garages are exempt from this regulation.
- L. Semi-trailers, Personal-On-Demand Storage (PODS), truck box beds, busses and other similar items shall not be considered accessory structures in this District.

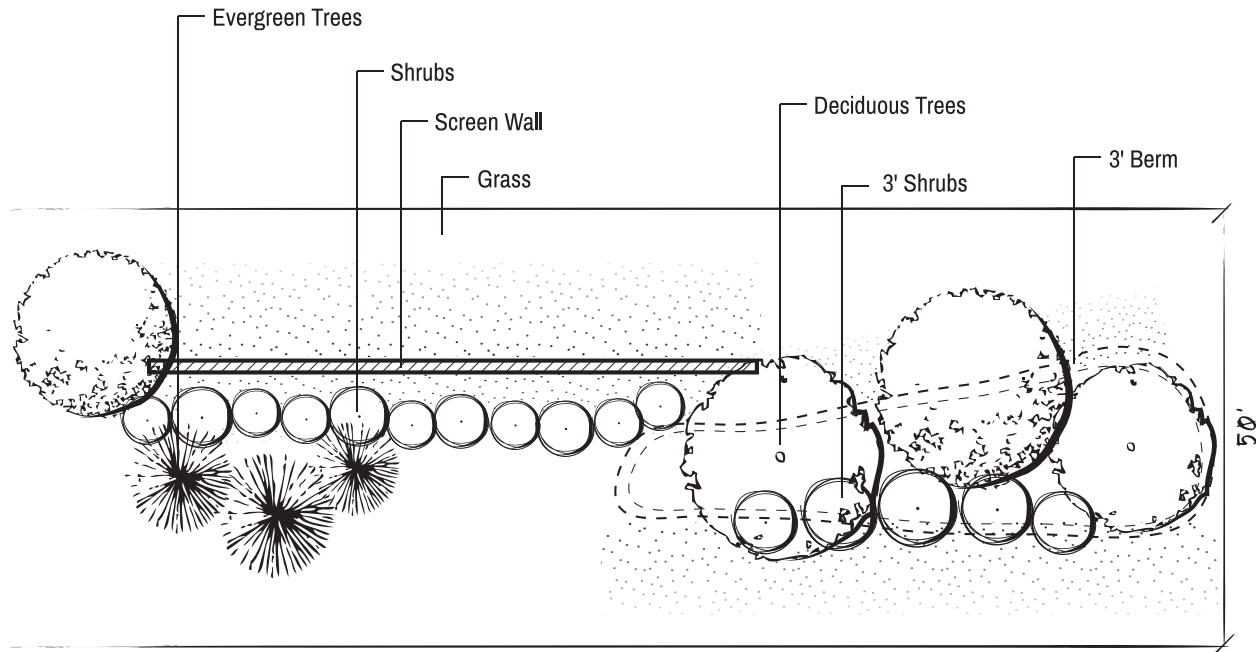
### V3.2.7

#### Buffer Zone / Screening Standards

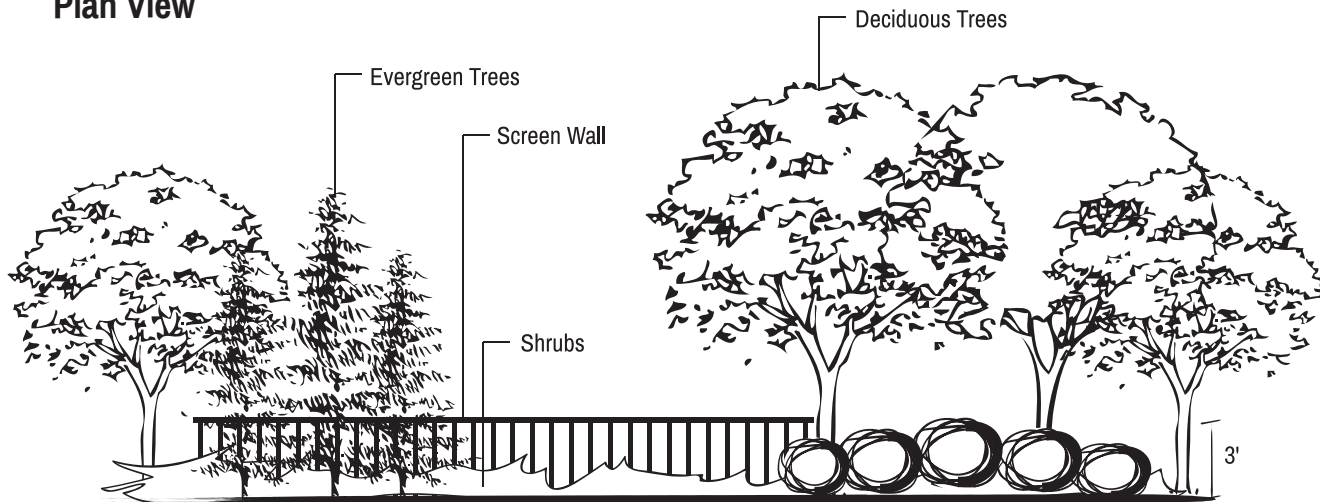
It is the intent of this section to require buffer zones and landscape screening to reduce the negative impacts between incompatible land uses and to provide for landscaping within parking lots. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of the Town.

- A. A Buffer Zone shall be required on the subject parcel between zoning districts as indicated on the **Buffer Zone Matrix on page 23**.
- B. A Buffer Zone shall be installed in the required setback of subject parcel even if the adjacent parcel is unimproved land.
- C. When any developed parcel requiring a Buffer Zone changes to a more intense land use or a special land use approval and/or site plan review is required, the buffer shall comply with the **Buffer Zone Matrix on page 23** and appropriate Buffer Zone Requirements.
- D. If existing conditions are such that a parcel cannot comply with the Buffer Zone Requirements, then the Zoning Administrator shall determine the character of the Buffer Zone based on the following criteria:
  - i. Traffic Impacts.
  - ii. Increased building and parking lot coverage.
  - iii. Increased outdoor sales, displays, or manufacturing area.
  - iv. Physical characteristics of the site and surrounding area such as: topography, vegetation, etc.
  - v. Visual noise and air pollution levels.
  - vi. Health, safety, and welfare of the Town.
- E. If two zoning districts requiring a Buffer Zone are separated by a thoroughfare, the design of the Buffer Zone shall be determined by the Zoning Administrator based on the criteria contained in **Section V3.2.7, (A - D)** above.
- F. Buffer Zone Requirements are categorized into three levels of intensity - One (1) being the most intense and three (3) being the lowest level of intensity. For the purpose of the R1 District, Buffer Zone 1 shall only be applied when the R1 District is adjacent to the Ig District (General Industrial).
- G. Subsections J -L of this ordinance contain the illustrations and requirements for Buffer Zones One (1), Two (2), and Three (3).
- H. Buffer Zone 2 shall be applied when the R1-zoned lot is adjacent to the following district:
  - i. R2 - Single-Family Residential (Traditional)
  - ii. C1 - General Commercial
  - iii. I1 - Light Industrial
- I. Buffer Zone 3 shall be applied when the R1-zoned lot is adjacent to the following districts:
  - i. Ag - Agricultural District
  - ii. R3 - Multi-Family Residential
  - iii. Is - Institutional and Social
- J. Required Buffer Zone 1 development(s) shall comply with the following standards:
  - i. The buffer zone shall be a minimum width of 50 feet.
  - ii. The buffer zone shall contain one (1) tree for each 20 linear feet or fraction of buffer zone length. At least one-half of the total number of trees required within the buffer zone shall be canopy trees.
  - iii. The buffer zone shall contain a three (3) foot high screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
  - iv. If berming is used for all or part of the buffer zone screen, the berm shall contain a minimum of one
- vii. Additional dwelling units and resulting density (residential development)

# Buffer Zone 1



Plan View



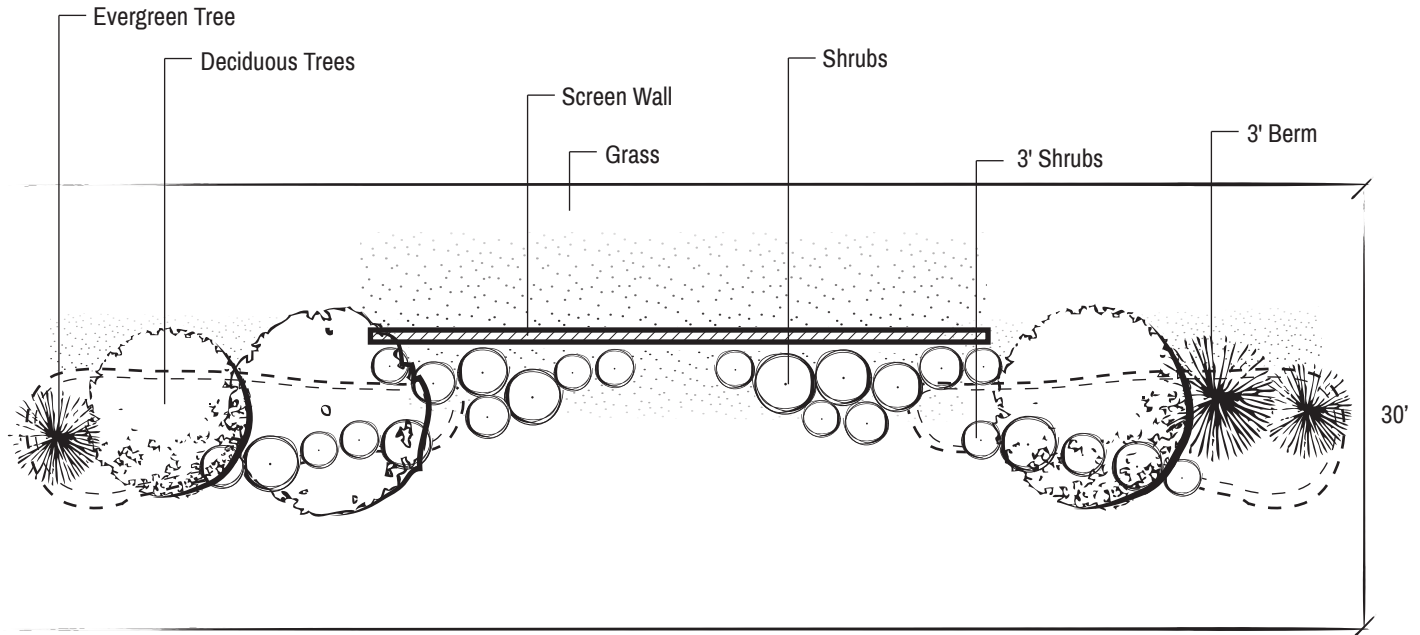
Elevation

- (1) shrub for each ten (10) linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm.
  - v. If a screen wall or fence is used for all or part of the buffer zone screen, a minimum of one (1) shrub for each ten (10) linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence.
  - vi. If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of four (4) shrubs for each 20 linear feet or fraction of screen length. The shrub shall be a minimum of 24 inches high at the time of planting.
  - vii. All areas outside of the planting beds shall be covered with grass or other living ground cover.
- K. Required Buffer Zone 2 development(s) shall comply with the following standards:
- i. The buffer zone shall be a minimum width of 30 feet.
  - ii. The buffer zone shall contain one (1) tree for each 30 linear feet or fraction of buffer zone length. At least one-half of the total number of trees required within the buffer zone shall be canopy trees.
  - iii. The buffer zone shall contain a three (3) foot high screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
  - iv. If berming is used for all or part of the buffer zone screen, the berm shall contain a minimum of one (1) shrub for each ten (10) linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm.
  - v. If a screen wall or fence is used for all or part of the buffer zone screen, a minimum of one (1) shrub for each ten (10) linear feet or fraction of wall or fence shall be placed on the exterior side of the

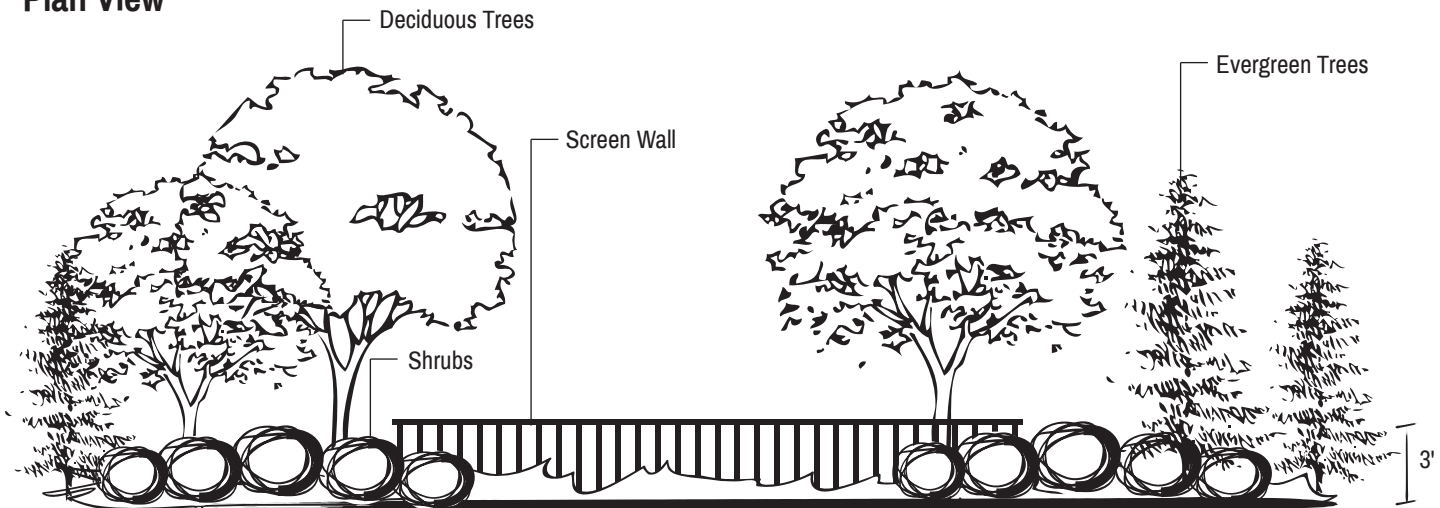
wall or fence.

- vi. If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of four (4) shrubs for each 20 linear feet or fraction of screen length. The shrub shall be a minimum of 24 inches high at the time of planting.
  - vii. All areas outside of the planting beds shall be covered with grass or other living ground cover.
- L. Required Buffer Zone 3 development(s) shall comply with the following standards:
- i. The buffer zone shall be a minimum width of ten (10) feet.
  - ii. The buffer zone shall contain one (1) tree for each 30 linear feet or fraction of buffer zone length. At least one-half of the total number of trees required within the buffer zone shall be canopy trees.
  - iii. The buffer zone shall contain a three (3) foot high screen comprised of plant material, berming, screen walls or fencing, or any combination of these elements.
  - iv. If berming is used for all or part of the buffer zone screen, the berm shall contain a minimum of one (1) shrub for each ten (10) linear feet or fraction of berm length. All required plant material shall be placed on the top and exterior side slope of the berm.
  - v. If a screen wall or fence is used for all or part of the buffer zone screen, a minimum of one (1) shrub for each ten (10) linear feet or fraction of wall or fence shall be placed on the exterior side of the wall or fence.
  - vi. If plant material is used for all or part of the required buffer zone screen, the screen shall consist of a minimum of four (4) shrubs for each 20 linear feet or fraction of screen length. The shrub shall be a minimum of 24 inches high at the time of planting.
  - vii. All areas outside of the planting beds shall be covered with grass or other living ground cover.

# Buffer Zone 2

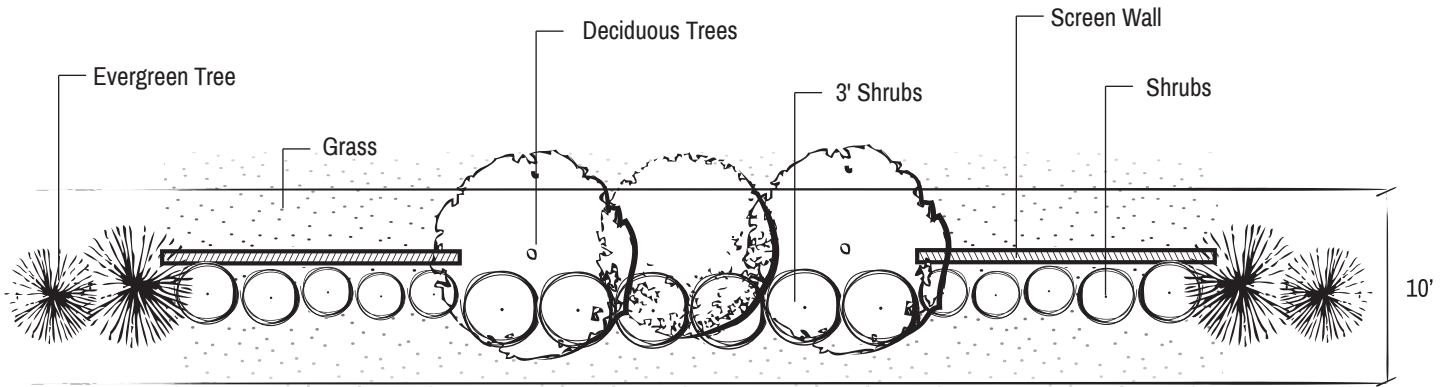


Plan View

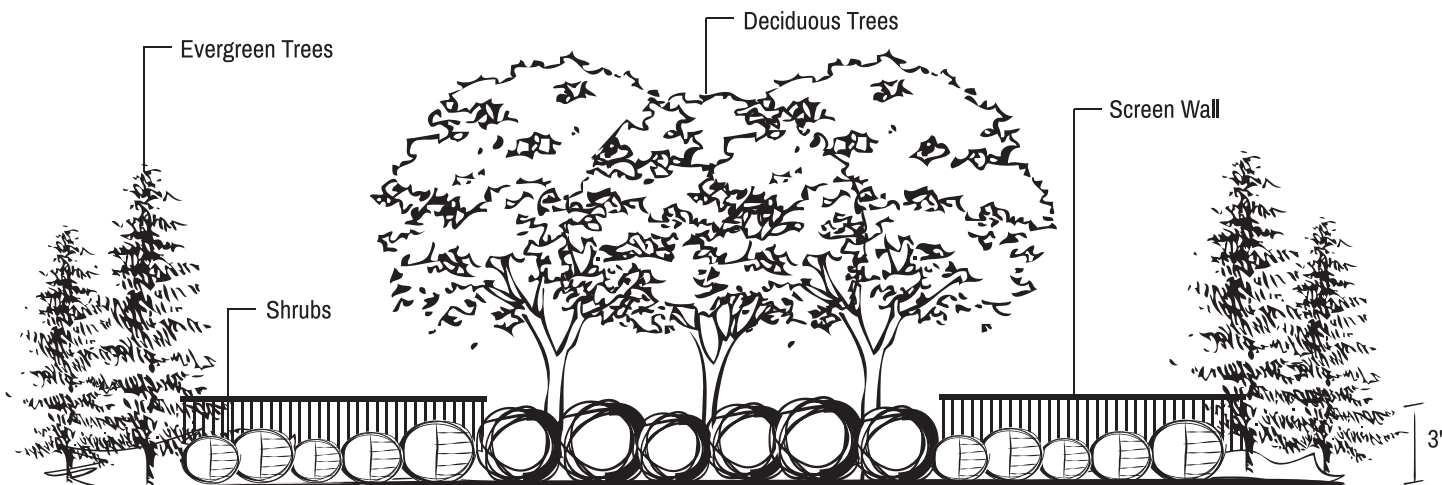


Elevation

# Buffer Zone 3



Plan View



Elevation



M. **Off-Street Parking Areas**

Off-street parking areas containing six (6) or more parking spaces shall be provided with landscaping in accordance with the following:

- i. 6 – 100 spaces: One (1) canopy tree and 100 sq. ft. of landscaped area per six (6) spaces – round up. For example, a lot having 56 spaces would require 10 canopy trees and 1,000 sq. ft. of landscaped area.
- ii. 101 – 200 spaces: One (1) canopy tree and 100 sq. ft. of landscaped area per eight (8) spaces – round up. For example, a lot having 135 spaces would require 17 canopy trees and 1,700 sq. ft. of landscaped area.
- iii. 201+ spaces: One (1) canopy tree and 100 sq. ft. of landscaped area per ten (10) spaces – round up. For example, a lot having 340 spaces would require 34 canopy trees and 3,400 sq. ft. of landscaped area.

In no case shall any required Buffer Zone be considered as part of the off street parking landscape area.

Off-street parking areas serving uses located within an industrial zoning district that do not serve the general public and are not visible from a public road; or off-street parking areas in any zoning district that serve public or private forest preserve areas, game refuge areas, parks, or similar recreation areas; or that serve public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forests and wildlife resources; or that serve non-commercial parks, playgrounds, and playfields; shall be exempt from the off-street parking area landscaping requirement.

N. **Development Standards for Required Off-Street Parking Areas**

Required parking lot landscape areas shall comply with the

following standards:

- i. The minimum size of a landscaped area shall be 60 square feet and at least six (6) feet wide.
- ii. All landscaped areas shall be covered by grass, shredded bark, or a living ground cover.
- iii. All landscaped areas shall contain at least one (1) canopy tree. The tree shall be located so as not to be damaged by any surrounding vehicles. (see Figure 3.2.7.1, below)



**Figure 3.2.7.1**

- O. When the property line abuts land not in the right-of-way of a street:
  - i. The appropriate Buffer Zone shall be applied according to the zoning district for which the parking lot lies. (**See the Buffer Zone Matrix on page 23**)
  - ii. If no Buffer Zone is required, the Inspector may still require the use of screening materials.
- P. When the property line abuts the right-of-way of a street:
  - i. For an arterial road, Buffer Zone 1 standards shall apply. ; except where driveways or other openings may necessitate other treatments.
  - ii. For a collector road, Buffer Zone 2 standards shall

- apply; except where driveways or other openings may necessitate other treatments.
- iii. For a local road, Buffer Zone 3 standards shall apply; except where driveways or other openings may necessitate other treatments.
- iv. Where peripheral landscaping and screening requirements conflict with street planting regulations of the Indiana Department of Transportation, the more stringent of the two regulations shall be applied.

- Q. The Zoning Administrator shall approve the location of required off-street parking landscaping using the following criteria:
- i. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or on adjacent properties, or obstruct vision for reason of safety, ingress, or egress.
  - ii. Trees shall be installed in such a manner that parked motor vehicles are shaded whenever possible.
  - iii. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces.
  - iv. At least one-half of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point ten (10) feet from the outside boundary of the parking area. This requirement may be modified by the Zoning Administrator if the landscaped areas are being used for on-site storm water retention and filtration.
  - v. All landscaped areas shall be protected by a raised standard or rolled concrete curb. This requirement may be exempt if the interior landscaped areas are being used for on-site storm water retention and filtration – although proper plant and drainage substitutions must be implemented.

R.

## General Landscaping Development Standards

### ***Minimum Plant Material Standards:***

- i. All plant materials shall be hardy to Madison County, free of disease and insects and conform to the American Standard for Nursery Stock approved by the American Nursery & Landscape Association. A list of recommended trees are available in the **Appendix on page 66**. A Copy is also available in the office of the Plan Commission.
- ii. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
- iii. All plant materials shall be planted in a manner so as to not cause damage to utility lines (above and below ground), public roadways, or pedestrian facilities (sidewalks, bikeways, multimodal paths, etc.).
- iv. Planting requirements shall be met through the installation of a variety of tree and plant species so as to prevent the creation of a monoculture susceptible to disease and insect pests.
- v. Minimum plant sizes at time of installation:
  - a. Deciduous Canopy: two (2) and one-half (1/2) inch caliper
  - b. Deciduous Ornamental Tree: two (2) inch caliper
  - c. Evergreen Tree: 24 inches in height
  - d. Deciduous Shrub: six (6) inches in height
  - e. Upright Evergreen Shrub: six (6) inches in height
  - f. Spreading Evergreen Shrub: 18 – 24 inch spread
  - g. Height and Caliper Measurements at time of planting:
    - 1. Height shall be measured from the top of the root flair to the top of the canopy.



2. Caliper:
  - i. If the tree caliper is four (4) inches or less, measurement shall take place six (6) inches above the root flair.
  - ii. If the tree caliper is greater than four (4) inches, measurement shall take place 12 inches above the root flair.

- vi. Existing plant material which complies with the standards and intent of the ordinance, as determined by the Zoning Administrator, may be credited toward meeting the landscape requirements.
- vii. The plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.
- viii. Clustering of trees and shrubs within buffer zones is permitted.
- ix. The following trees are not permitted as they have a tendency to split and break; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Tree Species Not Permitted	
Common Name	Horticultural Name
Boxelder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos var. Inermis (with thorns)
Mulberry	Morus Species
Black Locust	Robinia Species

Willows	Salix Species
Siberian Elm	Ulmus Pumila
Slippery Elm; red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifolia
Ash	All varieties susceptible to EAB
Sweet Gum	Liquidambar Styraciflua (seed varieties)
Tree of Heaven	Ailanthus Altissima
Birch, White Paper	Betula Papyrifera

#### **Minimum Berm Standards:**

- i. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio.
- ii. Berm areas not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
- iii. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or on adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
- iv. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

#### **Minimum Screen Wall and Fence Standards**

- i. All screen walls and fences shall be constructed with new, durable, weather resistant and easily maintainable materials. Chain link and barbed wire fences are not permitted.
- ii. The wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
- iii. Screen walls or fences shall not be constructed

- so as to alter drainage on site or on adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
- S. Detention/retention areas shall be permitted within buffer zones provided they do not hamper the screening intent of the buffer zone or jeopardize the survival of the plant materials.
- T. Solid waste dumpsters and recycling containers may be installed in buffer zones provided they are completely shielded from view (from adjacent properties and public right-of-way) by a continuous opaque screen. The screen may be comprised of berming, plant material, screen walls or fences or any combination of these elements.
- i. If plant materials are used, they must provide the intended screening effect within one (1) year of installation.
- U. Requirements for projects developed in phases: If a project is constructed in phases, the landscape screen may also be constructed in phases. The Zoning Administrator shall determine the extent of each phase on:
- i. Adjacent land uses
  - ii. Distance between land uses
  - iii. Operational characteristics both on and off site
  - iv. Building heights
  - v. Physical characteristics of the site such as topography, existing vegetation, etc.
- V. Landscape Screening Waiver: Should the Zoning Administrator determine, upon inspection, that adequate landscaping screen on a site already exists or that such landscaping screen shall not be required, the applicable zoning ordinance provisions may be waived in whole or in part. Criteria which shall be used when considering a landscaping screen waiver shall include, but shall not be limited to:
- i. Topographic variations
  - ii. Existence of natural vegetation
  - iii. Existing and proposed building placement
  - iv. Sight distances

- v. Adjacent land uses
  - vi. Existence of floodplain and poor soils areas
- W. Installation and Maintenance Provisions:
- i. The Zoning Administrator shall mandate a financial guarantee of a sufficient amount to insure the installation of all required landscaping.
  - ii. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary, due to poor health, disease, or unsafe conditions, and kept free of refuse and debris.
  - iii. Screen walls and fences shall be maintained in good repair.
  - iv. Any landscaping required by this section that is removed or replaced without the written permission of the Plan Commission shall be replaced at the owner's expense with new landscaping of the appropriate species that is equal to or greater in caliper, height, or canopy proportions to the required landscaping that was removed.

#### How to use the Buffer Zone Matrix on Page 23

Starting on the left-hand column, find the District in which the proposed improvement is being made. Moving right along the row, find the District(s) for the properties adjacent to the parcel in question. If there is a number in the box, then the appropriate buffer zone is required.

- i. "1" requires the implementation of Buffer Zone 1
- ii. "2" requires the implementation of Buffer Zone 2
- iii. "3" requires the implementation of Buffer Zone 3

**A parcel adjacent to multiple districts may require the implementation of two or more Buffer Zone types. For example, if an unimproved parcel in the R2 District is adjacent to the Ag District on the east and the R1 District on the west, then that parcel would require a Buffer Zone 3 implementation on the east side and a Buffer Zone 2 implementation on the west side.**

# Buffer Zone Matrix

	Ag	R1	R2	R3	C1	C2	Il	Ig	Is	Po
Ag		3	3	3	3		3	2	3	
R1	3		2	3	2		2	1	3	
R2	3	2		3	3		3	2	3	
R3	3	3	3		2		3	3	3	
C1	2	2	2	3					2	2
C2										
Il	1	2	1	1	1	2			1	1
Ig	1	1	1	1	1	1			1	1
Is	2	3	3	3	3	3	1	1	3	2
Po				1	2	1	3	3	2	

1 = Buffer Zone 1 | 2 = Buffer Zone 2 | 3 = Buffer Zone 3

## V3.2.8

### Performance Standards

This Performance Standards section applies to the R1 District:

All uses placed into operation after the effective date of this Ordinance should comply with the following general performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property should exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance should be altered or modified to conflict with these standards. The "Right to Farm" laws may supercede these guidelines as they pertain to farming and agricultural uses.

A. **Air Pollution:** No use on a property should release vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals,

vegetation or property, or conflict with public air quality standards.

- B. **Electrical Disturbance:** No use on a property should cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. **Fire Protection:** Fire fighting equipment and prevention measures acceptable to the local Fire Departments should be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
- D. **Noise:** No use on a property should produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise should be muffled or otherwise controlled so as not to become detrimental or a nuisance to neighboring property-owners. Public safety sirens and related apparatus

used solely for public purposes shall be exempt from this standard.

- E. **Vibration:** No use on a property should cause vibrations detectable beyond lot lines without the aid of instruments.
- F. **Heat and Glare:** No use on a property should produce heat and glare in such a manner as to create a hazard to neighboring property. No such heat or glare interfere with the reasonable enjoyment of neighboring property, or the safety of transportation routes.
- G. **Waste Matter:** No use on a property should accumulate within the lot or discharge waste matter beyond the lot lines.
- H. **Water Pollution:** No use on a property should produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

### V3.2.9

#### Public Improvement Standards

This Public Improvement Standards section applies to new subdivision developments in the R1 District:

- A. **General Requirements:**  
Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
  - i. The Lapel Plan Commission, based on the recommendations of the Engineer, Surveyor, and Building Inspector, shall make determinations as to needed street, utility, and drainage improvements.
  - ii. All public improvements must be constructed to comply with all applicable standards included in this Code, the Town of Lapel Subdivision Control Ordinance, and any other adopted construction standards for the Town of Lapel.
- B. **Sidewalks:**  
All developments shall be required to install public sidewalks along any public streets within and adjacent to the development.

- i. All sidewalks shall be constructed in the right-of-way, required buffer zone, or in a sidewalk easement adjacent to the right-of-way.
- ii. Sidewalks shall be separated from the back of the curb of the adjacent road by a planting 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. Screening materials used to comply with any buffer zone requirements may be located within the planting strip.
- iii. Sidewalks shall be a minimum of five (5) feet in width in residential areas and eight (8) feet in width in nonresidential and mixed-use areas, or when located along the perimeter of a subdivision. (See Figure V3.2.9.1 for clarification)
- iv. Sidewalks shall be constructed of concrete and be a minimum of six (6) inches thick in residential areas and eight (8) inches thick in nonresidential and mixed-use areas, or when located along the perimeter of a subdivision with expansion joints located minimally at five (5) foot intervals.  
**Where construction standards for the State of Indiana or the Town of Lapel differ from the above standards, the most stringent standards shall be followed.**

#### C. **Internal Pedestrian Ways:**

- All developments shall be required to install designated paths providing for pedestrian and bicycle movement between public sidewalks and public-use structures / areas throughout the development.
- i. These designated paths shall be a minimum of eight (8) feet in width and include an improved surface of concrete that is a minimum of eight (8) inches thick.
  - ii. Designated paths shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.





**Figure V3.2.9.1 - Sidewalk Standards**

- D. **Street Dedications:**  
All developments shall be required to dedicate right-of-way consistent with street classifications as developed by the Lapel Plan Commission for all existing and proposed roads transecting or adjacent to the property being

developed.

**Street Construction:**

The owners of the new development shall install the portion of new roads proposed by existing Town plans (e.g. Comprehensive Plan) transecting or adjacent to a property

being developed if either of the following conditions are present:

- i. The development has direct access to the road proposed by the plan; or
- ii. The road proposed by the plan will provide previously unavailable access to other properties controlled by the owner of the new development.

**F. Street Trees:**

All developments shall be required to provide street trees within the eight (8) foot planting area located in the "Frontage Zone" (See Figure 3.2.9.1)

- i. One (1) street tree shall be planted for every 40 feet of road frontage.
- ii. There shall be a minimum of three (3) tree species planted throughout the subdivision - selected from the approved list of street trees (see Table V3.3.9.2). Tree species shall be evenly distributed throughout the development so that there is no consecutive planting of trees belonging to the same species.
- iii. No tree may be planted so that its center is closer than two (2) feet to a sidewalk, 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's rights-of-way, or within ten (10) feet of the intersection of a street and an entrance driveway.
- v. No tree shall be planted within ten (10) feet of any fire hydrant or within five (5) lateral feet of any underground or above ground utility services.
- vi. Street trees shall be hardy to Madison County, free of disease and insects, and conform to the American Standard for Nursery Stock approved by the American Nursery & Landscape Association.
- vii. Street trees shall be a minimum of two and one-half (2 1/2) inches in calliper at the time of planting.
  1. Caliper measurements shall take place

six (6) inches above the root flair.

**Table V3.3.9.2**

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
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.	

**G. Public Utilities:**

All new developments containing subdivided parcels with a square footage less than two (2) acres shall be required to connect to public sanitary sewer systems.



- i. Storm water drainage systems in developments shall not result in any additional run-off being transferred to adjacent properties other than through proper easements established for that purpose.
- ii. The size of all sewer mains shall be large enough not only to serve the areas under immediate consideration, but also to serve areas which are likely to be developed and which should be served by the extensions under construction.

**H. Easements:**

No structure may be located in, or otherwise obstruct any easement held by the Town of Lapel.

**I. Dry Fire Hydrants:**

In locations where fire hydrants served by a public water system can not be provided, dry hydrants shall be provided in all lakes and storm water retention and detention ponds subject to the specifications of the appropriate local fire department.

**The regulations of this section do not represent the full list of standards and codes for new subdivision developments in the Town of Lapel. In addition to the standards of this section, all new subdivision developments must comply with the regulations found in the Subdivision Control Ordinance contained in Volume 12.**

### V3.2.10

#### Open Space Requirements

This Open Space Requirement section applies to new R1 District developments with more than eight (8) total dwelling units:

- A. The developer shall provide 500 square feet of common open space per dwelling unit.
  - i. For the purpose of this ordinance, common open space shall be defined as all public areas that are not covered by buildings, parking lots, dry detention structures, retention ponds, floodplains, streets, required setbacks, required buffer zones,

- or golf courses.
- ii. Required planting strips and decorative medians shall not qualify as common open space.
- iii. Open space shall be planned and improved, accessible, and usable by persons living nearby. Improved shall mean cleared of underbrush and debris with groundcover properly maintained.
- iv. Open spaces shall be linked to one another by any internal pedestrian ways (as specified in **V3.2.9, Subsection C**) and shall contain one or more of the following:
  - 1. Landscaping
  - 2. Walls or fencing,
  - 3. Statues or other identifying markers,
  - 4. Fountains,
  - 5. Sports fields/courts (baseball, etc.), or
  - 6. Playground equipment
- v. Open space shall be concentrated at a minimum number of sites within each development to provide the maximum amount of usable space.
- vi. Existing trees, stream beds, and other valuable natural features shall be preserved within the required open space areas where practical.

### V3.2.11

#### Building Design and Architectural Standards

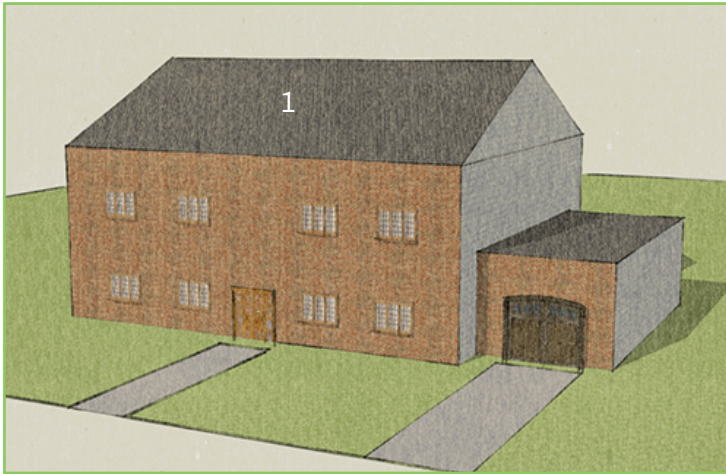
The Following Design and Architectural Standards apply to the R1 District. Manufactured Homes (Types I, II, & III), and agricultural structures are exempt from the requirements of this section.

- A. Compliance required for building permit: Compliance with this section, as determined by the Zoning Administrator, shall be required as a condition precedent to the issuance of a building permit for a single-family homes in the R1 District. A decision by the Zoning Administrator may be appealed to the BZA, following the rules and procedures set forth in **Volume 1, Section V1.6**.

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

C. **Roofing**

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



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

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



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

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

vi. Metal roofing shall be permitted so long as the materials meet the following requirements:

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

D. **Building Material Requirements**

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



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

board space. A letter or certificate stating such shall be attached to each building permit request.

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

#### E. Architectural Design Requirements

- i. All residential design plans with side or rear elevations adjacent to streets, parks, golf courses, open space, or other public use shall distribute architectural features and materials so as to achieve side-specific design for each side that faces such street, park, golf course, open space, or public use.
  - ii. The exterior wall surface of the first floor of any multi-story residence shall have a minimum of one (1), two (2) foot step back on both the front and rear elevation, achieved through a recessed or alternately loaded garage, covered porch, gable, or other architectural feature.
  - iii. There shall be no windowless elevations.
- F. Architectural, conservation, and indoor air quality standards. This section is implemented with a weighted point system. Residential design plans subject to the requirements of this ordinance shall be compared against the architectural, conservation, and/or indoor air quality features listed below and shall be assigned points thereunder. All residential design plans shall:
- i. Meet a minimum score of 15 points from Table 3.2.9.1, Architectural Standards; and
  - ii. Meet a minimum score of 10 points from Table

3.2.9.2, Conservation and Indoor Air Quality Standards.

**Table 3.2.9.1 - Architectural Standards**

	Windows	3	2	1	Total
1.	Window mullion patterns on 75% of windows			X	
2.	One full height, two-story bay window (for a one-story home, one full height bay window)	X			
3.	One bay window		X		
4.	One or more roof dormers		X		
5.	Two or more clerestory windows or windows with transoms above the main window		X		
6.	Front door with one or more sidelights, transom window or double door			X	
7.	Ribbon windows with two or more horizontal rows of windows containing at least three windows each			X	
8.	Decorative shutters on at least two street facing windows			X	
9.	At least two special, decorative window heads or window sills on street facing elevations			X	
10.	Four or more square feet of windows in the garage that are not on the door			X	
11.	Garage door(s) with windows			X	
	<b>Roofs</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>Total</b>
12.	Light colored, light-reflecting shingles / roofing material			X	

13.	Clay, concrete tile, cement, or standing seam metal roof	X			
14.	Decorative roofing elements (e.g. copper above a bay window)		X		
15.	Greater than nine (9) inch roof overhang on all sides	X			
	<b>Architectural Details / Styles</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>Total</b>
16.	Facade with greater than 50% masonry (on all public use-facing sides)		X		
17.	100% masonry on all sides	X			
18.	Porte-cochere over driveway	X			
19.	Functioning or simulated chimney		X		
20.	Change in siding style between home and roof gable ends		X		
21.	Decorative material on at least one gable end facing a public street or public use (e.g. decorative vents, lentils, etc.)			X	
22.	Garage not visible on front elevation	X			
23.	Provide a wide fascia at least four (4) inches around doors, windows, and porches.			X	
	<b>Porches, Stoops, and Enhancements</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>Total</b>
25.	Covered porch of at least 50 square feet on the front elevation	X			
26.	Porch of at least 50 square feet on the front elevation		X		
27.	Wraparound porch, at least six (6) feet deep	X			
28.	Second story porch (at least 25 square feet)	X			

29.	Walk out back covered patio of at least 50 square feet		X		
30.	Eight (8) inch wide columns, as measured at the base of the column, on front or side porch			X	
31.	Porch or balcony railings		X		
32.	Public view - landscape enhancements in yards that face streets, parks, golf courses, open space, or other public uses.	X			

**Table 3.2.9.2 - Conservation Standards**

	Conservation and Indoor Air Quality Standards	3	2	1	Total
1.	Photovoltaic solar panel installed	X			
2.	Solar thermal solar panel installed	X			
3.	Home energy rating system (HERS) index greater than 90 and less than or equal to 95			X	
4.	HERS index greater than 85 and less than or equal to 90		X		
5.	HERS index greater than 75 and less than or equal to 85	X			
6.	HERS index less than or equal to 75	5 points			
7.	Energy Star certified home	5 points			
8.	National Green Building Standard/ ANSI Standard ICC 700 or LEED for homes, Bronze Level equivalent or greater	X			
9.	Stated furnace efficiency between .78 and .95 AFUE		X		

10.	Stated furnace efficiency greater than .95 AFUE	X			
11.	Stated water heater efficiency between .675 and .82		X		
12.	Stated water heater efficiency of .82 or more	X			
13.	Air conditioner with stated efficiency greater than or equal 14 SEER		X		
14.	Air conditioner with stated efficiency greater than or equal to 16 SEER	X			
15.	Certified EPA Water Sense home			X	
16.	All showerheads and hand held showers are 2.0 GPM or less			X	
17.	All showerheads and hand held showers are Water Sense labeled		X		
18.	All bathroom faucets flow rate is 1.5 GPM or less at 60 PSI			X	
19.	All bathroom faucets are Water Sense labeled		X		
20.	All toilets are 1.28 GPF or less			X	
21.	All toilets are Water Sense labeled		X		
22.	All toilets have dual actuated flushing		X		
23.	Dishwasher is Energy Star labeled			X	
24.	Landscape weather-based irrigation controllers are Water Sense labeled		X		
25.	Design of front landscaped area utilizes Water Sense budget tool		X		

26.	On-demand hot water systems in accordance with Water Sense programs, including, but not limited to: <ul style="list-style-type: none"> <li>Tankless water heater at water-use location</li> <li>Manifold system with less than 1/2 gallon bleed-off</li> <li>Circulating pump on occupant switch</li> </ul>	X			
27.	Use of pressure compensating sprinklers with check valves		X		
28.	Irrigation system designed by certified irrigation contractor	X			
29.	Active radon control system		X		
30.	Passive radon control system			X	
31.	Heat recovery ventilation/energy recovery ventilation system	X			
32.	Geothermal heating/cooling system installed	5 points			

### V3.2.12

#### Lighting Standards

This Lighting Standards section applies to the R1 District.

##### A. General Lighting Standards:

Lighting on each lot shall be designed to reduce light pollution while providing the maximum light necessary for security and safe pedestrian movements.

- i. All ground lighting used to cast light on building facades, features of buildings, or signs must have shields to assure that light does not project beyond the building or sign and must utilize the least amount of light necessary to light the facade, building feature, or sign. The light fixture and any bulb must be shielded from view of any street,

sidewalk, or other public right-of-way.

- ii. Lighting fixtures and poles must be consistent in color, height, and design throughout the development.
- iii. All freestanding lights and lights mounted on walls or facades must have cut-off luminaires with 90 degrees or less of an angle (downlighting). (See Figure V3.2.12.1, below.)

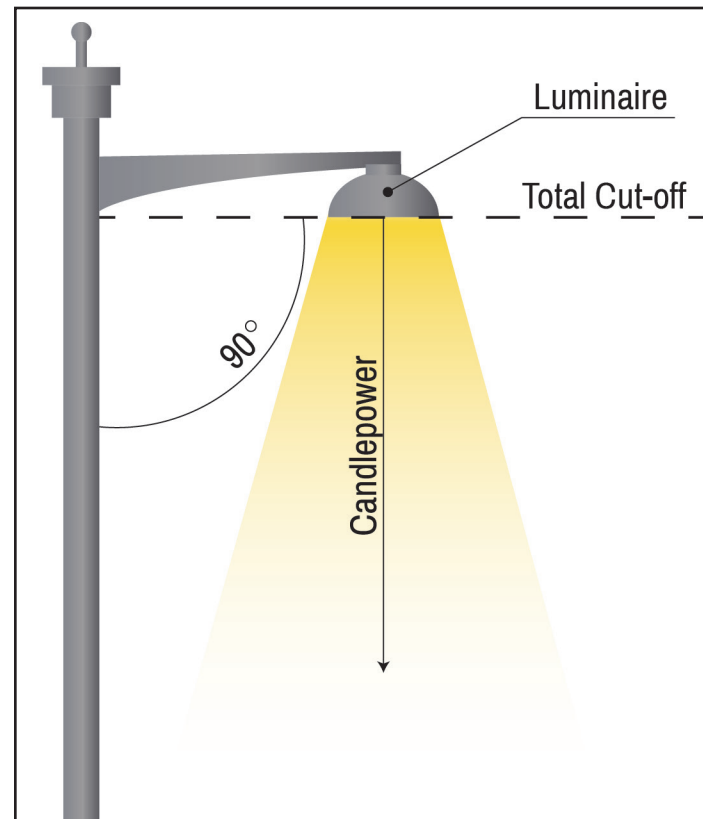


Figure V3.2.12.1

- iv. Lighting from a property may not cause more than one (1) foot candle of illumination beyond the property line.

- v. Measurements of light readings shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

**B. Street Lighting Standards:**

Street and ROW lighting (including lighting provided along internal pedestrian ways) shall be provided throughout the development to provide security and safe pedestrian and automobile movement.

- i. Street lights shall be provided by the developer at all intersections of roads within and adjacent to the subdivision and where necessary to provide continuous lighting on all residential streets, sidewalks, and pedestrian ways.
- ii. The specific location of street lighting shall be determined by the Plan Commission, the Engineer, and the Town Council, based on the lighting options made available by the appropriate electric company.
- iii. Street lights shall be located in the required buffer strips which separate the road pavement from the sidewalk.
- iv. All costs related to the installation of street lighting shall be the responsibility of the developer. All costs relating to the use and maintenance of the street lights shall be the responsibility of the lot owners (or Homeowner's Association) of the development.

**C. Exemptions:**

The following lighting types shall be exempt from the requirements of this ordinance:

- i. Outdoor lights used for a temporary event.
- ii. Outdoor lights used exclusively for public recreational activities, concerts, or other outdoor events which are open to the public, provided that the event or function meet all other planning and

zoning requirements.

- iii. Emergency lighting. Lighting required for public safety in the reasonable determination of public safety officials and authorities.
- iv. Decorative Lighting. Low-wattage fixtures (comprised of incandescent or LED bulbs of less than 100 lumens each) used for holiday decoration. These lights shall be removed within 60 days after the end of the holiday.

**D. Prohibited Lighting:**

The following lighting types shall be prohibited from use in the R1 District:

- i. Searchlights.
- ii. Laser source lights.
- iii. Neon or fluorescent lighting.
- iv. Blinking, flashing, or lights resembling those used by emergency vehicles.

**V3.2.13**

**Environmental Standards**

This Environmental Standards section applies to the R1 District.

**A. Land Suitability:**

No land shall be used, or structure erected where the land is unsuitable for such use or structure due to slopes greater than 10%, adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature as determined by the Building Inspector, Plan Commission, or Town Council likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community.

**B. Preservation of Natural/Historic Features:**

Existing natural and historic features which would add value to the development of the town such as trees, streams, vistas, lakes, historical landmarks (as listed in the Indiana Department of Natural Resources Indiana Historic Sites and

Structures Inventory), and similar irreplaceable assets, when possible, should be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.

C. **Landscaping:**

Any part or portion of a non-farm parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state. If landscaped, it shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with the requirements of the Landscaping Standards in **Section V3.2.25** and shall be in keeping with natural surroundings.

D. **Riparian Habitat Areas:**

These provisions shall apply to all lots which are contiguous with or directly adjoin an intermittent or perennial stream or river.

- i. A protective streamside buffer fifty feet in width measured from the top of a stream, creek or riverbank landward shall be observed. Top of the bank shall mean the highest elevation of land which confines to their channel waters flowing in an intermittent or perennial stream or river. Except as provided in subsection vi of this section, a riparian habitat management plan, prepared by a registered civil engineer or landscape architect shall be required for development including grading, dredging, and filling within the protective streamside buffer. The riparian habitat management plan shall be submitted to the Plan Commission and Zoning Administrator for review and approval.
- ii. The protective streamside buffer required by subsection i of this section is a minimum and may be increased if necessary to mitigate the impact of the proposed development on riparian habitat areas.

iii. A riparian habitat management plan shall address the following areas:

1. Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance;
2. Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention;
3. Vegetation indigenous to the site or plan community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to insure reestablishment. Plants which minimized fire hazards should be utilized adjacent to buildings and structures;
4. If proposed development including grading, dredging and filling within the protective streamside buffer would affect the banks of the stream or river, bank stabilization using techniques acceptable to the Building Inspector shall be required to prevent erosion;
5. A discussion of site design with the Plan Commission to minimize the disturbance and loss of vegetation.

iv. A riparian habitat management plan shall be drawn to scale and shall be of sufficient clarity to indicate the nature and extent to the work, bank stabilization and revegetation efforts proposed. A riparian habitat management plan shall include the following information:

1. Name and address of owner;
  2. Name, address, professional status, license number, and phone number of the person who prepared the plan;
  3. Location and assessor's parcel number of the proposed site;
  4. North arrow, scale, and the name and location of the nearest public road intersection;
  5. Existing contours of the site, as well as finished contours to be achieved by grading. Contours shall be sufficiently detailed to define the topography over the entire site (generally at two-foot intervals);
  6. Detailed plans of all bank stabilization and erosion control measures
  7. Delineation of areas to be cleared during development activities;
  8. Restoration vegetation proposed for all surfaces exposed to be exposed during development activities, including any dredged, filled, or graded areas;
  9. The location and extent of required Buffer Zones and method implementation; any use restrictions and method of implementation.
- v. All approved measures to mitigate the loss or impact to riparian habitat shall become conditions for approval of the project. In addition, all approved riparian habitat management measures shall be carried out prior to final clearance of the building permit or concurrently with the installation of site improvements in the case of a subdivision map.
- vi. The Zoning Administrator may waive the requirement for a riparian habitat management plan for projects which will not result in disturbance to the land or where on-site conditions clearly demonstrate that the site is not now occupied by
- riparian habitat vegetation and would not effectively respond to riparian revegetation. An applicant requesting such a waiver shall submit sufficient information to substantiate the waiver. Such projects may include, but are not limited to the following:
1. A change of use or status of the property (i.e. rezoning) which will not directly result in construction or land-disturbing activities;
  2. An accessory building less than five hundred square feet in size;
  3. Construction within an existing structure;
  4. A lot line adjustment..
- E. **Cut / Fill Grade:**  
No cut or fill grade shall exceed a slope of 3/1 or 33-1/3%. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area, including cuts or fills on land naturally exceeding 3/1 in slope.
- F. **Treatment of Fill:**  
Material used for fill where permitted by this Ordinance and/or by the IDEM, IDNR, or other governmental agency, shall be promptly covered and seeded.
- G. **Erosion Prevention:**  
All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within 30 days after the removal or destruction of said natural cover to prevent erosion.
- H. **Surface Water:**  
It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surfacewater drainage. Existing natural surface drainage should be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate, the ownershall provide the parcelwith an adequate surface water drainage system which shall be integrated into the drainage pattern of



surrounding properties. Swales are required to be placed in an easement to prohibit future filling or constructing. On-site detention for a 100-year storm event shall be required unless a written statement by the County Engineer indicates that it is not necessary to prevent harm to adjoining properties. All drainage plans are subject to review and approval by the Madison County Engineer, and Madison Drainage Board.

I. **Drainage:**

Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by the Madison County Highway Department, the Madison County Drainage Board, or the Indiana Department of Transportation. Driveways may be constructed over these swales as permitted by the appropriate agency.

J. **Regulated Drain Setbacks:**

No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used if its location is within 50 feet of the center line of any regulated tile ditch, or within 50 feet of the existing top of bank of any regulated open ditch or tile unless approved by the Madison County Engineer and Madison County Drainage Board.

K. **Projects Affecting Regulated Drains:**

Regulated drains are under the jurisdiction of the Madison County Drainage Board. The Madison County Drainage Board or Madison County Engineer shall review and approve all development or projects directly affecting a regulated open ditch or tile per I.C. 36-9-27-13 of the Indiana Drainage Code.

L. **Alterations to Bodies of Water:**

No alteration of the shoreline or bed of a river, wetland, or public lake shall be made until appropriate written approval is obtained from the Indiana Department of Natural Resources, and Army Corp of Engineers, the Indiana Department of Environmental Management; and the

provisions of this Ordinance are complied with.

M. **Retention, Detention, and Pond Edges:**

All retention, detention, and pond edges must be maintained with a buffer of natural plantings within 20 feet of the peak elevation. This shall be considered in addition to the Buffer Zone requirements in **Section V3.2.7**. The use of "rip-rap" or any other engineered hard edges are not permitted except around inlets and outlets. However, the use of "rip-rap" or any other engineered hard edges shall not exceed 5% of lineal feet of the total edge of any retention facility, detention facility, or pond.

N. **Code Compliance / Hazardous Waste:**

All development must be in compliance with Title 329 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.

O. **Code Compliance / Environmental Quality:**

All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.

P. **Waste/Debris:**

No waste materials such as garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, dead plant material, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease carrying animals and insects, or represent a public safety hazard shall be deposited, located, stored, or discharged outside on any lot; nor shall such waste be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.

Q. **Fuel Storage:**

No highly flammable or explosive liquids, solids, or gasses specified by the State Fire Marshal shall be stored



except in accordance with the rules established by the State Fire Marshall.

### V3.2.14

#### Flood Hazard Area Standards

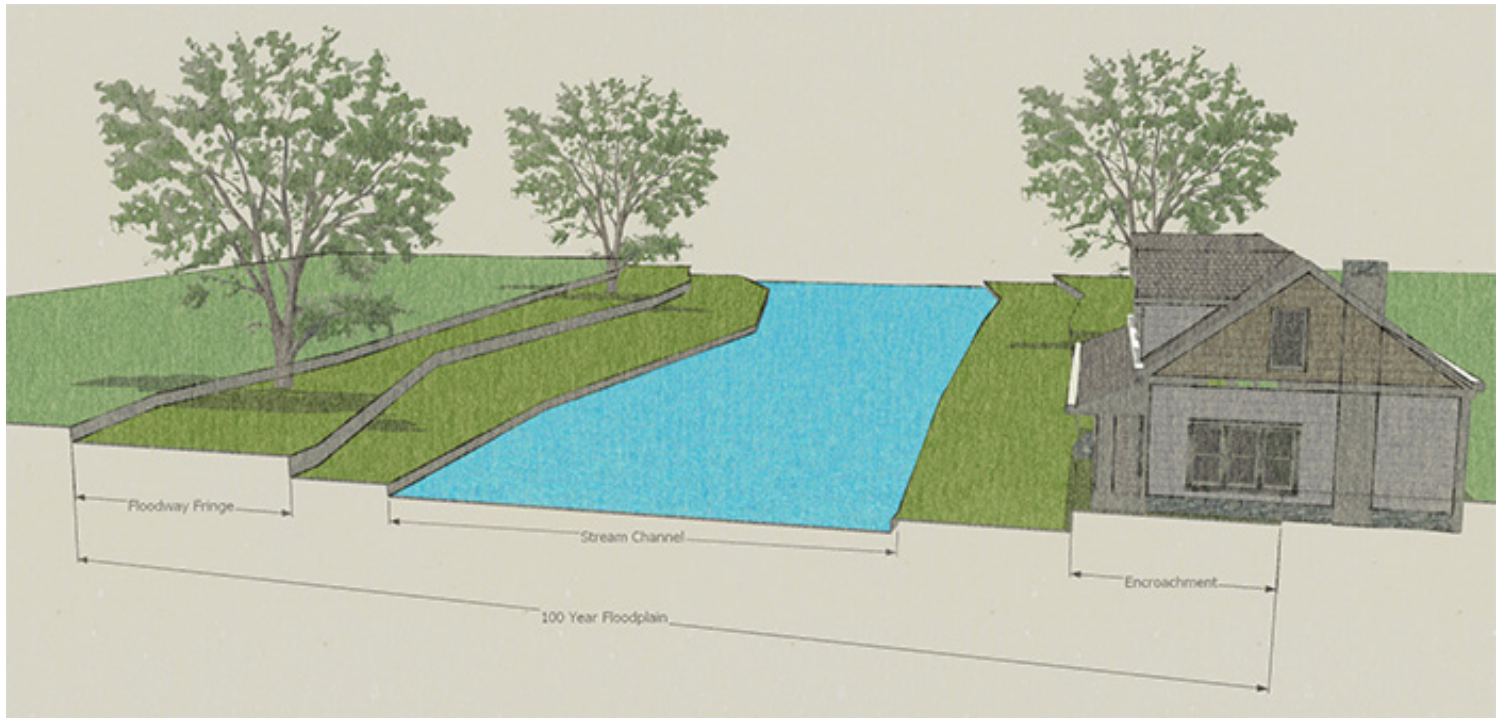
This Flood Hazard Area Standards section applies to the R1 District: The purpose of this section is to guide development in flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Town Council of the Town of Lapel adopts these flood hazard area standards in order to accomplish the following:

- to prevent unwise developments from increasing flood or

- drainage hazards to others;
- to protect new buildings and major improvements to buildings from flood damage;
- to protect human life and health from the hazards of flooding;
- to lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
- to make federally subsidized flood insurance available for structures and their contents in the Town of Lapel by fulfilling the requirements of the National Flood Insurance Program.

A. **Disclaimer of Liability:**

The degree of flood protection required by this section is



considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this Ordinance does not create any liability on the part of the Town of Lapel, the Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.

**B. Duties of the Building Inspector:**

The Building Inspector shall review all development and subdivision proposals to ensure compliance with this Ordinance, including but not limited to the following duties:

- i. Ensure that all development activities within the Special Flood Hazard Areas (SFHA) of the jurisdiction of Lapel meet the requirements of this Code;
- ii. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- iii. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to the requirements of this section, and maintain a record of such authorization (either copy of actual permit or letter of recommendation);
- iv. Maintain a record of the “as-built” elevation of the top of the lowest floor (including basement) of new and / or substantially improved buildings constructed in the SFHA. Inspect before, during, and after construction;
- v. Maintain a record of the engineer’s certificate and the “as-built” flood-proofed elevation of all buildings subject to the requirements of this section;
- vi. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration

of this section. Submit reports as required for the National Flood Insurance Program;

- vii. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and “as-built” elevation and flood-proofing data for all building constructed subject to this Code; and
- viii. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

**C. Regulatory Flood Elevation:**

This section’s protection standard is the regulatory flood. The regulatory flood elevation and floodway limits for each of the SFHAs delineated as an “A Zone” on the Flood Insurance Rate Map of Madison County dated May 3rd, 2011, shall be the best data available as provided by the Department of Natural Resources.

- i. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.
- ii. For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

**D. Improvement Location Permit Application:**

No person, firm, corporation, or governmental body not exempted by state law shall commence any “development” in the SFHA without first obtaining an Improvement Location Permit. The Building Inspector shall not issue an Improvement Location Permit if the proposed “development” does not meet the requirements of this Ordinance. The

application for an Improvement Location Permit shall be accompanied by the following:

- i. A description of the proposed development.
- ii. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
- iii. A legal description of the property site.
- iv. A site development plan showing existing and proposed development locations and existing and proposed land grades.
- v. Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

**E. Improvement Location Permit Review and Approval:**

Upon receipt of an application for an Improvement Location Permit, the Building Inspector shall determine if the site is located within an identified floodway, floodway fringe, or within the floodplain where the limits of the floodway have not yet been determined.

- i. Identified Floodway Sites: If the site is in an identified floodway the Building Inspector shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.
  1. Under the provisions of IC 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local improvement location permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of

construction of the building.

2. No action shall be taken by the Building Inspector until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway.
3. Once a permit has been issued by the Natural Resources Commission, the Building Inspector may issue the local Improvement Location Permit, subject to compliance with all requirements of this section. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.
- ii. Identified Floodway Fringe Sites: If the site is located in an identified floodway fringe, the Building Inspector may issue the local Improvement Location Permit provided the provisions contained in this section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).
- iii. Undefined Floodplain Sites with Significant Upstream Drainage: If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Building Inspector shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.
  1. No action shall be taken by the Building Inspector until either a permit for construction in the floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood

- 2. Once the Building Inspector has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions contained in this section have been met.
- iv. Undefined Floodplain Sites with Insignificant Upstream Drainage: If the site is in an floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Building Inspector shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site. Upon receipt, the Building Inspector may issue the local Improvement Location Permit, provided the provisions contained in this section have been met.

**F. Flood Plain Development:**

All developments shall be prohibited in the 100-year floodplain unless otherwise specified below:

- i. Permitted Uses: The following uses shall be permitted by right, provided they are permitted in the underlying district:
  - 1. Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
  - 2. Forestry, wildlife areas and nature preserves.
  - 3. Parks and recreational uses except golf course and driving range.
  - 4. Public streets, bridges, and roadways.

- ii. Special Uses: Uses permitted as a Special Use are as follows:
  - 1. Riding stables or trails.
  - 2. Public well.
  - 3. Sewage treatment plant (not including septic fields).
  - 4. Water management use facilities (i.e. dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, floodwalls, and irrigation facilities).
  - 5. Public / private parking area.
  - 6. Golf course.
  - 7. Driving range.
  - 8. Mineral extractions and processing as shown on the flood-insurance rate maps.

**G. Preventing Increased Damages:**

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- i. Within the floodplain identified on the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or engineering analysis provided, no development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood or result in a net loss of floodwater capacity.
- ii. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a flood-proofed storage tank or building constructed according to the requirements of this section.
- iii. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted

providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

**H. Building Protection Requirements:**

In addition to the damage prevention requirements of this section, all buildings to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

- i. construction or placement of any new building having a floor area greater than 400 square feet;
- ii. structural alterations made to:
  1. an existing (previously unaltered) building, the cost of which equals or exceeds 50% of the value of the pre-altered building (excluding the value of the land);
  2. Any previously altered building;
- iii. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
- iv. installing a manufactured home on a new site or a new manufactured home on an existing site. This Ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
- v. installing a travel trailer or recreational vehicle on a site for more than 180 days.

**I. Building Protection Methods:**

The building protection requirement may be met by one of the following methods. The Building Inspector shall maintain a record of compliance with these building protection standards as required by this section.

- i. Residential or Non-residential Structures on Fill:

A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:

  1. The fill shall be placed in layers no greater

than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.

2. The fill should extend at least ten (10) feet beyond the foundation of the building before sloping below the FPG.
3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one (1) vertical.
4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
5. The top of the lowest floor including basements, (see definition of lowest floor) shall be at or above the FPG.
- ii. Elevated Residential and Non-residential Structures: A residential or nonresidential building may be elevated in accordance with the following:
  1. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided: **(A)** Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters, through providing a minimum of two (2) openings (in addition to doorways and windows) having a total area of one (1) square foot for every one (1) square foot of enclosed area subject to flooding (the bottom of all such opening shall be no higher than one (1) foot above grade); and **(B)** Any enclosure



- below the elevated floor is used for storage of vehicles and building access.
  - 2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
  - 3. All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other water-proofed service facilities may be located below the FPG.
- iii. Permanent Manufactured Homes and Recreational Vehicles: Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
  - 1. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site; **(A)** outside a manufactured home park or subdivision; **(B)** in a new manufactured home park or subdivision; **(C)** in an expansion to an existing manufactured home park or subdivision; or **(D)** in an existing manufactured home

- park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood.
  - 2. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.
  - 3. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- iv. Temporary Recreational Vehicles: Recreational vehicles placed on a site shall either:
  - 1. be on the site for less than 180 consecutive days;
  - 2. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
  - 3. meet the requirements for “manufactured homes” in **Subsection iii** above.
- v. Flood-proofed Non-residential Structures: A non-residential building may be flood-proofed to the FPG (in lieu of elevating) if done in accordance with the following:
  - 1. A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight



- 2. Flood-proofing measures shall be operable without human intervention and without an outside source of electricity.
- E. allowing access to the storage areas are permitted. Gate shall be closed when not in use, and shall consist of six (6) foot tall, 100% opaque wooden doors.
- F. No vehicle or tractor / trailer of any type may be used predominantly for the purpose of personal storage. Storage or parking of recreational vehicles in residential districts is subject to the following conditions:
  - i. A recreational vehicle may be stored on a residential property provided it is fully enclosed by a structure or located in the provided side or rear yard. A recreational vehicle may be parked on a residential lot, outside of an enclosed structure or rear yard, for a period not to exceed a total of 72 hours in any 30 day period.
  - ii. No more than one (1) recreational vehicle may be parked outdoors on a residential parcel at any one time.
  - iii. In no case shall the vehicle be used for overnight sleeping or living while being stored or parked on the residential property.

### V3.2.15

#### Parking Standards

This Parking Standards section applies to the R1 District:

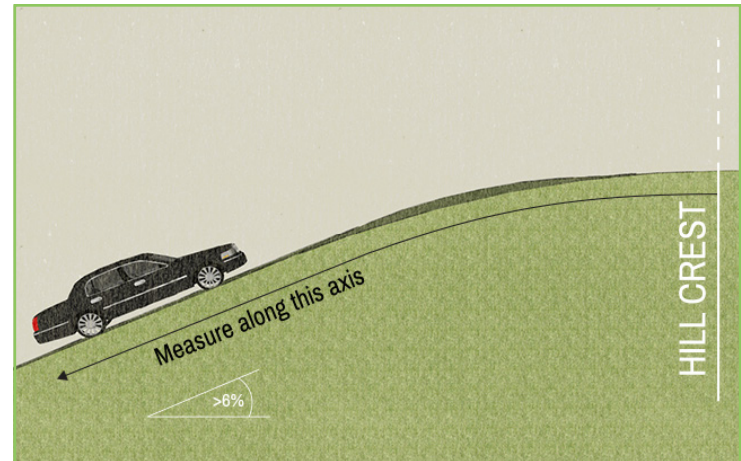
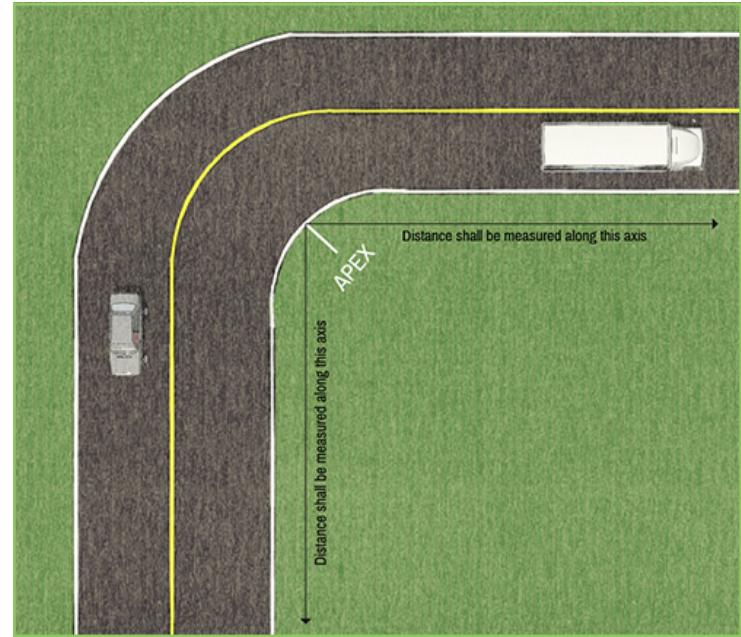
- A. Two off-street parking spaces, paved or gravel, are required per dwelling unit. Off street parking spaces may not fully or partially be in a public right-of-way, utility easement, or septic field. Each space must be at least nine (9) feet wide and 18 feet long. Parking spaces shall be provided on the same lot as the dwelling units for which they are required.
- C. No vehicle, including recreational and commercial vehicles, shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a principal structure.
- D. Vehicles or trailers of any type without current license plates and registration or in an inoperable condition shall be prohibited other than in completely enclosed buildings or associated with permitted junk yards or auto-repair facilities. Such vehicles associated with permitted junk yards or auto-repair facilities must be stored consistent with the following requirements:
  - i. All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any right-of-way, front yard, or required setback area.
  - ii. All storage areas for such vehicles shall be completely enclosed with a six (6) foot tall, 100% opaque wood, stone, or masonry fence. Gates
- G. The parking of commercial vehicles in residential districts is subject to the following conditions:
  - i. The parking of commercial vehicles in residential-zoned districts is prohibited, except that a commercial vehicle may be stored within an enclosed structure
  - ii. This regulation shall not be interpreted to apply to commercial vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the time of parking such vehicles, or to commercial vehicles in the process of temporarily loading or unloading deliverable goods.

### V3.2.16

#### Entrance / Drive Standards

This Entrance / Drive Standards section applies to the R1 District. It is the intent of this section to provide for a safe and efficient vehicular and pedestrian transportation system.

- A. The location of drives on or near curves and changes in grade shall be investigated individually by the Town Council and evaluated for their sight distance and the design speed of the roadway or the posted speed limit, whichever is greater. The Town Council may specify entrance and drive locations based on this investigation.
- i. No entrance or drive shall be permitted within:
    1. 140 feet of the apex of a curve (30 degrees or greater) and where the road is an Arterial,
    2. 120 feet of the apex of a curve (30 degrees or greater) where the road is a Collector,
    3. 70 feet of the apex of a curve (30 degrees or greater) where the road is a Local Road
  - ii. No entrance or drive shall be permitted:
    1. Within a minimum of 225 feet from the crest of a hill where the slope on either side of the crest is six percent (6%) or greater, and the speed limit is 45 MPH or greater;
    2. Within a minimum of 175 feet from the crest of a hill where the slope on either side of the crest is six (6%) or greater, and the speed limit is 45 MPH or less; or
    3. Where the visibility to or from the desired location is determined to be otherwise impaired by the Building Inspector.
  - iii. Curb cuts and drives are permitted within 30 feet of the crest of a hill unless the Building Inspector determines the visibility to be impaired.
- B. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements



shall be one-half (1/2) of the measurements below:

- i. 32 feet if from a non-residential agricultural use onto an Arterial,
- ii. 30 feet if from a non-residential agricultural use onto a Collector,

- iii. 26 feet if from a non-residential agricultural use onto a Local Road,
- iv. 28 feet if from an agricultural use with residential onto any type of street,
- v. 22 feet if from a non-agricultural use with residential onto any type of street.

**The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance or drive at the public right-of-way which it accesses.**

- C. All drives providing access to a public right-of-way from all lots used for purposes other than single-family residences shall be designed so that vehicles are traveling in a forward direction when entering and leaving. In no case may any access drive be designed to require a vehicle to back onto any arterial or collector road.
- D. The number of entrances or drives provided shall meet the following requirements:
  - i. Single and two-family residences shall be limited to two (2) drives per dwelling unit;
  - ii. If a manufactured home park or multifamily development has 40 or more dwelling units, there must be two (2) access points from the public road. Individual dwelling sites may only have driveways accessing interior roads.
- E. All entrances or drives which provide access to more than three (3) lots, which are not part of a larger subdivision, with access from a public right-of-way shall be considered a private street and shall be prohibited.
- F. The Building Inspector or Plan Commission may determine that the following are necessary:
  - i. an acceleration or deceleration lane, or
  - ii. a passing blister at a new entrance or drive
- G. No entrance or drive shall be permitted to begin within 200 feet of any intersecting road or 100 feet of any other entrance or drive on either side of the road.

**The distances for the above standards shall be determined by measuring from the right-of-way line to**

**the curb or edge of pavement (whichever is less) of the entrance or drive.**

## V3.2.17

### Sight Visibility Standards

This Site Visibility Standards section applies to the Agricultural District. The intent of this section is to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

- A. All intersections must maintain an area (Sight Visibility Triangle) where primary or accessory structures, trees, vegetation, or signs (other than road signs) are not allowed to be placed or to project between a height of three (3) and eight (8) feet measured from the nearest top-of-curb (or edge of pavement where curbs are not present). The Sight Visibility Triangle is illustrated below.



**Figure 3.2.17.1 - Sight Visibility Triangle**



**Table 3.2.17.1 - Sight Visibility Triangle Standards**

Sight Visibility Triangle Requirements	
Road Type	"A" and "B" Segment Length
Arterial	35 feet
Collector	30 feet
Local	20 feet
Private Entrance or Drive	15 feet

*This table should be paired with Figure 3.2.17.1 on page 45.*

- B. The Sight Visibility Triangle shall be established by connecting points located along the intersecting rights-of-way at the distances from the point of intersection required by **Table 3.2.17.1**, above.

## V3.2.18

### Home Occupation Standards

**This Home Occupation Standards Section applies to the R1 District. Home occupations shall be allowed as either permitted uses or special uses consistent with the provisions of Section V3.1.2 of this Volume. The allowed home occupations are classified as either a Type I Home Occupation or a Type II Home Occupation as defined below:**

A. **Type I Home Occupations:**

Type I Home Occupations are those which meet the following standards; representing requirements which permit minimal business practices in certain residential zoning districts while maintaining residential character. Type I home occupations shall be permitted uses, consistent with the Accessory Use & Structure Standards (**Section V3.2.6**) of this Volume and the provisions of **Section V3.1.2** of this Code.

- i. The home occupation must not involve retail sales or manufacturing, and shall be limited to small, home-office operations.
- ii. The home occupation must not involve the

- employment of any person other than those residing at the location of the home occupation.
- iii. At least one (1) person residing on the premises must be the primary operator of the home occupation.
- iv. The equipment used for the home occupation must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.
- v. The home occupation must not involve any exterior storage or display of products, equipment or materials.
- vi. There shall be no use or storage of dangerous chemicals, acids, caustics, explosives, or other such hazardous equipment or materials, other than those materials that are used in typical household activities.
- vii. The home occupation must not make any use of accessory structures, including attached and detached garages.
- viii. The home occupation must utilize no more than 25% of the total floor area of the primary structure.
- ix. The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
- x. The home occupation must not require any additional entrances to the dwelling unit.
- xi. No displays, signs, and/or advertisements associated with the home occupation shall be permitted.
- xii. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
- xiii. The home occupation must not involve clients, associates, or persons visiting, shopping, meeting,

- or otherwise doing business at the location of the home occupation, and therefore not require the addition of any off-street parking spaces.
- xiv. The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers.
- xv. The establishment and conduct of a home occupation shall not change the principal residential character or use of the dwelling unit, nor shall there be any exterior evidence of the home occupation being conducted. The home occupation use shall be clearly incidental to the residential use.

**B. Type II Home Occupations:**

Type II Home Occupations are those which meet the following standards; representing requirements which permit reasonable business practices in certain residential and agricultural zoning districts while maintaining residential and rural character and the viability of farming operations. Type II home occupations shall be special uses, consistent with the Accessory Use & Structure Standards of **Section V3.2.6** of this Volume.

- i. The home occupation must not involve retail sales or manufacturing, but may include professional and personal services, or auto, furniture, and appliance repair.
- ii. The home occupation must not involve the employment of any more than one (1) person who does reside at the location of the home occupation.
- iii. At least one (1) member residing on the premises must be the primary operator of the business.
- iv. The home occupation must not require any exterior storage or display of equipment or materials, including vehicles (operable or inoperable), equipment, or appliances being serviced by the home occupation.
- v. There shall be no use or storage of dangerous

chemicals, acids, caustics, explosives, or other such hazardous equipment or materials, other than those materials that are used in typical household activities.

- vi. Not more than 40% of the total floor area of any level of the primary structure shall be used for the home occupation, however, business practices in accessory structures are permitted so long as the accessory structure(s) do not alter the residential character of the property or neighborhood.
- vii. The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
- viii. The home occupation must not require an identification sign exceeding two (2) square feet, attached to the primary structure. No off-site displays, signs, and/or advertisements associated with the home occupation shall be permitted - nor shall any display, sign, or advertisement associated with the home occupation be permitted in the yard of the property .
- ix. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
- x. The home occupation must not require that more than two (2) additional parking spaces be added to the lot(s) on which the residence is located.
- xi. The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers.
- xv. The establishment and conduct of a home occupation shall not change the principal residential character or use of the dwelling unit, nor shall there be any exterior evidence of the

home occupation being conducted other than the attached sign as specified in **Subsection viii** of this Code. The home occupation use shall be clearly incidental to the residential use.

**C. Nuisances:**

Home occupations which comply with the requirements of this section but are deemed by the Building Inspector to be a nuisance or distract from the residential character of the area by excessive traffic, noise, vibration, electrical interference, odors, light, smoke, fumes, dust, or other offensive characteristics shall be prohibited.

**D. Interpretation:**

The Building Inspector or Plan Commission shall determine to what extent any proposed or existing home occupation is consistent with the requirements of this section.

## V3.2.19

### Telecommunication Facility Standards

The purpose of this section is to allow for the provision of adequate reliable public and private telecommunication service and to maximize the use of any transmission tower and tower site in order to reduce the total number of towers and locations needed to serve the telecommunication needs of the area; to minimize adverse, undesirable visual effects of towers through careful design, siting, and vegetative screening. All wireless telecommunication facilities shall meet the following provisions:

**A. Required Approvals:**

The placement of telecommunication facilities shall meet the following approval requirements as detailed in this section:

- i. The installation of new antenna on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Building Inspector subject to conformance with all applicable requirements of this Ordinance.
- ii. The installation of new accessory structures to

support the installation of antenna on existing towers or alternative structures may be approved by the Building Inspector subject to conformance with the applicable requirements of this Ordinance.

- iii. The installation of new towers shall be approved either by the Building Inspector as a permitted use or by the Board of Zoning Appeals as a special use consistent with the provisions of this section.

**B. Determination of Tower Need:**

Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification that the antennas planned for the proposed tower cannot be accommodated on any existing or approved towers or structures within a three (3) mile radius of the proposed tower location due to one (1) or more of the following reasons:

- i. The antennas would exceed the structural capacity of the existing or approved tower or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower, building, or structure cannot be reinforced, modified, or replaced to accommodate the antennas at a reasonable cost.
- ii. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost must be provided.
- iii. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
- iv. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunication equipment upon an existing or approved tower or structure as certified and



- documented by a qualified and licensed professional engineer.
  - v. Unable to enter a commonly reasonable lease term with the existing tower owner or land owner.
  - vi. Additional land area is not available.
- C. Design Requirements:**
- i. Towers and antennas should generally be designed to blend into the surrounding environment through the use of color, camouflaging, and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
  - ii. Wireless telecommunication service towers less than 131 feet tall should generally be of a monopole design and, when located within or adjacent to an environmentally, aesthetically sensitive area or a residential district, designed in such a way as to architecturally camouflage the wireless telecommunication service tower as much as reasonably practical to blend in with the surroundings.
  - iii. The use of residentially compatible materials such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of any adjacent residential or commercial structures within the neighborhood or area. Only if the facility will be 100% screened, as determined by the Building Inspector, during all seasons, may other material be used.
  - iv. Only when lighting is for safety or security reasons or required by the Federal Aviation Administration or other federal or state authority shall it be permitted. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90-degree cut-off luminaires (shielded downlighting).
  - v. Any proposed telecommunication tower shall be

designed, and engineered structurally, electrically, and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.

1. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.
2. Towers must be designed to allow for future rearrangement of antennas upon the tower and accept antennas mounted at varying heights.

**D. Site Requirements:**

- i. All telecommunications facilities shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
- ii. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along existing driveways.
- iii. The lot where the tower is located (or lease area) shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users. The size of the site shall also be of sufficient area to allow the location of two additional towers and associated support facilities. At a minimum, the width and depth of the tower site shall be 50 feet greater than a distance equal to the tower height.
- iv. No part of any wireless telecommunication facility nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.
- v. An eight (8) foot high security fence shall completely surround the tower and equipment building site. An area ten (10) feet in width may remain outside of the fence for the purpose of providing the

- vi. Landscaping screening described below. Evergreen buffer plantings shall be located around the outermost perimeter of the security fence of all wireless telecommunications facilities, including any guy wires and anchors.

1. If evergreen hedges are used, they shall be a minimum of five (5) feet tall at the time of planting and planted a maximum of three (3) feet on center.
2. If evergreen trees are used, they shall be a minimum of eight (8) feet tall at the time of planting and planted at a maximum of ten (10) feet on center.
3. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
4. At no time shall the landscaping requirements of this section be used to meet the landscaping requirements in another section of this ordinance.

#### **E. Construction Requirements:**

- i. All applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission shall be followed.
- ii. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Building Code.
- iii. Towers and antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- iv. Towers shall be constructed to conform with the requirements of the Occupational Safety and Health Administration.
- v. An engineer's certification shall be submitted to document and verify the design specifications including but not limited to, the foundation for the

tower, anchors for the guy wires, if used, co-location, and strength requirements for natural forces; ice, wind, earth movements, etc.

- vi. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower, antenna and a structure, or between two towers, shall be at least ten (10) feet above the ground at all points, unless buried underground.
- vii. Towers and antennas shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice, also accommodating any co-location requirements.
- viii. The maximum height of the tower shall be 125 feet. The maximum height of any accessory structure shall be 15 feet.

#### **F. Existing Facilities:**

- i. Existing towers may continue in use for their current purpose but may not be replaced or structurally altered without complying in all respects to the requirements in this Ordinance.
- ii. Any request submitted to the Lapel Plan Commission to install an antenna to be located on an existing approved or "grandfathered" tower will only require an improvement location permit and a copy of the contract between the applicant company and the owner of the tower.
- iii. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location and physical dimensions upon obtaining an improvement location permit. However, if the cost of repairing the tower to the former use, physical dimensions, and location would be ten-percent (10%) more than the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full

compliance with all requirements in this Ordinance.

**G. Inspection:**

All towers may be inspected periodically by an official of the Lapel Plan Commission and/or a qualified and licensed engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Ordinance.

**H. Removal:**

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

### V3.2.20

#### Farm Animal Standards

This Farm Animal Standards section applies to the R1 District. The impact of farm animals varies by size and type of animal. The concept of a Farm Animal Unit has been created to balance the impact of large and small animals.

**A. Exemptions:**

All lots shall be permitted up to and including 0.3 animal units in the R1 District regardless of lot size; given that the Setback Requirements of **Subsection D** are met.

**B. Farm Animals Defined:**

Nothing in this section shall be interpreted as regulating the keeping of household pets. For the purpose of this section, farm animals shall be defined as those which are raised and maintained for, or in support of, the production of food or other products.

**C. Animal Units Permitted:**

In the R1 District, there shall be 0.25 animal units

permitted per acre as determined based on the following table. This is in addition to the 0.3 animal units already permitted for the district. The Town Council shall have the discretion to determine the minimum acreage for any farm animal not listed below.

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

**D. Setback Requirements:**

All farm animal stalls, coops, stables, or other place of boarding shall have a minimum setback of 75 feet from all property lines. This shall be in addition to any Buffer Zone / Landscaping requirements in **Section V3.2.7**.

**E. Apiary / Bee Hive Standards:**

The keeping of bee hives for the purpose of harvesting honey is permitted in the R1 District given the following regulations are followed:

- i. The minimum lot size for keeping bee hives is two (2) acres.
- ii. There shall be a maximum of two (2) hives per every one (1) acre of land.
- iii. The hives shall be located a minimum of 150 feet from any street, park, house, or public use.
- iv. Hives that are less than 200 feet from any street, park, house, or public use must be protected by a six (6) foot hedgerow, partition, fence, or similar enclosure.
  1. The fence or other enclosure is subject to regulations of the Fence and Wall Standards (**Section V3.2.24**) and shall be

in addition to any Buffer Zone / Landscaping requirements in **Section V3.2.7**.

**V3.2.21**

**Mobile / Manufactured Home Standards**

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

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

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

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

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

the Federal Mobile Home Construction and Safety Standards.

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

**V3.2.22**

**Satellite Dish Standards**

This Satellite Dish Standards section applies to the R1 District. It is the intent of these standards to provide for timely, reasonably priced, and quality access to satellite communication while ensuring the health, safety, and aesthetic quality of Lapel. These regulations are intended to prevent satellite dishes from interfering with the provisions

of utilities, provide for the safety of residents traveling public roads, and prevent damage or injury resulting from antenna detached from their base by act of nature or man.

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

requirements:

- i. The dish shall be an accessory use, subordinate to the primary use on the property.
  - ii. The dish shall conform with the required front yard setbacks for the district in which it is located.
  - iii. The dish shall not be placed in, or overhang any public right-of-way or utility easement.
  - iv. No part of the dish in combination with the structure upon which it is mounted shall exceed the maximum height requirements for the district in which it is located.
  - v. The dish shall be screened or located in such a manner so that it is not visible from the public right-of-way.
- F. Satellite dishes greater than one (1) meter in diameter in any residentially used or zoned district, and antenna greater than two (2) meters in diameter in any non-residentially used or zoned district shall require a permit, and placement of the antenna shall be subject to the following requirements.
- i. The dish shall be an accessory use, subordinate to the principal use on the property.
  - ii. The dish shall be located to the rear of the principal structure on the property (if mounted on the ground or an accessory structure) and to the rear of the roof peak (if mounted on the primary structure), and shall conform with the required setbacks for the district in which it is located.
  - iii. The dish shall not be placed in, or overhang, any public right-of-way, easement, or required buffer zone.
  - iv. If mounted on the primary structure, the antenna shall not extend more than three (3) feet above the roof line.
  - v. No part of the dish in combination with the structure upon which it is mounted shall exceed the maximum height requirements for the district in which it is located.
  - vi. Where possible, the dish shall be screened or

located in such a manner so that it is not visible from the public right-of-way.

### V3.2.23

#### Temporary Use / Structure Standards

This Temporary Use / Structure Standards section applies to the R1 District.

- A. Temporary structures are permitted in any zoning district provided that the use is a permitted use in that zoning district.
- B. Temporary structures must meet all development standards for a permanent structure unless otherwise specified in this section.
- C. Temporary uses and/or structures which seek extensions of the initial time limits established for that use or structure in this section shall be subject to the approval of the Board of Zoning Appeals. An unlimited number of one (1) year extensions of time may be granted for a temporary use or structure by the Board of Zoning Appeals. The Board may impose reasonable conditions as part of its approval.
- D. All temporary structures or uses shall require a permit unless otherwise specified in this Section. No temporary use or structure, or the signage, lighting, landscaping, or parking areas for such facilities shall be constructed, placed upon a site, or altered prior to all necessary permits being obtained.
- E. All temporary uses or structures must be removed and the original site reverted to its original condition within the duration of the permit.
- F. Any trailer used as a temporary structure must be equipped with skirting on all four sides which match the exterior material of the trailer.
- G. No extensions of the time limits described in this Section shall be considered for any temporary use or structure that violates any conditions listed in this Section or any other provision of this Ordinance.
- H. Temporary uses and structures which represent a public nuisance in the opinion of the Building Inspector shall be

removed from the property. A nuisance temporary use/ structure shall include, but not be limited to, one which creates road congestion or prevents adequate access by fire trucks and other emergency vehicles, or disrupts the residential character of a neighborhood with excessive outdoor lighting or sound.

- I. The following temporary uses and structures are permitted in the R1 District as described below - no permit shall be required:
  - i. Garage / yard sales are permitted for a total of seven (7) days per calendar year, per lot.
  - ii. Children's roadside stands.
  - iii. Tents used for private parties or events are permitted for a total of seven (7) days per calendar year, per lot. Tents may also be subject to the review of the applicable fire district.
  - iv. Construction trailers are permitted as temporary structures for up to 12 months in any five (5) year period, per lot. Dumpsters shall not be located in any right-of-way
- J. Temporary model homes and temporary sales trailers shall be permitted in each development until either (1) building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the development or (2) five (5) years from the date of approval of the final plat for the most recent section of the development, whichever is greater. A permit shall be required.
- K. Model homes and temporary home sales trailers shall be located on a lot in the development in which the homes are for sale. No other structures shall be permitted on any lot occupied by a model home or temporary sales trailer.
- L. A maximum of one (1) model home per design style (maximum of three (3)) or temporary home sales trailer shall be permitted per builder, or subsidiary company of each builder, if applicable, marketing home in each development.
- M. The placement of temporary model homes and sales trailers shall be consistent with the following requirements.
  - i. Location: The facility shall be located on the lot



- nearest to the entrance of the development which is not occupied by another structure. In no instance shall a temporary home sales facility be located further than the first four (4) lots from the development entrance.
- ii. Uses: The facility shall be used for open house purposes for prospective buyers only, and shall not be used for corporate meetings or construction management activities. Such temporary home sales facilities may not be directly used for the purpose of selling homes in other developments or in other communities.
- iii. Signage: Signage shall be limited to one ground sign not to exceed six (6) feet in height and 24 square feet in area. Such signage shall be placed a minimum of ten (10) feet from the right-of-way, 15 feet from adjacent property lines, and in a manner consistent with the intersection sight visibility requirements of this Code.
- iv. Lighting: Exterior lighting shall be limited to what is customary for resident-occupied homes and shall be shielded to reduce glare and light trespass onto adjacent lots. Interior lighting shall be limited to what is customary for resident-occupied homes and shall be turned off by 9:00pm and shall remain off until 8:00am daily.
- v. Hours of Operation: Operation of the facility shall be limited to the hours of 8:00am through 9:00pm daily. The operation shall be limited to a maximum of two (2) employees working in the model home at any time.
- vi. Parking: Temporary home sales facilities shall conform with the following parking requirements:
  - 1. Model homes shall provide a minimum of two off-street parking spaces for the use of salespersons and potential buyers.
    - a. Such parking spaces shall conform to the size requirements
- of this Ordinance.
  - b. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. Such driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.
- 2. Temporary sales trailers shall be prohibited from providing off-street parking of any type for any purpose.
- vii. Landscaping: Temporary home sales facilities shall conform with the following landscaping requirements:
  - 1. Model homes shall provide landscaping consistent with the requirements of this Code for homes to be constructed in the development.
  - 2. Temporary sales trailers shall provide a landscaped area extending from the trailer for five (5) feet in each direction.
    - a. Such landscaping shall include a variety of shrubs and other materials consistent with the landscaping design of the property and the development.
    - b. The trailer site shall be graded to ensure proper drainage and treated with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with that of the homes to be built in the development.
- N. Prior to the sale of a model home for use as a residence, all signage and exterior lighting shall be removed and the garage area shall be returned to its primary use.
- O. Any builder using a temporary home sales trailer and either

constructing an approved model home consistent with this section or removing the trailer shall restore the temporary home sales trailer site to pre-installation conditions, removing the trailer and any associated signage and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed within ten (10) days of the issuance of any certificate of occupancy for the model home.

### V3.2.24

#### Fence and Wall Standards

This Fence and Wall Standards section applies to the R1 District:

- A. Fences and walls shall be permitted in the R1 District subject to the conformance with the following requirements:
  - i. All fences and walls shall present the non-structural face outward.
  - ii. All fences and walls may be permitted up to any property line that is not also a right-of-way line or part of a required buffer zone (see Buffer Zone Matrix on page 23)
  - iii. No fence or wall may be placed in any right-of-way or any required sight visibility triangle.
  - iv. No fence or wall may be placed in any drainage, utility, sidewalk, access, or other easement without written permission from the easement holder.
  - v. No fence or wall may be placed in any required buffer zone that does not specifically provide for the inclusion of fences.
- B. Fences specifically required by this Ordinance for screening, swimming pools, telecommunication facilities, or other purposes may exceed the maximum heights established by this section in a manner consistent with the specific requirements of this Ordinance.
- C. The height of a fence shall be determined by measuring from the highest grade to the highest point of the fence, including any posts or finials.
- D. Fences and walls shall not exceed six (6) feet in height in

any side or rear yard. Any non-agricultural fencing located in the front yard shall be constructed with new, durable, weather resistant, and easily maintainable materials and may not exceed a height of three (3) feet or be constructed of barbed-wire, razor-wire, electric, or stockade fencing. If chain link fencing is used in the front yard, it must be constructed with a PVC coated material. For the purpose of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them.

- i. Any fencing being used as part of a required buffer zone installation shall meet the minimum Screen Wall and Fence Standards in **Subsection R of Section V3.2.7.**

### V3.2.25

#### Landscaping Standards

This Landscaping Standards section applies to the R1 District: Landscaping is integral in the design and development of a site. Such plantings are a benefit to the general welfare of the community through the reduction in storm water runoff, glare, heat buildup, and improved aesthetics of the community.

##### A. Planting Standards:

Under no circumstances shall any artificial plant be installed and / or counted as part of the required plantings. All plant materials shall be living plants and shall meet the following requirements:

- i. In no instance shall any landscaping required by this section, or by any other section of this Ordinance be used to meet the requirements of a different Ordinance section. In all cases, the landscaping required by any section of this Ordinance shall be considered as being in addition to any other requirements.
- ii. Any existing vegetation on site, which is retained, may be counted towards the minimum landscaping requirements.
- iii. All new trees required to be planted by this Ordinance shall be measured consistent with the

American Nursery Standards Institute (ANSI).

1. All deciduous trees shall be two and one-half (2 1/2) in diameter at the time of planting - measured six (6) inches above the root flair.
2. All evergreen trees shall be six (6) feet in height at the time of planting - measured from the top of the root flair to the top of the canopy.
3. All shrubs shall be 12 inches in height at the time of planting - measured from the ground (once planted) to the top of the canopy.
- iv. Earthen mounds (berms) shall be physical barriers which block or screen the view similar to a hedge, fence, or wall. If installed, berms shall meet the following requirements:
  1. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio.
  2. Berm areas not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition.
  3. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or on adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
  4. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- v. All plant materials required by this section shall be free of disease, insects, and / or damage, and shall be correctly labeled indicating genus, species and cultivar.
- vi. Trees listed in Table **V3.2.25.1**, shall be prohibited.

**Table V3.2.25.1**

Common Name	Horticultural Name
Boxelder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos var. Inermis (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parvifolia
Ash	All varieties susceptible to EAB
Sweet Gum	Liquidambar Styraciflua (seed varieties)
Tree of Heaven	Ailanthus Altissima
Birch, White Paper	Betula Papyrifera

- vii. Grass shall be planted in species normally grown as permanent lawns in Central Indiana, and may be sodded or seeded; except in swales or other areas subject to erosion, where solid sod, erosion-reducing netting, or suitable mulch shall be used. Other grasses may also be used as ornamentation and for golf course applications unless otherwise specifically prohibited by this Ordinance or deemed unacceptable by the Zoning Administrator.
- viii. All required "Foundation Plantings" must be within ten (10) feet of the structure's foundation and should consist of perineal shrubs, ornamental shrubs, ornamental plants, or flowering plants.
- ix. No landscaping materials, vegetation, plants,

shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any proposed right-of-way or easement without written permission from the agency that established the right-of-way or easement.

**B. Design Standards:**

All proposed landscape materials shall compliment the form of any existing trees and plantings. Light, water, soil quantity and quality, and on-going maintenance requirements shall be considered in selecting plant materials.

**C. Maintenance Requirements:**

Trees, vegetation, irrigation systems, fences, walls, and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times.

- i. All unhealthy or dead plant material shall be replaced by the next planting period. Other defective landscape material shall be replaced or repaired within three (3) months.
- ii. Landscape materials are intended to grow, spread, and mature over time. Landscaping materials used to fulfill requirements of this section may not be pruned or otherwise treated so as to reduce overall height or level of opacity. Pruning, limbing-up, topping, and other inhibiting measures including removal may only be practiced to insure the public safety, to maintain a neat and attractive appearance, and to preserve the relative health of the material involved.

**D. Interior Planting Requirements:**

Landscaping shall be required on each lot based on the use of that lot as defined in **Table V3.2.25.2**. Where a lot is occupied by a combination of land uses listed below, only plantings consistent with the requirements for the land use that would result in the most landscaping is required.

**E. Off-Street Parking Areas; Landscaping Requirements: (This Ordinance is copied from Section V3.2.7, Subsection M)**

Off-street parking areas containing six (6) or more parking spaces shall be provided with landscaping in accordance with the following:

- i. 6 - 100 spaces: One (1) canopy tree and 100 sq.ft. of landscaped area for every six (6) spaces - round up. For example, a lot having 56 spaces would require 10 canopy trees and 1,000 sq.ft. of landscaped area.
- ii. 101 - 200 spaces: One (1) canopy tree and 100 sq.ft. of landscaped area for every eight (8) spaces - round up. For example, a lot having 135 spaces would require 17 canopy trees and 1,700 sq.ft. of landscaped area.
- iii. 201+ spaces: One (1) canopy tree and 100 sq.ft. of landscaped area for every ten (10) spaces - round up. For example, a lot having 340 spaces would require 34 canopy trees and 3,400 sq.ft. of landscaped area.

In no case shall any required Buffer Zone be considered as part of the off-street parking landscaped area.

**F. Landscape Standards for Required Off-Street Parking Areas: (This Ordinance is copied from Section V3.2.7, Subsection N)**

Required parking lot landscape areas shall comply with the following standards:

- i. The minimum size of a landscaped area shall be 60 square feet and at least six (6) feet wide.
- ii. All landscaped areas shall be covered with grass, shredded bark, or a living ground cover.
- iii. All landscaped areas shall contain at least one (1) canopy tree. The tree shall be located so as not to be damaged by any surrounding vehicles.

**Required Buffer Zones shall be install for any off-street parking areas (see Section V3.2.7, Subsections N - P for off-street parking buffer zone requirements)**

**Table V3.2.25.2**

Site Interior Planing Requirements			
Zoning District	This number of...	this planting type...	shall be required for every...
<b>Ag</b> <i>(with residential use)</i>	2	Deciduous or Evergreen Trees	1 dwelling unit
	1	Foundation Planting	20' of perimeter
<b>R1 (including mobile and manufactured homes)</b>	2	Deciduous or Evergreen Trees	1 dwelling unit
	1	Foundation Planting	20' of perimeter
<b>R2</b>	2	Deciduous or Evergreen Trees	1 dwelling units
	1	Ornamental Tree	1 dwelling units
	1	Foundation Planting	15' of perimeter
<b>R3</b>	2	Deciduous or Evergreen Trees	2 dwelling units
	1	Ornamental Tree	4 dwelling units
	1	Foundation Planting	10' of perimeter
<b>C1, C2 (where appropriate)</b>	2	Deciduous or Evergreen Trees	1000 sq.ft. of ground floor area
	1	Ornamental Tree	1000 sq.ft. of ground floor area
	1	Foundation Planting	20' of perimeter
<b>Is</b>	2	Deciduous or Evergreen Trees	1000 sq.ft. of ground floor area
	1	Ornamental Tree	1000 sq.ft. of ground floor area
	1	Foundation Planting	10' of perimeter
<b>II, Ig</b>	2	Deciduous or Evergreen Trees	3000 sq.ft. of ground floor area
	1	Ornamental Tree	3000 sq.ft. of ground floor area
	1	Foundation Planting	30' of perimeter

- G. The Zoning Administrator shall approve the location of off-street parking landscaping using the following criteria:
- i. Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or on adjacent properties, or obstruct vision for reason of safety, ingress, or egress.
  - ii. Trees shall be installed in such a manner that parked motor vehicles are shaded whenever possible.
  - iii. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces.
  - iv. At least one-half of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point ten (10) feet from the outside boundary of the parking area. This requirement may be modified by the Zoning Administrator if the landscaped areas are being used for on-site storm water retention and filtration.

- v. All landscaped areas shall be protected by a raised standard or rolled concrete curb. This requirement may be exempt if the interior landscaped areas are being used for on-site storm water retention and filtration – although proper plant and drainage substitutions must be implemented.

H. Installation and Maintenance Provisions:

- i. The Zoning Administrator shall mandate a financial guarantee of a sufficient amount to insure the installation of all required landscaping.
- ii. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary, due to poor health, disease, or unsafe conditions, and kept free of refuse and debris.
- iii. Screen walls and fences shall be maintained in good repair.
- iv. Any landscaping required by this section that is removed or replaced without the written permission of the Plan Commission shall be replaced at the owner's expense with new landscaping of the appropriate species that is equal to or greater in caliper, height, or canopy proportions to the required landscaping that was removed.

## V3.2.26

### Seasonal Housing Standards

This Seasonal Housing section applies to the R1 District:

All seasonal housing units in Lapel, specifically those used in support of farming operations shall be consistent with the following minimum standards and requirements:

A. **Basic Equipment and Facilities:**

No person shall allow a dwelling unit to be occupied which does not comply with the following minimum standards for basic equipment and facilities. Every dwelling unit shall include:

- i. Access to a kitchen sink in good working condition and properly connected to an approved water and sewer system;

- ii. Access to a room which affords privacy to a person within the room which is equipped with a fresh water closet, a lavatory basin, and a bathtub or shower in good working condition and properly connected to an approved water and sewer system;
- iii. Access to garbage disposal facilities or garbage storage containers; and
- iv. Safe unobstructed means of egress leading to safe and open space at ground level.

B. **Light, Ventilation, and Heating:**

No person shall allow a dwelling unit to be occupied which does not comply with the following minimum standards for light, ventilation, and heating. Every dwelling unit shall include:

- i. Adequate ventilation for every habitable room;
- ii. Water heating facilities properly installed and maintained in good and safe working order;
- iii. Adequate lighting and electrical receptacles for every habitable room. Every outlet and fixture shall be properly installed, maintained in good and safe working condition, and connected to the source of electric power in a safe manner;
- iv. Heating facilities which are properly installed, maintained in a safe and good working condition, and capable of safely and adequately heating all habitable rooms to a minimum of 68 degrees Fahrenheit;
- v. Screens and closing devices for all doors and windows (and any other opening) opening directly from a dwelling unit to an outdoor space; and
- vi. Screens of other devices for every opening which might otherwise allow the entry of rodents into the dwelling unit.

C. **Safe and Sanitary Maintenance:**

No person shall allow a dwelling unit to be occupied which does not comply with the following minimum standards:

- i. Every foundation, floor, wall, ceiling, and roof shall be reasonably weather tight, water tight, and



- rodent-proof and shall be capable of affording privacy and shall be kept in good repair;
- ii. Every window, exterior door, and basement hatchway shall be reasonably weather tight, water tight, and rodent-proof and shall be kept in sound working condition and in good repair;
- iii. All structures, whether occupied or unoccupied, shall be maintained in a condition of reasonable repair to prevent the infestation of rodents and insects, and prevent the creation of a hazard to public safety and general welfare;
- iv. Every inside and outside stair and every porch or like structure shall be constructed so as to be safe to use and capable of supporting the load that will be placed upon it through normal use;
- v. Every plumbing fixture and water waste pipe shall be properly installed and maintained in good sanitary working condition, free from major leaks, defects, and obstructions; and
- vi. Every bathroom floor surface shall be constructed and maintained to be reasonable impervious to water and to permit the floor to be easily kept in clean and sanitary condition.

**D. Space Requirements:**

No person shall allow a dwelling unit to be occupied which does not comply with the following minimum standards:

- i. Every dwelling unit shall contain a minimum of 100 square feet of habitable floor space for the first occupant and at least 75 square feet of habitable floor space for each additional occupant;
- ii. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of habitable floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 additional square feet of habitable floor space for each additional occupant;
- iii. No dwelling unit containing two or more sleeping

rooms shall be arranged such that access to a bathroom intended for use by occupants of more than one sleeping room can only be obtained by passing through another sleeping room, nor shall the room arrangement require that access to any sleeping room may only be obtained by passing through another sleeping room or bathroom;

- iv. The ceiling height of all habitable rooms shall in no case be less than seven (7) feet from the interior floor level.

**E.**

**License:**

All persons, corporations, or other entities which maintain seasonal housing shall be required to obtain a license for such dwelling units annually from the Building Inspector in a manner consistent with the adopted licensing policies and procedures of the Building Inspector.

- i. The licensing procedure may include a fee, established on an adopted fee schedule, and an inspection of the housing units by the Building Inspector.
- ii. The occupancy of any dwelling unit which is subject to the provisions of this section without a license shall constitute a violation of this Ordinance and shall be subject to the penalties listed in **Volume One: Introduction, Section V1.9, Enforcement and Penalties.**
- iii. In no case may a license be granted for the occupancy of any dwelling unit which is not constructed and maintained in a manner consistent with the minimum standards provided in this section.
- iv. Any determination of the Building Inspector related to these standards or this section may be appealed to the Board of Zoning Appeals.

### V3.2.27

## Sign Standards

### Intent

The intent of this section is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain and enhance the aesthetic environment of the community; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of the Town of Lapel.

This Sign Standards section applies to the R1 District:

Except as otherwise provided in this section, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign within the jurisdiction of the Lapel Plan Commission, or cause the same to be done without first obtaining a sign permit from the Building Inspector. The following standards apply to all signs within the jurisdiction of the Town of Lapel Plan Commission:

- A. **Inspection:** Signs for which a permit is required may be inspected periodically by the Building Inspector for compliance with this section.
- B. **Removal of a Sign:** The Building Inspector may order the removal of any sign erected or maintained in violation of the requirements of this section consistent with the provisions of **Volume One: Introduction, V1.9, Enforcement and Penalties.**
- C. **Maintenance:** All signs and their components shall be kept in good repair and in safe, neat, clean, and attractive condition. If failure to maintain a sign is determined by the Building Inspector, a written notice will be given to the owner, business operator, or lessee of the property consistent with the provisions of **Volume One: Introduction, V1.9, Enforcement and Penalties.**
- D. **Abandoned Signs:** A sign shall be removed by the owner or lessee of the premises upon which the sign is located within 30 days from the date when the business which it advertises is no longer conducted on the premises. For the purpose of this requirement, the sign shall include all

supports, poles, and other structural elements. In no instance shall the removal of only the sign face be considered compliance with this provision.

E.

**Illuminated Signs:** All illuminated signs must meet the standards specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards:

- i. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated.
- ii. All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place.
- iii. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
- iv. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. All lighting shall have 90 degree cut-off luminaries (shielded downlighting). No light shall shine directly onto adjacent property.

F.

**Exempt Signs:** The following signs are exempt from all provisions of this section.

- i. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
- ii. Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete, or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- iii. Public signs erected by or on the order of public

- officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.
  - iv. Utility signs are permitted to mark cables and lines for public and private utilities unless determined to be a hazard by the Building Inspector.
  - v. Seasonal or holiday signs, including lighting erected in the connection with the observance of holidays, provided that such signs and lighting shall be removed no later than 60 days following the holiday.
  - vi. Real estate signs provided they are not located in the right-of-way and do not exceed 24 square feet in the R1 District.
  - vii. Political signs and other signs of expression, provided that they are not posted more than two (2) months before the next election day and are removed ten calendar days after each election.
- G. **Prohibited Signs:** The following types of signs are expressly prohibited in all zoning districts:
  - i. Signs that utilize any motion picture, laser, or visual projection of images in conjunction with any business or advertisement.
  - ii. Signs that emit audible sound, odor, or visible matter.
  - iii. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words “Stop”, “Slow”, “Caution”, “Danger”, “Warning”, or similar words.
  - iv. Signs that may be construed as a light of an emergency or road equipment vehicle.
  - v. Signs that hide any traffic or roadway sign, signal, or device from view.
  - vi. Signs that interfere with the Sight Visibility Triangle as defined in **Section V3.2.17**.
  - vii. Signs that are located in any right-of-way, non-sign easement, or septic field.
- viii. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
  - ix. Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or services. Prohibited signs do not include vehicles parked at a driver’s place of residence during non-business hours or for incidental purposes.
  - x. Signs consisting of banners, streamers, pennants, and / or inflatable devices with, alone, or in combination with other signs.
- H. **Off-premise Signs:** Off-premise signs shall be classified as either Class I, Class II, or Class III depending on the maximum square feet of sign area per side of sign. A Class I off-premise sign shall have a maximum of 1,000 square feet of area, a Class II off-premise sign shall have a maximum of 16 feet of sign area, and a Class III off-premise sign shall have a maximum of four (4) square feet of area. All classes of off-premise signs shall be prohibited in the R1 District with the exceptions described below:
  - i. General Conditions for all classes of off-premise signs:
    - 1. Under no circumstances shall real estate signs placed on property for sale or lease, political signs, or agricultural seed signs identifying test plots be considered off-premise signs.
    - 2. A sign permit shall be obtained from the Zoning Administrator for all off-premise signs.
    - 3. Multiple faces mounted on the same structures shall be considered one sign. “Double stacked” signs shall be prohibited.

4. Off-premise signs shall be mounted on structures permanently anchored in the ground. Mobile off-premise signs, inflatable off-premise signs, and off-premise signs placed on vehicles or trailers shall be prohibited.
5. Double side signs are permitted, with each allowed the maximum square footage, provided that such signs are completely back-to-back or at an offset no greater than an angle of 45 degrees.

I. **Temporary Signs:** Temporary Signs are permitted in all districts, without a permit, subject to the following requirements:

- i. Signs shall be constructed of non-rigid or semi-rigid materials and be designed so as not to be permanently mounted to the ground or structure.
- ii. Signs shall not exceed six (6) square feet in area.
  1. A permit shall be required for any temporary sign exceeding six (6) square feet in area.
- iii. Signs shall be permitted for a period not to exceed 60 days.
  1. A permit shall be required to exceed the 60 day limit.
    - a. The timeframe shall only be extended in 30 day increments.
- iv. Each lot shall be limited to two (2) temporary signs.
  1. A permit shall be required for the placement of additional temporary signs on any one (1) lot.
- v. Signs consisting of banners, streamers, pennants, and/or inflatable devices with, alone, or in combination with other signs shall follow the regulations of **Section V5.2.28, Section I**,
- vi. One temporary sign identifying a temporary home sales facility shall be permitted for such facilities

meeting the requirements of the **Temporary Use / Structure Standards in Section V5.2.24**. A permit shall be required, and the sign shall be subject to the following requirements:

1. The sign may be illuminated consistent with the overall illumination requirements for temporary home sales facilities established by **Section V5.2.24**.
2. The sign shall not exceed 24 square feet in area or six (6) feet in height from ground level.
3. The sign shall be placed a minimum of ten (10) feet from any public right-of-way and any other property line.

J. **Permanent Signs:** The following signs shall be permitted. A permit shall be required for each sign unless otherwise specified.

- i. One (1) sign that shall not exceed a combined area of two (2) square feet is permitted as a wall sign on the primary structure of each dwelling unit. No illumination is permitted. No permit is required.
- ii. Two (2) entry signs for residential developments are permitted at each entrance to the development.
  1. No sign shall exceed 32 square feet in area.
  2. No sign shall exceed five (5) feet in height, measured from ground level. In no case may mounding or other alterations of the natural ground level be used as a point of reference for measuring sign height.
  3. Each sign shall be set back a minimum of two (2) feet from the right-of-way of any public street.

### V3.2.28

#### Adult Uses

Adult Uses shall not be permitted in the R1 District. "Adult Uses" shall be considered as any of the following:

A. **Adult Bookstore, Adult Novelty Store, Adult Video Store:**

Any commercial establishment which has 35% or more of its stock-in-trade, including inventory and/or displayed items, of any one or more of the following:

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

B. **Adult Cabaret:**

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

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

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# V3.3

## Appendix

### V3.3.1 Approved Tree Species

**Table V3.3.1** contains a list of tree species approved for planting in adherence to the requirements of this ordinance.

**Table V3.3.1**

Common Name	Height*	Crown Spread**
White Fir	> 30 ft	16 - 30 ft
Red Maple	> 30 ft	> 30 ft
Sugar Maple	> 30 ft	> 30 ft
Hackberry	> 30 ft	> 30 ft
Japanese Sawara	> 30 ft	16 - 30 ft
Hardy Rubber Tree	> 30 ft	> 30 ft
American Beech	> 30 ft	> 30 ft
European Beech	> 30 ft	> 30 ft
Ginkgo (male only)	> 30 ft	16 - 30 ft
Thornless Honey Locust	> 30 ft	> 30 ft
Sweet Gum (seedless varieties)	> 30 ft	> 30 ft
Tulip Poplar	> 30 ft	16 - 30 ft
Cucumber Magnolia	> 30 ft	> 30 ft
Dawn Redwood	> 30 ft	16 - 30 ft
Black Gum	> 30 ft	16 - 30 ft
Amur Corktree	> 30 ft	> 30 ft
Norway Spruce	> 30 ft	16 - 30 ft
White Spruce	> 30 ft	< 16 ft
Limber Pine	> 30 ft	16 - 30 ft
Austrian Pine	> 30 ft	16 - 30 ft

White Pine	> 30 ft	16 - 30 ft
Scotch Pine	> 30 ft	16 - 30 ft
London Plane Tree	> 30 ft	> 30 ft
Douglas Fir	> 30 ft	< 16 ft
Swamp White Oak	> 30 ft	> 30 ft
Shingle Oak	> 30 ft	> 30 ft
Chesnut Oak	> 30 ft	> 30 ft
English Oak	> 30 ft	> 30 ft
Red Oak	> 30 ft	> 30 ft
Shumard Oak	> 30 ft	> 30 ft
Bald Cypress	> 30 ft	16 - 30 ft
Eastern Arborvitae	> 30 ft	< 16 ft
American Linden	> 30 ft	> 30 ft
Silver Linden	> 30 ft	> 30 ft
Canadian Hemlock	> 30 ft	16 - 30 ft
Japanese Zelkova	> 30 ft	> 30 ft
Hedge Maple	16 - 30 ft	16 - 30 ft
Purplebloss Maple	16 - 30 ft	16 - 30 ft
River Birch	16 - 30 ft	> 30 ft
European Hornbeam	16 - 30 ft	> 30 ft
American Hornbeam	16 - 30 ft	> 30 ft
Katsura Tree	16 - 30 ft	16 - 30 ft
Redbud	16 - 30 ft	16 - 30 ft
Yellowwood	16 - 30 ft	> 30 ft
Goldenrain Tree	16 - 30 ft	16 - 30 ft
Ironwood	16 - 30 ft	16 - 30 ft
Swiss Stone Pine	16 - 30 ft	16 - 30 ft
Aristocrat / Capital Pear	16 - 30 ft	16 - 30 ft
Sawtooth Oak	16 - 30 ft	> 30 ft
Scholar - Tree	16 - 30 ft	> 30 ft
Littleleaf Linden	16 - 30 ft	> 30 ft

Trident Maple	< 16 ft	16 - 30 ft
Amur Maple	< 16 ft	16 - 30 ft
Paperbark Maple	< 16 ft	16 - 30 ft
Serviceberry	< 16 ft	16 - 30 ft
White Fringe Tree	< 16 ft	< 16 ft
Pagoda Dogwood	< 16 ft	16 - 30 ft
Flowering Dogwood	< 16 ft	16 - 30 ft
Kousa Dogwood	< 16 ft	16 - 30 ft
Cornelian Cherry	< 16 ft	16 - 30 ft
Thornless Hawthorn	< 16 ft	16 - 30 ft
Saucer Magnolia	< 16 ft	16 - 30 ft
Sweetbay Magnolia	< 16 ft	< 16 ft
Crabapples	< 16 ft	< 16 ft
Mugo Pine	< 16 ft	16 - 30 ft
Cherry Species	< 16 ft	16 - 30 ft
Staghorn Sumac	< 16 ft	16 - 30 ft
Blackhaw Viburnum	< 16 ft	< 16 ft
Yellowhorn	< 16 ft	< 16 ft