

08.2022

ORDINANCE NUMBER 08-2022

Woodward Place Planned Unit Development District

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAPEL,
MADISON COUNTY, INDIANA AMENDING THE
UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF LAPEL, INDIANA**

WHEREAS, the Town Council of the Town of Lapel, Indiana (the “Town Council”), adopted the Town of Lapel, Indiana Unified Development Ordinance (the “Unified Development Ordinance”) pursuant to its authority under the laws of the State of Indiana, Indiana Code § 36-7-4 *et seq.*, as amended; and

WHEREAS, the Town of Lapel, Indiana (the “Town”) is subject to the Unified Development Ordinance; and

WHEREAS, the Town of Lapel Advisory Plan Commission (the “Commission”) considered a petition (“Docket 06-22”), the Woodward Place Planned Unit Development, filed with the Commission requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the “Real Estate”);

WHEREAS, the Commission forwarded Docket 06-22, after a public hearing held on the 11th day of August, 2022, to the Town Council with a favorable recommendation by a vote of 5-0 in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Town Council on August 12, 2022;

WHEREAS, the Town Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Lapel, Madison County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are changed to incorporate the Real Estate into the Woodward Place Planned Unit Development District (the “Woodward Place PUD District”).
- 1.2 Development of the Real Estate is governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance as set forth herein, except as modified, revised, supplemented, or expressly made inapplicable by this Ordinance.
- 1.3 Cross-references of this Ordinance refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are made inapplicable to the Real Estate and are superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 Street Side Yard: An open space, unobstructed to the sky, extending fully across the lot while situated between the street side lot line and the established street side building line.

Section 3. District Plan and Concept Plan.

- 3.1 The Real Estate within the Woodward Place PUD District is hereby divided into four (4) Districts (individually or collectively, “District”), as depicted on the “District Plan”, attached as Exhibit B. Development of each District is regulated as set forth in this Ordinance. The area within each District may increase or decrease up to 15% of the area of the District.
- 3.2 The “Concept Plan”, attached as Exhibit C, is incorporated in accordance with v12.2.3. The community design and lot layout must be substantially similar to the design shown in the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of each District is as follows:

District	Underlying Zoning District
A	C1 General Commercial
B	R2 Single-family Residential: Traditional Neighborhood District
C	R2 Single-family Residential: Traditional Neighborhood District
D	R2 Single-family Residential: Traditional Neighborhood District

Section 5. **Permitted Uses.** The following uses are permitted or prohibited within the Districts, as set forth below:

5.1 **Permitted Uses in District A:**

- A. The Permitted Uses listed in V6.1.2 (C1 District Permitted Uses).
- B. Church or other Place of Worship.
- C. Community Center.
- D. Dwelling, Secondary (on upper floors of other use).

5.2 **Special Uses in District A:** The Special Uses listed in V6.1.2 (C1 District Special Uses), except as otherwise modified by this Ordinance.

5.3 **Prohibited Uses in District A:**

- A. Adult Use.
- B. Fireworks Sale (permanent).
- C. Kennel.
- D. Truck Stop / Travel Center

5.4 **Permitted Uses in Districts B, C, and D:**

- A. The Permitted Uses listed in V4.1.2 (R2 District Permitted Uses).
- B. Church or other Place of Worship.
- C. Community Center.

5.5 **Special Uses in Districts B, C, and D:** The Special Uses listed in V4.1.2 (R2 District Special Uses), except as otherwise modified by this Ordinance.

5.6 **Prohibited Uses in Districts B, C, and D:**

- A. Retail Uses (small scale).
- B. Water Tower.

Section 6. **Lot/Yard Standards.** The Lot/Yard Standards of each District's Underlying Zoning District (V6.2.4 or V4.2.4) apply to the development of the Real Estate, except as otherwise modified below.

6.1 Development Standards Matrix:

	District A Commercial	District B Homes	District C Cottages	District D Fourplexes
Minimum Front Yard Setback	20'	20'	5'	5'
Minimum Street Side Setback for Primary Structures	15'	10'	5'	5'
Minimum Side Setback for Primary Structures	10'	5'	5'	5'
Minimum Setback, Rear for Primary Structures	20'	15'	5'	5'
Minimum Lot Area	10,000 SF	4,800 SF	2,400 SF	2,700 SF
Minimum Lot Width	100'	40'	40'	45'
Minimum Lot Frontage	N/A	30'	N/A	N/A
Maximum Lot Coverage	70%	70%	65%	75%
Minimum Total Living Area ⁽¹⁾	600 SF	1,100 SF	750 SF	1,100 SF
Minimum Ground Floor Living Area	N/A	N/A	N/A	N/A
Maximum Number of Primary Structures per Lot	N/A	1	N/A	1
Maximum Number of Dwelling Units within the District ⁽²⁾	N/A	55	22	20
Minimum Building Separation	10'	10'	10'	10'

Development Standards Matrix Notes:

- (1) In District A, the Minimum Total Living Area applies to each residential dwelling unit provided in upper floors of a building.
- (2) The maximum number of dwelling units within a District may increase by up to 10%.

- 6.2 Driveways: In all Districts, driveways are permitted over utility easements but must maintain a minimum of three (3) feet from side yard property lines.
- 6.3 Street Frontage: In Districts C and D, lots are not required to front upon a public street or approved private street. For lots not fronting upon a street, the front yard is determined as the narrowest lot line abutting a common area.
- 6.4 Variations: The Plan Commission may approve a fifteen percent (15%) reduction in any minimum development standard or fifteen percent (15%) increase in any maximum development standard specified in this Section.

Section 7. **Buffer Zone/Screening Standards.** The Buffer Zone/Screening Standards, as applicable to each District's Underlying Zoning District (V6.2.7 or V4.2.7), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 7.1 Interior Buffers: No buffer zones are required between the different Districts within the Real Estate.
- 7.2 Perimeter Buffers:
 - A. Where the Real Estate abuts property zoned Po – Parks and Open Space District, Is – Institutional and Social District, or a sports-related use, no buffer zone is required. For all other conditions, a Buffer Zone 3 applies.
 - B. Where existing trees are being preserved and protected in place, no additional berming or landscaping is required.
 - C. Where uses within the Real Estate front an existing public street, no Buffer Zone is required.
 - D. Where berming is used for all or part of the buffer zone abutting a commercial use, the requirement that the plant material be placed only on the top and exterior side slope of the berm does not apply.
 - E. Where a screen wall or fence is used for all or part of the buffer zone abutting a commercial use, the requirement that the plant material be placed only on the exterior side of the wall or fence does not apply.

Section 8. **Public Improvement Standards.** The Public Improvement Standards, as applicable to each District's Underlying Zoning District (V6.2.9 or V4.2.9), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 8.1 Sidewalks:
 - A. Sidewalks along the perimeter of the Real Estate abutting existing roadways must be at least 8 feet in width and may be constructed of concrete or asphalt.
 - B. Sidewalks within the interior of the Real Estate must be at least 5 feet in width and constructed of concrete.
 - C. Concrete sidewalks must be at least 4 inches thick in pedestrian areas and 6 inches thick in vehicular areas.
- 8.2 Street Dedications: Right-of-way along existing perimeter streets must be dedicated as noted below:
 - A. Land must be dedicated to create a 40 foot wide half right-of-way the entire length of the interface of the Real Estate and SR 32.
 - B. Land must be dedicated to create a 30 foot wide half right-of-way the entire length of the interface of the Real Estate and S 900 W.

- C. Land must be dedicated to create a 30 foot wide half right-of-way the entire length of the interface of the Real Estate and W 200 S.

8.3 Street Construction:

- A. Improvements to existing perimeter streets is limited to the improvements needed to make safe entrances to the Real Estate, such as acceleration lanes and deceleration lanes.
- B. Interior streets must have at least a 50' wide right-of-way consisting of a 5-foot sidewalk, a 6-foot planter strip between the sidewalk and curb, a 28 foot wide street measured back-of-curb to back-of-curb, a 6-foot planter strip between the sidewalk and curb, and a 5-foot sidewalk.

8.4 Street Trees:

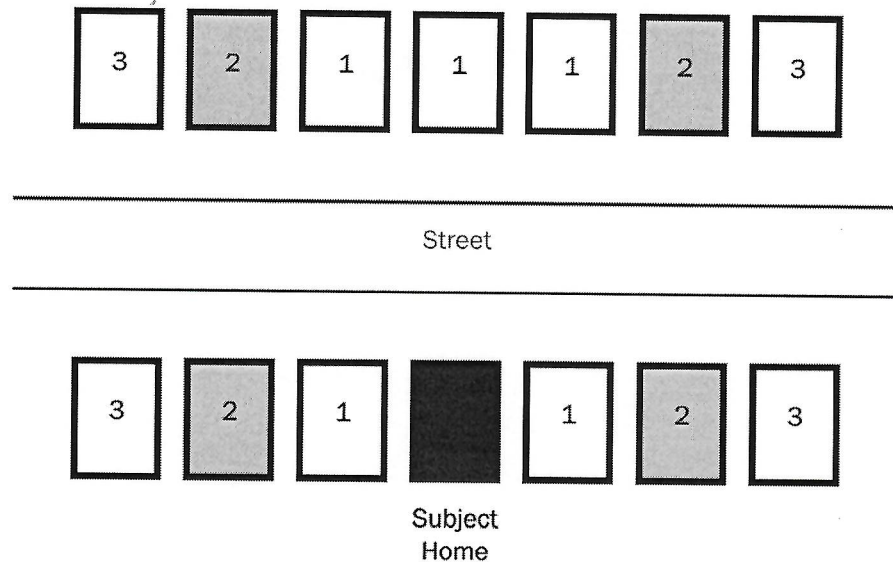
- A. Street trees will be provided in the planter strip between the sidewalk and the curb or edge of pavement spaced no more than 40 feet on center. The same tree species may be used along a street to create uniformity, but tree species must vary between streets.
- B. Street trees cannot be planted within 5 feet of the intersection of a street and a private residential driveway.

Section 9. Open Space Requirements. The Open Space Requirements, as applicable to each District's Underlying Zoning District (V6.2.10 or V4.2.10), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 9.1 Buffer Zones located within a larger common area may count toward the open space requirement.
- 9.2 The Town will permit common area walks to connect to the trail system within Woodward Park.

Section 10. Building Design and Architectural Standards. The Building Design and Architectural Standards, as applicable to each District's Underlying Zoning District (V6.2.11 or V4.2.11) do not apply to the development of the Real Estate. Instead, the following building design and architectural standards apply:

- 10.1 Residential Architectural Standards: All residential dwelling units in Districts B, C, and D must have at least 3 exterior colors, materials, or patterns on the front facade and at least 2 exterior colors, materials, or patterns on the side and rear facades. A well-chosen selection of contrasting trim and accent colors will draw attention to architectural details.
- 10.2 Residential Architectural Diversity: In Districts B, C, and D, to improve the architectural diversity along a streetscape, homes of the same elevation and color scheme are not permitted next to or directly across the street from each other. Additionally, the home color scheme may not be repeated for two homes on either side of the subject home and the five homes directly across the street from the subject home. *Figure 1* illustrates this requirement.

Figure 1: Architectural Diversity Standards

- Lots indicated with the number 1 must use a different elevation and color scheme than the subject property, however, they may use the same trim color as the subject property.
- Lots indicated with the number 2 must use a different color scheme than the subject property, however, they may use the same trim color and brick or stone color as the subject property. These lots may use the same building elevation as the subject property.
- Lots indicated with the number 3 may use the same elevation and color scheme as the subject property.

In determining if a building elevation meets these standards, the reviewer evaluates differentiation in the colors of the (a) siding, (b) siding accents, (c) trim, (d) front door, (e) shutters, and (f) brick or stone.

10.3 Commercial Architectural Standards: In District A, the following design standards apply to all new primary buildings:

- A. Buildings and structures within a single development should have complementary architectural themes.
- B. All roof or ground mounted mechanical equipment must be completely enclosed. Ground-mounted enclosures must be landscaped on all sides not facing the building being served.
- C. Each building facade visible from a street or oriented to an adjoining residential district must be:
 - 100% masonry materials, excluding window, door, roofing, fascia, and soffit materials; or

- Incorporate two or more building materials, excluding window, display window, door, and roofing materials, provided 60% of the building facade is masonry materials.
 - For all other building facades, up to 25% of the facade, exclusive of windows (including faux windows and glazing), doors and loading berths, may be covered with metal, fiber cement siding, polymeric cladding, E.I.F.S., stucco, or vinyl exterior building materials.
 - The exterior building material selection for all building façades must be further enhanced with: (i) the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.); or (ii) the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.).
 - Loading spaces, loading docks, or oversized service doors are prohibited on building façades facing public streets. However, if all building façades are determined to be facing public streets, then loading spaces, loading docks, or oversized service doors may be permitted on the façade least visible from a public street.
- D. All building facades visible from an adjacent street must be constructed with the same building material quality and level of architectural detail.
- E. All building facades must have a defined base or foundation, a middle or modulated wall, and a top formed by a pitched roof or articulated, cornice or molding. Building facades 90 feet or greater in length must have offsets at intervals no greater than 60 feet apart. Buildings less than 10,000 square feet in gross floor area must have offsets at no more than 40-foot intervals. Offsets can project or recess. They must extend the entire vertical plane of the building facade. The offset must be at least 2 feet in depth and at least 20% of the overall building façade length. Architectural elements (e.g., arcades, columns, piers, etc.) meeting the offset requirements may be used to fulfill this requirement.
- F. Gutters and downspouts must be visually integrated with the architectural style of the structure. The color of gutters and downspouts should complement or be consistent with the building materials.
- G. Pitched roof designs must have a main roof with a minimum 5:12 pitch, contain 3 or more roof slope planes, and be covered with high quality roofing materials such as natural clay tiles, slate, concrete tiles (with natural texture and color), high quality standing seam metal roofing, wood shakes or shingles (with adequate fire protection), three-dimensional asphalt or fiberglass shingles.
- H. Metal roofs must have a low-gloss finish to reduce glare.
- I. Flat roof designs must be edged by a parapet wall with an articulated,

three-dimensional cornice or molding. Parapet walls must be fully integrated into the building's architectural design to create seamless transitions between the main building mass and roof-mounted architectural elements. Modulation or variation of the roofs and/or roof lines is required to eliminate the appearance of box-shaped buildings. Flat roofs are prohibited for one-story buildings unless otherwise approved by the Plan Commission after consideration of the building architecture, context, and sensitivity to the character of the area.

- J. All visible vents, attic ventilators, turbines, flues, and other visible roof penetrations must be painted to match the color of the roof or flat black; and oriented to minimize their visibility from adjacent lots and streets.
- K. Building entrances must be clearly defined and articulated by multiple architectural elements such as lintels, pediments, pilasters, columns, awnings, porticos, and other design elements appropriate to the architectural style and details of the building. The location, orientation, proportion, and style of doors must complement the style of the building.
- L. Window designs must be compatible with the style, materials, color, details, and proportion of the building. The number of window panes, the number of window openings, window trim and other design elements to accent the windows must be consistent and complementary to the architectural style of the building.
- M. Window trim and other design elements to accent the windows are required for all windows. Acceptable design elements include shutters, keystones, masonry arches, awnings, decorative stone frames, masonry rowlock frames, or other trim or design elements as approved by the Plan Commission or Administrator.
- N. Fixed or retractable awnings are permitted if they complement the building's architectural style, material, colors, and details. Awnings must be made of a non-reflective material kept in good repair. Awnings used to comply with the architectural design requirements of this Ordinance cannot be removed unless the building façade otherwise complies with the architectural design requirements without the awnings.
- O. The support structures for gasoline service station canopies must be wrapped in material(s) complementing the principal building and the canopy roof materials must match the color and texture of the principal building. To reduce the visual impact of the canopy, the clearance between the underside of the canopy and ground cannot exceed 16 feet and the canopy fascia cannot be more than 30 feet wide.

- 10.4 The Plan Commission or Zoning Administrator may adjust or waive the above requirements to allow a cohesive design consistent with the architectural style of the building and the intent of these regulations.

Section 11. **Lighting Standards.** The Lighting Standards, as applicable to each District's Underlying Zoning District (V6.2.12 or V4.2.12), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 11.1 Street Lighting Standards: Street lights are required at access points to existing perimeter streets. Streets internal to the development are illuminated by dusk-to-dawn lights installed on each of the primary buildings.

Section 12. **Environmental Standards.** The Environmental Standards, as applicable to each District's Underlying Zoning District (V6.2.13 or V4.2.13), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 12.1 Retention, Detention, and Pond Edges: The requirements for natural plantings required in V6.2.13(M) and V4.2.13(M) do not apply.

Section 13. **Parking Standards.** The Parking Standards, as applicable to each District's Underlying Zoning District (V6.2.15 or V4.2.15), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 13.1 A parking space may be located within a utility easement.

Section 14. **Entrance/Drive Standards.** The Entrance/Drive Standards, as applicable to each District's Underlying Zoning District (V6.2.17 or V4.2.16), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 14.1 The requirements of V4.2.16(G) do not apply to driveways for residential dwellings (both individual driveways and shared driveways).
- 14.2 The requirements of V4.2.16(I) do not apply to driveways for residential dwellings (both individual driveways and shared driveways).

Section 15. **Fence and Wall Standards.** The Fence and Wall Standards, as applicable to each District's Underlying Zoning District (V6.2.25 or V4.2.24), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 15.1 Fences and walls may be placed on the property line, even within a required Buffer Zone.

Section 16. **Landscaping Standards.** The Landscaping Standards, as applicable to each District's Underlying Zoning District (V6.2.26 or V4.2.25), apply to the development of the Real Estate, except as otherwise modified by this Ordinance.

- 16.1 Interior Planting Requirements: The planting requirements of V6.2.26(D) V4.2.25(D) do not apply.
- 16.2 Installation and Maintenance Provisions: The provisions of V6.2.26(H)(i) and V4.2.25(H)(i) do not apply.

Section 17. **Large-Scale Retail Standards.** The Large-Scale Retail Standards of V6.2.27 do not apply. They are superseded by Section 10.3 of this Ordinance.

Section 18. **Major Subdivision Standards.** The standards of V12.1.6 Major Subdivision Principles and Design Standards and V12.1.7 Major Subdivision Construction Standards, as applicable, shall apply to the development of the Real Estate unless otherwise modified by this Ordinance. All provisions of V12.1.6 and V12.1.7 that conflict with the provisions of this Ordinance and its Concept Plan are made inapplicable to the Real Estate and are superseded by the terms of this Ordinance.

18.1 Lot Standards: The requirement that each lot must abut a public street does not apply. The requirement that a corner lot has a front setback where abutting a street does not apply. For corner lots, the narrowest frontage abutting a street is considered a front yard and the other frontage abutting a street is considered a street side yard.

18.2 Block Standards: The block length requirements do not apply.

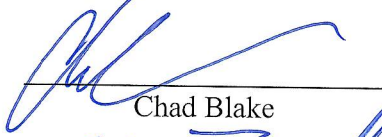
[signature page follows]

ALL OF WHICH IS ADOPTED this 15TH day of SEPTEMBER, 2022 by the Town Council of the Town of Lapel, Indiana.

Voting For

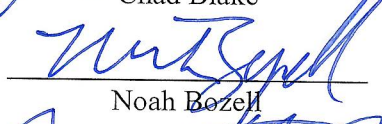
Voting Against

Abstain


Chad Blake

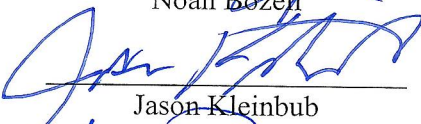
Chad Blake

Chad Blake


Noah Bozell

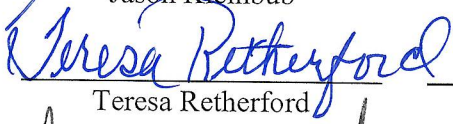
Noah Bozell

Noah Bozell


Jason Kleinbub

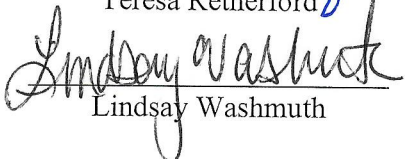
Jason Kleinbub

Jason Kleinbub


Teresa Retherford

Teresa Retherford

Teresa Retherford


Lindsay Washmuth

Lindsay Washmuth

Lindsay Washmuth

ATTEST:

Dennis Molina, Clerk Treasurer


PAULA LEE CHIEF DEPUTY CLERK

This document prepared by: Bryan D. Stumpf, 11th Street Development, LLC, 7378 N 550 E, Lebanon, IN 46052

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Bryan D. Stumpf

EXHIBIT A – REAL ESTATE LEGAL DESCRIPTION

Tract No. 2 Beginning at a point on the South line of the East-Half of the Southeast Quarter of section 21, Township 19 North, Range 6 East, said point being South 89 degrees and 02 minutes West 599.75 feet from the Southeast corner of said Section 21, and running thence South 89 degrees and 02 minutes West 378.45 feet, along said South line to a point being 358.6 feet East of the Southwest corner of said East-Half of the Southeast Quarter, thence North 00 degrees 12 minutes and 20 seconds West 868.5 feet, parallel with the West line of said East Half to the Southerly right-of-way line of State Road No. 32 , thence Northeasterly along said right-of-way line on a curve to the right having a radius of 5,694.6 feet, a distance of 100.75 feet to a concrete right-of-way marker, thence North 76 degrees and 45 minutes East 284.03 feet along said right-of-way line, thence South 00 degrees 24 minutes and 20 seconds East 950.2 feet to the place of beginning.

Being a part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 19 North, Range 6 East and containing 7.86 acres, more or less. Subject to legal right-of-ways.

Tract No. 3: Beginning at the Southeast corner of Section 21, Township 19 North, Range 6 East and running thence South 89 degrees and 02 minutes West 599.75 feet along the South line of the East-Half of said Southeast Quarter, thence North 00 degrees 24 minutes and 20 seconds West 950.2 feet parallel with the East line of said Southeast Quarter of the Southerly right-of-way line of State Road No. 32; thence North 76 degrees and 45 minutes East 505.17 feet along said right-of-way line to the Northwest corner of the Morris K. Hersberger property, thence South 00 degrees 24 minutes and 20 seconds East 143.2 feet to the Southwest corner of said Hersberger property, thence North 89 degrees and 02 minutes East 288.7 feet, thence South 00 degrees 24 minutes and 20 seconds East 915.5 feet, thence South 89 degrees and 02 minutes West 181.5 feet to the place of beginning.

Being a part of the Southeast Quarter of the Southeast Quarter of Section 21, Township 19 North, Range 6 East and containing 13.62 acres, and a part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 19 North, Range 6 East and containing 3.814 acres, and containing in all 17.434 acres, more or less. Subject to legal right-of-ways.

EXHIBIT B – DISTRICT PLAN

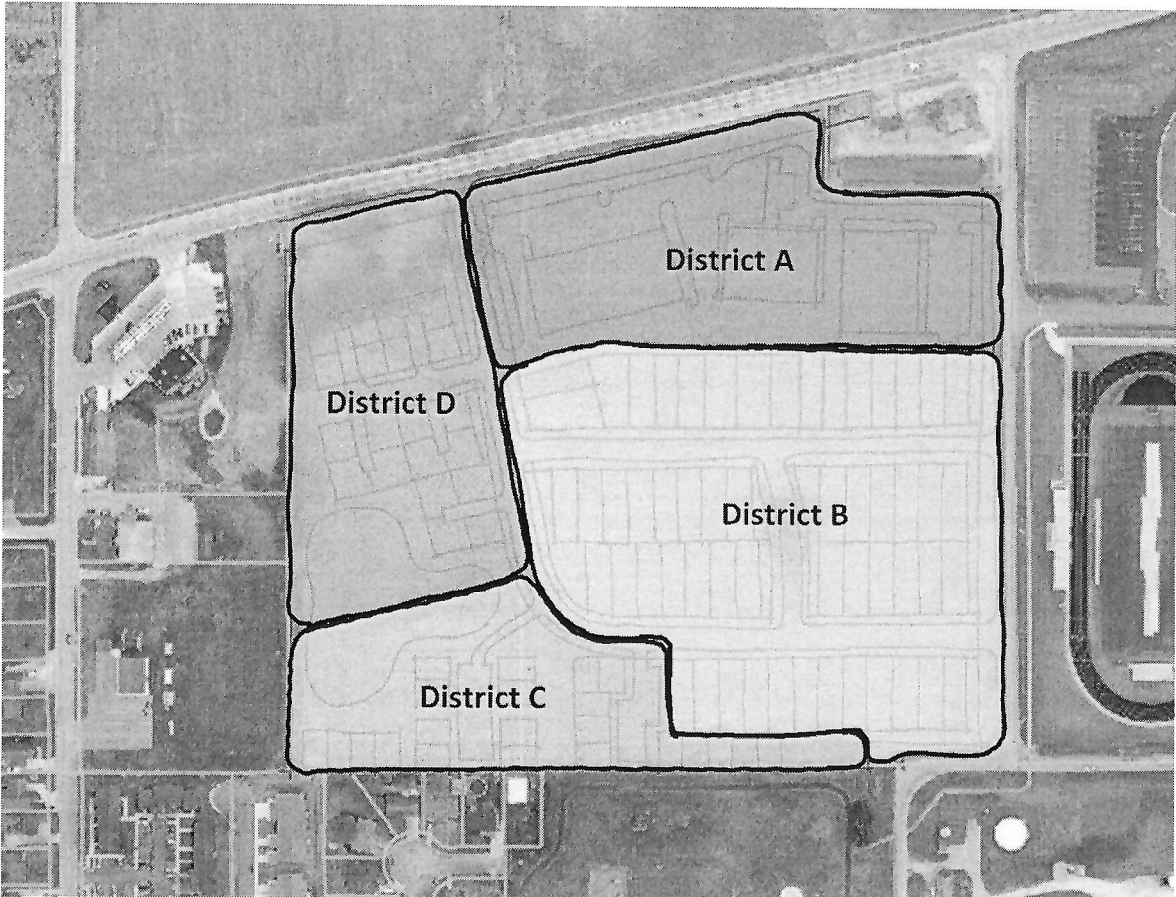


EXHIBIT C – CONCEPT PLAN

Woodward Place
Conceptual Land Plan
15 August 2022

Plan Summary

Grocery	14,400 SF	Honor Homes	54 homes
Inline Retail	46,200 SF	Courtyard Villas	20 homes
Commercial Total	60,600 SF	Cottages	22 homes
		Residential Total	96 homes

o Indicates location of cottage home front facade

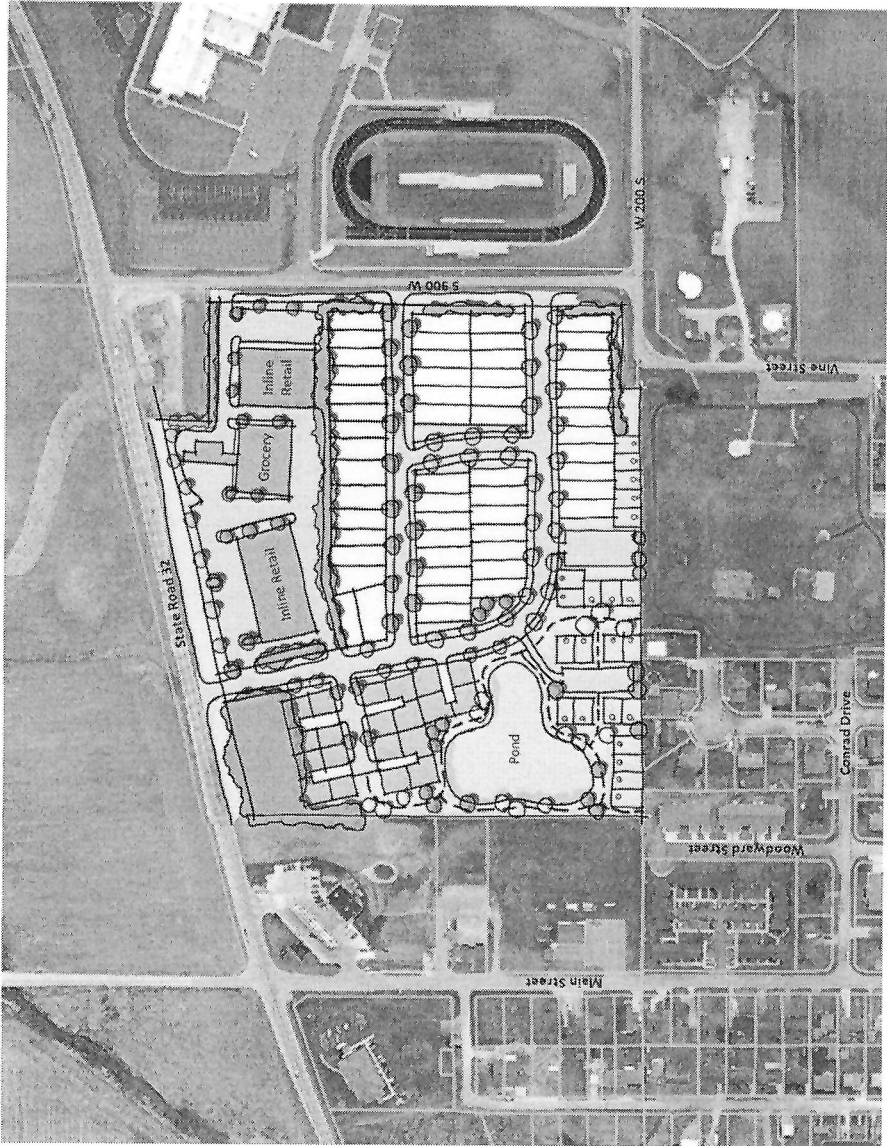
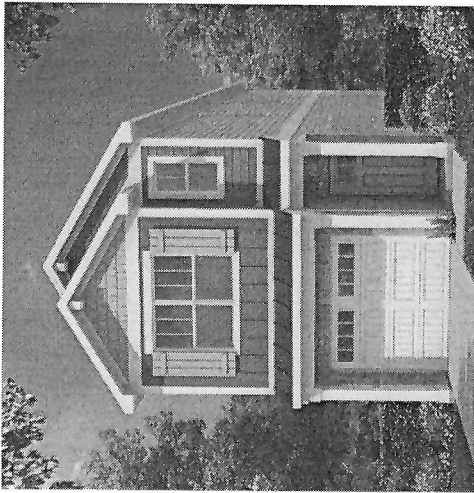


EXHIBIT D – RESIDENTIAL ARCHITECTURAL CHARACTER EXHIBITS

District B Character Exhibits



**Honor Homes
Architectural Character**

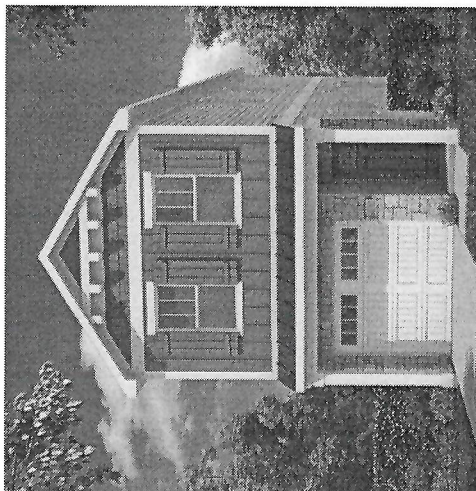
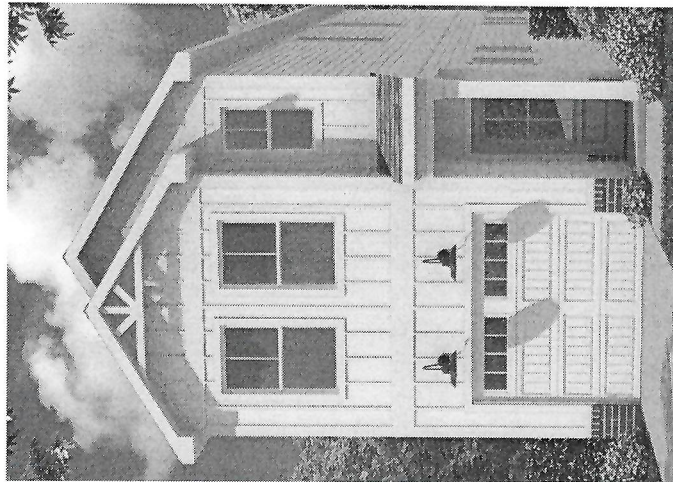


EXHIBIT D – RESIDENTIAL ARCHITECTURAL CHARACTER EXHIBITS

District C Character Exhibits

Cottage
Architectural Character

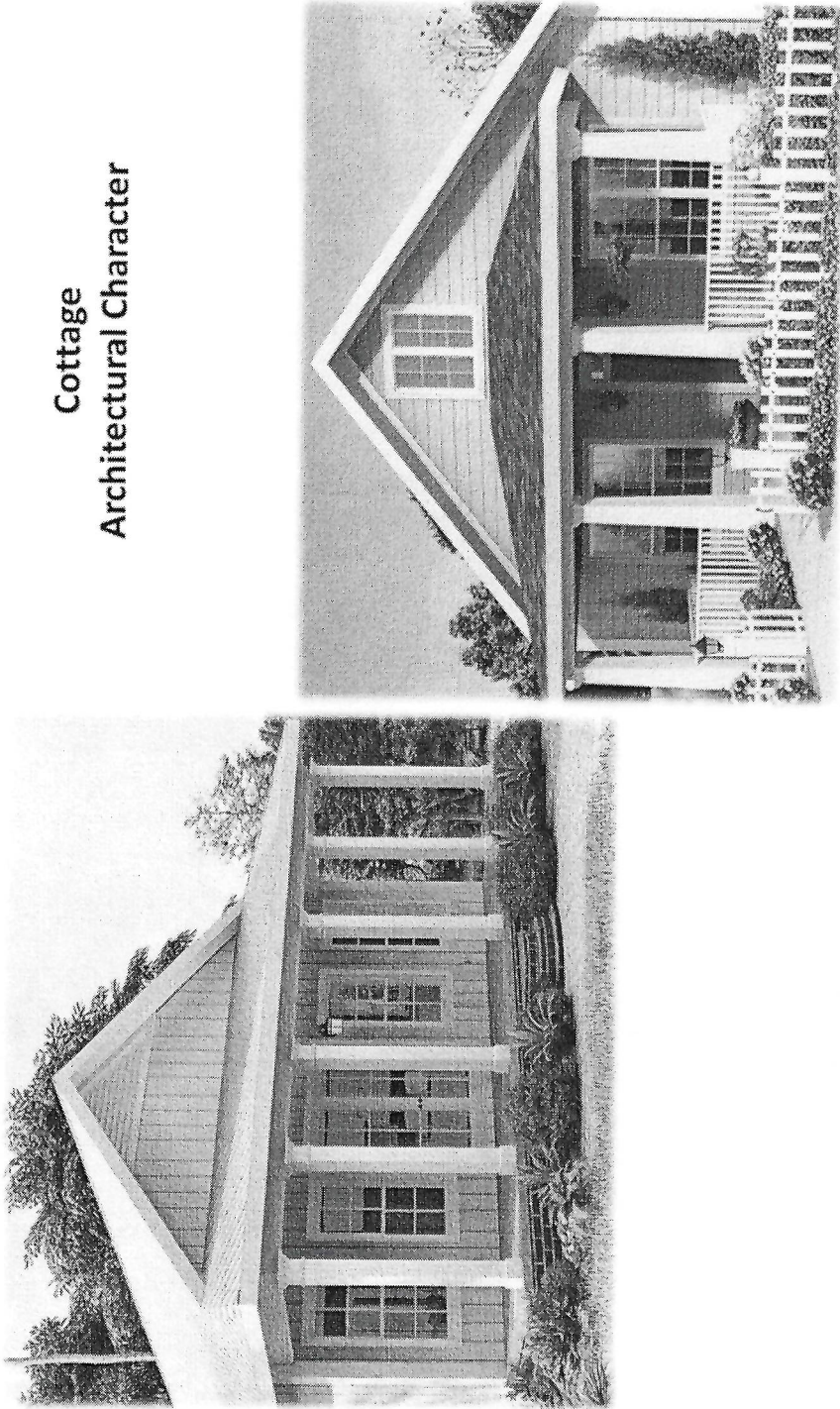


EXHIBIT D – RESIDENTIAL ARCHITECTURAL CHARACTER EXHIBITS

District D Character Exhibits

Courtyard Villa Architectural Character

