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SUBDIVISION AMENDMENTS TO THE
NASHVILLE ZONING ORDINANCEReceived For Record
This 9 day of January
A.D. 1979 at 3:16 o'clock P.M. pg 168
and recorded in record 31
Page 168-193
RECORDER OF BROWN COUNTY

Nancy A. Kirts

SECTION 18.0 Subdivision Regulations

- A. The purposes of these regulations are to protect and promote the public health, safety and general welfare, and to provide for:
- 1). Guidance of future growth and development in accordance with the comprehensive planning process.
 - 2). Adequate air, light and privacy, and to prevent overcrowding of the land.
 - 3). Protection of the character and the social and economic stability of all parts of the Town, and to encourage the orderly and beneficial development of all parts.
 - 4). Protection and conservation of the value of land, buildings, and other improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
 - 5). Guidance of public and private policy and action in order to assure adequate transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities.
 - 6). Avoidance of scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of services that are part of community infrastructure.
 - 7). Establishment of reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities which are, or will be, maintained for the benefit of the general public.
 - 8). Establishment of reasonable standards and procedures for subdivisions and resubdivisions, in order to promote the most desirable use of land; and to insure proper legal descriptions and monumenting of subdivided land.
 - 9). Prevention of the pollution of air and water; provision of drainage facilities and the safeguarding of the water table; and the encouragement of wise use and management of natural resources in order to preserve the integrity, stability, natural beauty and topography, and the value of land.
 - 10). Administration of these regulations by defining the powers and duties of approval authorities; and the manner and form of making, filing and processing of any plat.

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SECTION 18.10 Jurisdiction

- A. These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the boundaries of Nashville, Indiana, and if applicable, shall extend within a two mile radius of the Town.
- B. No land shall be considered subdivided within these boundaries until the following has been completed:
 - 1) Approval of the preliminary and final plats has been obtained from the Commission.
 - 2) The County or Town has accepted any roads dedicated to them.
 - 3) The approved plat is filed with the County Recorder.

SECTION 18.11 Interpretation

- A. All subdivisions as defined herein shall comply with the provisions of these regulations unless the Commission authorizes modifications in accordance with Section 18.12.
- B. In their interpretation and application, the provisions of these regulations shall be held to the minimum requirements.
- C. These regulations shall supplement all other regulations, and where at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply.

SECTION 18.12 Modification

Where the Commission finds that extraordinary hardships may result from strict compliance with these regulations, the Commission may modify the regulations so that substantial justice may be done and the public interest served; provided that such variation will not have the effect of nullifying the Purposes of this Ordinance.

SECTION 18.13 Severability

Should any section, subsection, paragraph, clause, word or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 18.14 Amendments

For the purpose of protecting and promoting public health, safety and general welfare, the Commission may amend the provisions imposed by these regulations. All amendments shall be made in accordance with the following requirements:

1. An amendment may be proposed by the Town or the Commission.
2. An application shall be filed at least three (3) weeks prior to the

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regular meeting of the Commission, and shall be published in a newspaper of general circulation at least ten (10) days prior to the meeting.

3. Within thirty (30) days of the hearing, the written report of the Commission must be submitted to the Town Board.

SECTION 18.15 Resubdivision (Replat)

- A. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, of any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Commission by the same procedure, rules, and regulations as for a subdivision.
- B. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than three acres of land and there are indications that such lots will eventually be resubdivided, the Plan Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 18.16 Vacation

- A. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such an instrument shall be approved by the Plan Commission in like manner as plats of subdivisions. The Governing Body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- C. Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- D. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

SECTION 18.17 Repeals, Reservations, Effective Date

All other regulations, or parts thereof, in conflict with these regulations, are hereby repealed to the extent necessary to give these regulations full force and effect. These regulations shall become effective on January 8, 1979.

SECTION 18.20 Definitions

- A. Application and Interpretation

1. For the purpose of these regulations, certain numbers, abbreviations,

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terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this article.

2. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various planning agencies, any such definition shall apply to such words and phrases used herein, except when the context otherwise requires.
3. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - a) The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
 - b) The present tense includes the past and the future tense, the singular number includes the plural.
 - c) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement.
 - d) The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied".
 - e) The word "lot" includes the words "plot, parcel, and tract".

B. Words and Phrases Defined

ALLEY - A right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for special accommodation of the abutting property.

APPLICANT - The owner of land to be subdivided or his representative. Consent shall be required from the legal owner of the property.

BLOCK - A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroads right-of-way, shorelines of waterways, or boundary lines of municipalities.

BOARD - The Board of Commissioners of Brown County, Indiana.

BUILDING - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind, and includes any structure.

BUILDING LINE - The line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way. It shall be measured from the center of the street.

COMMISSION - The Brown County Area Plan Commission.

COUNTY - County of Brown, Indiana

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DENSITY - A unit of measurement; the number of dwelling units per acre of land.

DENSITY - HIGH -- Any subdivision with a density greater than six (6) dwelling units per acre of land.

DENSITY - MEDIUM -- Any subdivision with the density of two (2) to six (6) dwelling units per acre of land.

DENSITY - LOW -- Any subdivision with a density of less than two (2) dwelling units per acre of land.

DEVELOPER - Authorized agent(s) of a subdivider, or the subdivider. The developer may be the owner of land proposed to be subdivided or his representative, the subdivider.

Director - Director of the Brown County Area Plan Commission
DWELLING - A building or part of a building and associated accessory building that shall be used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house or tourist home.

DWELLING UNIT - A dwelling or part of a dwelling used by one family as a place of abode.

EASEMENT - An authorization or grant by a property owner to specific person(s) or to the public to use land for specified purposes.

FLOOD or FLOODWATER - The water of any lake or watercourse which is above the banks and or outside the channel and banks of such watercourse.

FLOODWAY - The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream areas making up a floodway may be identified by formal action of the Indiana State Natural Resources Commission or established by the Department of Natural Resources on a case by case basis.

FLOODWAY FRINGE - The portion of the flood hazard area lying outside the floodway.

FLOOD HAZARD AREA - Flood plains which have not been protected adequately from flooding by the regulatory flood by means of dikes, levees, reservoirs, or other works approved by the Department of Natural Resources.

FLOOD PLAIN - The area covered by floodwaters from the regulatory flood.

FLOODPROOFED BUILDINGS - A commercial or industrial building designed to exclude floodwaters from the interior of the building. All floodproofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.

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FLOOD PROTECTION GRADE - The elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. Exception: if a commercial or industrial building is floodproofed as herein defined, the term "flood protection grade" applies to the water surface elevation for which the building is protected.

FRONTAGE - The length along the street right-of-way line of a single lot, tract, or development area between the side lot lines of the property. It is that side of a lot abutting a street and ordinarily regarded as the front of the lot.

INFRASTRUCTURE - The fixed public works and facilities necessary in a community, such as sewers, water systems and streets.

JURISDICTION - Jurisdiction of local government means all land within its boundaries.

LOT - A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer or ownership or for building development. The lot shall be of suitable size as required in this ordinance and the existing zoning ordinance.

LOT AREA - The area of any lot shall be determined exclusive of street, highway, alley, road, or other right-of-way.

MOBILE HOME - A factory-constructed transportable structure that may move on the highway and is designed for permanent residential use when placed on a foundation and connected to utilities.

MOBILE HOME PARK - An area of land upon which two (2) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

MOBILE HOME TIE DOWNS SCHEDULE A - A sufficient anchorage to resist flotation; collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of the following:

- a. over-the-top ties at each of the four corners of the mobile home, with two (2) additional ties per side at intermediate locations, (mobile homes less than fifty (50) feet long requires only one additional tie per side);
- b. frame ties at each corner of the mobile home with five (5) additional ties per side at intermediate points (mobile homes less than fifty (50) feet long require only four (4) additional ties per side);
- c. anchorage components capable of carrying a force of forty-eight thousand (48,000) pounds. All additions to a mobile home shall be similarly anchored.

MOBILE HOME - A dwelling unit used initially for display purposes which typifies the type of units that are sold by a builder or distributor, or will be constructed in a subdivision.

NATURAL RESOURCES - The Indiana Natural Resources Commission.

NON-RESIDENTIAL SUBDIVISION - A subdivision having an intended use other than residential, such as commercial or industrial.

OFF-SITE - Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

PERFORMANCE BOND - An amount of money or other negotiable security paid by the subdivider or his surety to the County or Town Clerk which guarantees that the subdivider will perform all actions required in an approved plat, and provides that if the subdivider defaults and fails to comply with the conditions of an approved plat, the subdivider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.

PLANNED UNIT DEVELOPMENT - A subdivision in which two (2) or more residential, commercial or industrial uses or structures, or combination thereof, are planned and developed as a whole under single or joint ownership for the purpose of selling, leasing or conveying individual lots or structures in the future.

PLAT, FINAL - The final and formal presentation of the map, plan or record of a subdivision and any accompanying material, as described in this ordinance.

PLAT, PRELIMINARY - The preliminary drawing or drawings, described in this ordinance, indicating the proposed layout of the subdivision to be submitted to the Commission for approval.

REGULATORY FLOOD - The flood having a peak discharge which can be expected to be equaled or exceeded on the acreage once in a one-hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by Natural Resources. This flood is equivalent to a flood having a probability of occurrence of one (1) percent in any given year. Also referred to as the "one-hundred year flood".

REGULATORY FLOOD PROFILE - A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

RESUBDIVISION (REPLAT) - A change in the map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lotline; or if it affects any map or plan legally recorded prior to the adoption of these regulations.

RIGHT-OF-WAY - A strip of land occupied or intended to be occupied by transportation facilities, public utilities or other special public uses.

ROAD - See Street

STREET - A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. The term "street" also includes the terms hi-way, road, thoroughfare, avenue, boulevard, lane, court, place, and other such terms. Highway or road generally is used in rural areas and highway or street is used in urban areas. A street may be maintained and controlled by a public authority or maintained and controlled by private persons.

- a. COUNTY ROAD - A road accepted and maintained by Brown County and which appears on the official county road map.
- b. CUL-DE-SAC - A local street open at one end only and with a special provision for vehicles turning around.
- c. DEAD-END - A local street open at one end only and without a special provision for vehicles turning around.
- d. HIGHWAY - A term applied to streets and roads under the jurisdiction of the Indiana State Highway Commission. "Major State Highway" specifically refers to State Roads 46 and 135. "Minor State Highway" refers to State Road 45.
- e. LOCAL STREET - A street used primarily for access to abutting properties and major streets.
- f. MAJOR STREET - A street located inside a town, platted area, or other populated district which handles relatively large volumes of traffic movement.
- g. PRIVATE STREET - A local street that is not accepted for public use or maintenance which provides vehicular and pedestrian access.
- h. PUBLIC STREET - A street under the control of and maintained by the public, established by regular governmental proceedings for the purpose, or dedicated by the owner of the land to the public.

SUBDIVIDER - A subdivider is the individual, firm, corporation, partnership, association, syndicate, trust or other legal entity that executes the application and initiates the proceedings for the subdivision of land in accordance with the provisions of this ordinance. The subdivider need not be the owner of the property; however, the subdivider shall be an agent of the owner or have sufficient proprietary rights in the property to represent the owner.

SUBDIVISION - Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests, any one of which is less than five (5) acres, for the purpose of offer, sale, lease or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the

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division or development of residential and non-residential zoned land, whether by deed, metes and bounds description, or other recorded instrument. However, this ordinance shall not apply to any of the following:

- a) An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth, or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.
- b) An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property.
- c. The unwilling sale of land as a result of legal condemnation as defined and allowed in the Indiana State Law.
- d) Widening of existing streets to conform to the Comprehensive Plan.
- e) The acquisition of street rights-of-way by a public agency in conformance with the Comprehensive Plan.
- f) The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land usage.

SUBDIVISION, MAJOR - All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new public street or extension of the local governmental facilities, or the creation of any public improvements.

SUBDIVISION, MINOR - Any subdivision containing not more than four (4) lots, not involving any new public street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of the zoning ordinance or comprehensive plan.

SUBDIVISION PLAT - The final map or drawing described in these regulations, on which the subdivider's plan of subdivision is presented to the Commission for approval and which, if approved, may be submitted to the County Recorder for filing.

TOWN - The Town of Nashville, Indiana.

TOWN BOARD - The Board of Town Trustees for Nashville, Indiana.

VARIANCE - A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

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VICINITY MAP - A small scale map showing the location of a tract of land in relationship to a larger area.

TECHNICAL ADVISORY COMMITTEE - A review committee for subdivisions, including Planned Developments, which is established jointly by the Town Board and the Commission. It may include the Town Water, Sewer and Street Superintendent, Town Board members, the County Surveyor, the Town Attorney and any other members so appointed.

SECTION 18.30 Application and Approval Process

The following describes the procedures for both major and minor subdivision applications and, by reference, for Planned Developments.

SECTION 18.31 General Procedure

- A. Persons desiring to create either a Minor or Major Subdivision shall submit all necessary applications and documents to the Director.
 1. Applicants for a subdivision shall first consult with the Director on the procedure for adoption of a subdivision plat and the requirements for lot size, utilities, road specifications and other factors relating to the plat.
 2. Applicant shall provide a sketch of the proposed plat so that the Director can determine if the subdivision is a major subdivision or minor subdivision.
- B. No contract shall be made for the sale of any part of the subdivision and no improvement or building shall be made on the property until the subdivider applies for and secures approval of such proposed subdivision in accordance with the procedures set forth in this ordinance.
- C. No improvements, building or driveway permits shall be issued until the approved plat is filed with the County Recorder.

SECTION 18.35 Procedure for a Major Subdivision

- A. Application and Preliminary Plat Procedure.
 1. An application shall be filed with the Director at least three (3) weeks prior to the regular meeting of the Commission. The application shall be filed after the preliminary consultation and shall include the following:
 - a. An application form obtained from the Plan Office.
 - b. Proof of ownership of the property or an affidavit from the owner authorizing the applicant to apply for a subdivision.
 - c. A legal description of the property.

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- d. Three (3) copies of a preliminary plat which is drawn in conformance with the requirements of Section 18.41 of this ordinance.
- e. Information concerning utilities, school districts, public services, etc., as required by the Commission.
2. Applicant shall publish a legal notice in a newspaper of general circulation in the county at least ten (10) days prior to the hearing which contains the following information:
 - a. Description of the request which includes the size of the property, the number and size of the proposed lots, and the fact that the request is for a major subdivision.
 - b. The time, place, and date of the hearing.
 - c. A legal description of the property and a general description of its location.
 - d. The names of the applicant and property owners.
3. Applicant also shall notify all property owners within two hundred fifty (250) feet of the property boundaries of the proposed plat. Notification shall be made at least ten (10) days prior to the hearing by certified mail, return receipt requested, or by signed statement, and shall contain at a minimum the same information required for the legal notice published in the newspaper.
 - a. A list of those notified must be submitted to the Plan Office at least ten (10) days prior to the hearing.
 - b. The certified receipts or signed statements must be submitted to the Plan Office at least three (3) days prior to the hearing.
4. At least one week before the hearing on the application, the Technical Committee may review the plat to determine if it conforms to the plat requirements, provides proper drainage, access to public roads, sewage facilities, appropriate lot sizes and building sites, adequate road widths and slopes, suitability of topography and use of land, and other standards of this ordinance. A report of its findings shall be presented to the Commission at the hearing.
5. The Commission shall review the application and preliminary plat at a public hearing and hear reports from the Technical Committee, Plan Office, any public agencies and testimony from interested parties. The Commission shall approve, conditionally approve or disapprove the preliminary plat within thirty (30) days after the date of the final public hearing on said plat. Plats which receive approval or conditional approval shall be so marked including the date and signature of the President of the Commission. One signed copy shall be returned to the applicant and one shall be kept by the Commission.
6. The Commission shall review all proposed subdivisions to determine if

the subdivision lies in a flood plain, floodway or floodway fringe as defined elsewhere in this ordinance. If the Commission finds the subdivision so located, it shall forward the pertinent plat and materials to the Indiana Department of Natural Resources for review and comment. The Commission shall require appropriate changes to the proposed subdivision in order to insure that: 1). it is consistent with the need to minimize flood damage; 2). all public utilities and facilities, such as sewers, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; 3). adequate drainage is provided to reduce exposure to flood hazards; 4). onsite waste disposal systems will be located to avoid impairment of them or contamination from them during the occurrence of a regulatory flood.

7. The approval of a preliminary plat shall be effective for a period of one (1) year at the end of which time final approval on at least a portion of the subdivision must have been obtained from the Commission. Any plat not receiving final approval within the one year period shall be null and void, and the developer shall be subject to all new zoning restrictions and subdivision regulations, if any.

B. Final Plat Approval

1. Following Commission approval of a preliminary plat, applicant shall file for final plat approval if applicant wishes to proceed with the subdivision. The application shall be filed at least three (3) weeks prior to the regular meeting of the Commission.
2. At least ten (10) days prior to the hearing, applicant shall publish a legal notice of the application in accordance A(2) of Section 18.35.
3. At least ten (10) days prior to the hearing applicant shall notify property owners within two hundred fifty (250) feet of the property boundaries in accordance with A(3) of Section 18.35 of this ordinance. However, this requirement may be waived by the Commission if the date of the final hearing is announced at the hearing for the preliminary plat.
4. Three (3) copies of the proposed final plat shall be submitted to the Director ten (10) days prior to the hearing. The plat shall conform to Section 18.42 of this ordinance.
5. If the final plat is substantially different from the preliminary plat, it may be reviewed by the Technical Committee prior to the hearing.
6. At the public hearing, the Commission shall give an opportunity to any interested persons to examine or comment upon the proposed plat. Within thirty (30) days of the closing of the public hearing, the Commission shall approve, modify and approve or disapprove the subdivision application. The resolution shall set forth in detail any conditions to which the approval is subject or reasons for disapproval, and the period of time in which any required improvements shall be completed. The time so stipulated shall not exceed two years unless varied by the Commission.

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7. One copy of the final subdivision plat shall be returned to the subdivider and one retained by the Commission each of which shall show the date of approval or disapproval.
8. No vested rights shall accrue to any plat by reason of final approval until the actual signing of the plat by the President of the Commission. All conditions and improvements required by final approval of the subdivision must be completed before the plat is signed. However, when completed the plat shall be signed by the President of the Commission.
 - a. The Commission may waive the requirement that the applicant complete all improvements before the signing of the plat, and instead require the applicant to post a performance bond in an amount estimated by the Commission as sufficient to secure to the local government the satisfactory completion of all required improvements. The Commission may, upon proof of difficulty, recommend to the Town Board extension of the completion date for a maximum of one year.
9. Within sixty (60) days after the final hearing, the subdivider shall submit a copy of the final plat showing any changes that were required by the final plat hearing; if the plat was accepted as presented at the hearing, no additional copies are required.
10. When all conditions and improvements required by the Commission have been met, the President of the Commission shall sign the reproducible mylar or tracing cloth plat. A copy of that plat shall be recorded in the office of the Brown County Recorder and copies distributed to the Auditor, Assessor and Commission.
11. No portion of a subdivision may be sold, leased or exchanged until the final plat has been signed.

SECTION 18.36 Procedure for a Minor Subdivision

- A. An application shall be filed with the Director at least three (3) weeks prior to the regular meeting of the Commission. The application shall contain the following information:
 1. A metes and bounds description of the tract and a location map of the site.
 2. The names and addresses of the property owners and proof of ownership;
 3. Two copies of a plat prepared by a registered surveyor or engineer which shall conform to the requirements of Section 18.50 of this ordinance.
- B. Applicant shall publish a legal notice in a newspaper of general circulation in the county at least ten (10) days prior to the hearing which contains the following information:

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1. Description of the request which includes the size of the property, the number and size of the proposed lots, and the fact that the request is for a minor subdivision.
 2. The time, place, and date of the hearing.
 3. A legal description of the property and a general description of its location.
 4. The names of the applicant and property owners.
- G. Applicant shall notify by certified mail, return receipt requested or by signed statement all property owners within two hundred fifty (250) feet of the proposed plat. Notification shall be at least ten (10) days prior to the hearing and contain the information in B of Section 18.36 (this section).
- D. The Commission shall approve, amend, or reject the plat within thirty(30) days of the date of the initial hearing.
1. If the Commission approves the plat as presented, the President shall sign the original mylar or tracing cloth plat.
 2. If the plat is amended, the revised plat shall be submitted for final approval and signature within ninety (90) days of the date on which the amendments were made.
- E. All plats shall be reviewed by the Commission in accordance with A(6) of Section 18.35 (flood plain requirements).
- F. All plats which have been approved and signed by the President of the Commission shall be recorded in the office of the Brown County Recorder and copies distributed to the County Auditor, Assessor and Commission.

SECTION 18.40 Preliminary and Final Plat Requirements for Major Subdivisions

Plats for major subdivisions shall be drawn in accordance with the following requirements.

SECTION 18.41 Preliminary Plat Requirements

- A. The preliminary plat shall contain a location map which shall include the following:
1. Location of subdivision and general vicinity.
 2. Existing streets and roads serving the area.
 3. Existing shopping facilities, schools, or other large developments in the general vicinity.
- B. The preliminary plat shall show the following:
1. Subdivision name, scale, north point and date;

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2. Names and addresses of owners, subdividers and engineer or surveyor who prepared the plan;
 3. Streets and right-of-ways on and adjoining the site. (Show surfaced widths of roads, and approximate gradients);
 4. Location and width of utility and any other easements;
 5. Layout of lots, showing dimensions, net area and numbers;
 6. Areas to be reserved for common use or public use;
 7. Contours at verticle intervals of ten (10) feet if the general slope of the site is ten (10) percent or less and at verticle intervals of five (5) feet if the general slope is greater than ten (10) percent;
 8. Trace boundary line showing dimensions (scale to the nearest half foot), bearings or interior angles or deflection angles, and references to section, township, range lines and corners. The subdivision shall be tied to the nearest quarter or quarter quarter section corners;
 9. Building setback line;
 10. Base flood elevation data for developments of fifty (50) or more lots or five (5) acres, whichever is less;
 11. Floodplain, floodway, or floodway fringe areas shall have the elevations of the regulatory flood listed thereon;
 12. The results of percolation tests for each lot, conducted according to Indiana State Board of Health Regulations and certified by a registered engineer or the County Sanitarian.
- C. The preliminary plat shall be drawn to a scale of one-hundred (100) feet to one (1) inch or as recommended by the Commission.
- D. Plats shall be drawn by a registered Surveyor or Engineer.

SECTION 18.42 Final Plat Requirements

- A. The final plat shall show the following:
1. Subdivision name, scale, north point, date and township;
 2. Names and addresses of owners, subdividers, and engineer or surveyor;
 3. Accurate tract boundary lines showing dimensions to the nearest 100th decimal foot, with bearings or interior angles or deflection angles and references to section, township, range lines and corners. The subdivision shall be tied to the nearest quarter or quarter quarter;
 4. Lot boundaries with accurate dimensions and lot numbers;
 5. Accurate locations of all existing and recorded streets and easements intersecting the boundaries of the subdivision;

6. Accurate metes and bounds description of the boundary of the subdivision;
 7. Street lines with accurate dimensions in feet and hundreths of feet, with angles to street, alley and lot lines, and street names;
 8. Accurate locations of easements for utilities and any limitations on such easements;
 9. Accurate dimensions of property reserved for common or public use;
 10. Complete curve notes for all curves included in plat (delta, chord, radius, arc tangent);
 11. Building setback lines;
 12. Locations and type of all monuments and lot markers;
 13. Certification by a registered professional engineer or registered land surveyor;
 14. Certifications for approval by the Commission, and by the County Commissioners or Town Board when applicable;
- B. The Plat shall be accompanied by:
- a. Plans and specifications for all required improvements (e.g. roads, sidewalks, drainage, etc.).
 - b. Protective covenants in proper form for recording.
 - c. A statement of any limitations on easements.

SECTION 18.50 Plat Requirements-Minor Subdivision

- A. All plats shall be prepared on tracing cloth or mylar with a maximum size of sixteen (16) inches by twenty-four (24) inches.
- B. The plat shall contain or be accompanied by a site map showing the location of the subdivision in relation to existing streets and other known landmarks in the area.
- C. The plat shall show the following:
 1. Subdivision name, township, scale, north point and date;
 2. Legend to show types of corners, either set or found;
 3. Dimensions on all lines to the nearest one-hundreth decimal foot;
 4. Line direction shall be by either bearings, interior angles or deflection angles. The basis for the initial direction shall be noted, (Assumed Bearings, Magnetic Bearings, etc.);
 5. Roadway dedication, and Road Ordinance for Subdivision and developments;
 6. Perimeter Utility Easements shall be a minimum of ten (10) feet in width;

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7. Individual lot area in square feet or acreage for the net area of the platted Lot;
 8. Lot number and building setback line;
 9. Two corners of the Subdivision and/or one Subdivision corner and the tie in monument shall be referenced;
 10. Show County Road number designations and the types of existing pavements;
 11. The subdivision shall be tied in to the nearest $1/2$, $1/4$ or $1/4$ $1/4$ section corner;
 12. Floodplain, floodway, or floodway fringe areas shall be designated and the elevations of the regulatory flood listed thereon;
 13. Metes and bounds description of tract;
 14. County road dedications (when applicable);
 15. Deed of Dedication;
 16. Flood Plain Designation;
 17. Notary Signature; owner certificate, including all owners on deed.
 18. Surveyor's Certificate;
 19. Brown County Area Plan Commission President signature;
 20. Name and mailing address of firm preparing plat;
 21. General Note to all interested parties.
- D. Accompanying the plat shall be written statements or drawings concerning:
1. Type and feasibility of proposed sewage disposal system and availability of water.
 2. Significant physical and topographical features of lot(s), e.g., creeks, slopes, railroad track, dikes, buildings, etc.
 3. Base flood elevation data for plats of at least five (5) acres.

SECTION 18.60 Planned Developments

SECTION 18.61 Applicability

A Planned Development is a Subdivision in which two or more residential, commercial or industrial uses or structures, or combination thereof, are planned and developed as a whole under single or joint ownership for the purpose of selling, leasing or conveying individual lots or structures in the future.

SECTION 18.62 Procedure

A. The procedure for a Planned Development shall conform generally with the procedure for a Major Subdivision. However, there are specific requirements, as described in this section, which either supersede or are in addition to the requirements for a Major Subdivision.

B. Summary of Steps

- a. Pre-consultation and preliminary plans
- b. Review by Technical Advisory Committee-Optional
- c. Submit Application
- d. Preliminary Hearing before Commission.
- e. Final Hearing before Commission.

C. Description of Steps

1. Step one: Pre-consultation

Before submitting a formal application, applicant should meet with the Director and submit three copies of a preliminary plan of the proposed development. They shall contain the following information.

- A. Proposed dimensioned layout to scale not to exceed 100' = 1" of buildings, streets, open space, lots and other pertinent elements of the development.
 - a. The plot shall distinguish between residential, commercial and industrial uses and designate the property/structure square footage devoted to each.
 - b. The plot shall designate floodplain, floodway, floodway fringe areas, and slopes over 10%.
- B. Proposed plan for handling vehicular and pedestrian traffic, parking, sewage disposal, drainage, water supply, site perimeter layout.
- C. On site and adjacent zoning, and existing uses.
- D. General description of the covenants to be made a part of the Development.
- E. A statement concerning the completion time, and the order of the site development (if it is to be developed in stages).

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2. Step Two: Review by Technical Advisory Committee

Within two weeks of receiving the preliminary plan, the Director may consult with members of the Technical Advisory Committee regarding the proposal. This period may be extended with the consent of the applicant. At the end of the period, the Director shall report any suggested modifications to applicant.

3. Step Three: Preliminary Plat Hearing

- a. At least three (3) weeks prior to the Preliminary Plat Hearing, applicant shall apply, following the same procedure as for a subdivision preliminary plat hearing.
- b. The plat shall conform to the plat specifications required for Subdivisions.
- c. The Commission may approve the plan as submitted, amend and approve the plan as amended, or disapprove the plan. If approved, the plat and any amendments shall be stamped "Approved-Preliminary Plat for Planned Development" and signed and dated by the President of the Commission. One copy shall be kept by the Commission.

4. Step Four: Final Plat-Detailed Site Plat

- a. Within one year of approval of the preliminary plat, applicant shall submit the final plat for approval by the Commission. It shall be a detailed site plan specifying the dimensions, the exact location and general engineering features of all lots, drainage, sewage, water supply facilities, roads, parking, entrances/exits, utility easements, structures, open spaces and other pertinent data. Where applicable, the plan shall conform to the requirements for a final plat for a subdivision. Also, the plan shall be consistent with the approved preliminary plan.
- b. The application shall conform with the applicable sections of the procedure for final plat approval for a subdivision.
- c. Development of the plan may occur in stages. If this is the case, the Commission may approve a time schedule for such development, which shall be a part of final plat approval. The plat shall be recorded in conformance with this time table.
- d. A refusal by the Commission to approve all aspects of a detailed site plan does not necessarily mean that final approval for the development is denied. Applicant may continue to seek approval until all aspects of the site plan conform to the design and intent of the approved preliminary plan. The Commission may grant an extension of time for applicant to seek approval.

SECTION 13.63 Development

- a. All development of the approved site plan shall conform with the conditions specified therein. The Commission shall have continuing jurisdiction over the development to insure that it is completed in accordance with the site plan.

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- b. Construction on the site shall begin within one year of the date of final approval. If the development is to be constructed in stages, completion shall conform to the schedule designated in the Final Plat Approval. If it is to be completed as unit, it shall be completed within four years of the date of Final Plat Approval. However, the Commission may extend the completion date for a maximum of 2 years.

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SECTION 18.70 Design Standards

All Major Subdivisions and those Minor Subdivisions requiring new or improved roads or public improvements or which are adjacent to platted subdivisions shall conform to the following standards.

SECTION 18.71 Streets, Curbs and Sidewalks

- A. Streets, curbs and sidewalks shall conform to the Standards established in Table I. In low density developments, the minimum design requires two (2) lanes, two (2) shoulders (each a minimum of four (4) feet) and sufficient area for utility or other easements. Medium and high density developments require two (2) lanes, curb, gutter and sidewalks.

TABLE I

1. The street design shall provide access to all lots.
 2. Where streets cross other streets jogs shall not be created, and intersections of more than two (2) streets shall be avoided.
- B. All streets shall be graded to provide adequate surface drainage. The subdivision shall provide adequate subsurface drainage. Where the surface drainage requires pipe, said pipe shall be corrugated, not less than twelve (12) inches in diameter, or as approved by the Town Board.
- C. Streets shall intersect at right angles whenever possible. The minimum intersection angle shall be seventy five (75) degrees.
- D. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least fifteen (15) feet radii or by chords of such arcs.
- E. At intersections of streets the property line corners shall be rounded by arcs with radii of not less than fifteen (15) feet, or by chords of such arcs.
- F. Curb, and sidewalks gutter shall be provided under either of the following conditions:
1. The proposed subdivision lies adjacent to or between other areas which have curb and gutter.
 2. The Subdivision will average more than three and one-half ($3\frac{1}{2}$) lots per gross acre in the subdivision.
- G. The curb and gutter when required shall be constructed as in Figure I.

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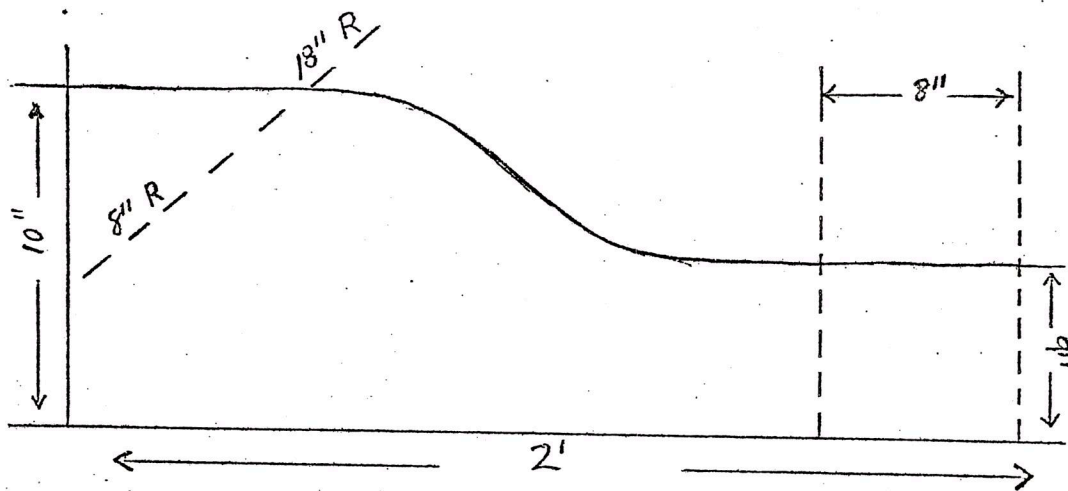


Figure 2

TABLE I
STREET STANDARDS

TERRAIN	Level (0%-8%)			Rolling (8.1%-15%)			Hilly (over 15%)		
Development Density	Low	Med	High	Low	Med	High	Low	Med	High
Min. Right-of-way width (ft)									
Without sidewalks	50	50	60	50	50	60	50	50	60
With sidewalks	50	60	60	50	60	60	50	60	60
Min. Pavement width (ft)									
With no on-Street Parking	20	24	30	20	24	30	20	24	30
With on-Street Parking	34	38	44	34	38	44	34	38	44
Type of Curb	0	Roll Type*	Roll Type	0	Roll Type*	Roll Type	0	Roll Type*	Roll Type
Sidewalk width (ft)	0	4*	4	0	4*	4	0	4*	4
Sidewalk Distance from Curb Face (ft)	0	2*	2	0	2*	2	0	2*	2
Min. Sight Distance (ft)	275			200			150		
Maximum Grade (%)	8	8	8	10	10	10	15	12	12
Min. (centerline) Radius (ft)	350			350			275		
Min. Radii-Culde Sacs Right-of-way or outside Back-to-back of Curb (No on-street Parking)	50	50	50	50	50	50	50	50	50
	-	38	38	-	38	38	-	38	38
Min. grade-street gutters	.3%			.3%			.3%		
*If required by the Commission									

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H. All cut or fill on the streets shall have a minimum of 2:1 slopes and where applicable shall be much seeded as per I. S. H. C. specifications 1971-Section 913-Roadside Development Materials.

I. The construction of streets shall be in accordance with one of the following:

ASPHALT

- a. After the proper grading and compaction, the drainage properly provided, the road shall be eight (8) inches of compacted aggregate, placed in four (4) inch lifts. Section 903 - aggregates I.S.H.C. - 1971 Specifications.
- b. The bituminous base shall be 220# pounds per square yard, compacted properly. The bituminous surface shall be 110# pounds per square yard, compacted properly. The specifications for bituminous paving shall apply as follows: Section 402 - Hot Asphalt Emulsion Paving-I.S.H.C., 1971; Section 403 - Hot Asphalt Concrete Pavement-I.S.H.C., 1971; Section 406 - Cold Mixed Bituminous Pavement-I.S.H.C., 1971.

ASPHALT SURFACE TREATMENT

(For low density streets only; requires specific permission from the (County Commissioners) and/or (Town Board).)

- a. After the proper grading and compaction of the eight (8) inches of compacted aggregate base, bituminous material for prime shall be applied in the amount of one-half gallon per square yard dependent upon the condition of the surface. No further course shall be placed until the bituminous material has penetrated and the surface is dry.
- b. Bituminous material is then applied at the rate of .30 gallons per square yard followed immediately by the application of the cover aggregate (size #8) at the rate of one hundred (100) pounds per square yard, properly broomed and rolled. Upon completion of the first application, bituminous material is again applied at the .30 gallon per square yard measure followed immediately by the application of cover aggregate (size #8) at the rate of one hundred (100) pounds per square yard, properly broomed and rolled.
- c. Upon the completion of the second application bituminous material is again applied at the rate of .20 gallons per square yard followed immediately by the application of cover aggregate (size #12) at the rate of seventy-five (75) pounds per square yard, properly broomed and rolled.

All work and materials shall be in accordance with the applicable provisions of Section 407 and Section 902, I.S.H.C. - Specification 1971.

CONCRETE

Concrete paving shall consist of the proper grading and provisions of drainage, the compacted aggregate base of three (3) inches properly compacted with six (6) inches of uniform portland cement concrete paving. The specifications for concrete pavement that shall apply are found in Section 501-Portland Cement Concrete Pavement-I.S.H.C., 1971.

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18.72 Lots

- A. Lot area and dimensions shall conform to the requirements of the zoning district in which the subdivision is located.
- B. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from arterial or heavily traveled streets, or to overcome specific disadvantages of topography and orientation.
- C. Corner residential lots shall be at least 15% wider than the minimum width requirement to permit appropriate setbacks from both streets.
- D. Irregularly shaped and pointed lots shall be avoided.
- E. All lots shall abut a street.
- F. Easements of twelve (12) feet shall be provided for utilities. When located along lot lines, one-half the width shall be taken from each lot. Location of easements shall be discussed with the appropriate companies before submitting the final plat.
- G. The building line for lots shall be as provided for the district in which the subdivision is located. They may be varied by the Commission if enforcement would cause undue hardship and such variance would not be detrimental to adjacent property or to the subdivision.

18.73 Blocks

- A. Blocks shall not exceed twelve hundred (1200) feet in length.
- B. Blocks shall be of sufficient width to provide for two (2) tiers of lots of appropriate depth.
- C. Design standards for blocks may be varied by hilly terrain.

SECTION 18.74 Sewage Facilities

- A. For all Medium and High Density developments, the subdivider shall install sanitary sewer facilities in a manner approved by the Town Board and subject to the requirements of Health and other officials which shall connect with an existing sanitary sewer outlet. Under circumstances where the best interests of the town and subdivision would be served by a private sewage treatment plant, the Town Board may approve such.
- B. Low Density developments shall utilize a public sanitary sewer system when it is reasonably accessible. When a public system is not reasonably accessible but will become available within a reasonable time not to exceed fifteen (15) years, the subdivider may choose one of the following:
 - 1. Central Sewage System with the maintenance cost to be assessed against each property benefited. Where plans for a future public system exists, the Subdivider shall install the sewer lines, laterals, and mains in conformance with such plans.

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2. Individual Sewage Disposal Systems, provided the applicant shall install sanitary sewerlines, laterals, and mains to a point in the subdivision boundary where a future connection with the public system shall be made.
- C. Where sanitary sewer systems are not reasonably accessible and will not become available within fifteen (15) years, Low Density developments may use individual sewage disposal systems or a central sewerage system.
- D. Individual sewage disposal systems and perk tests shall conform to all applicable state and local health regulations.

SECTION 18.75 Drainage Facilities

- A. The Commission shall not approve any plat which does not adequately provide for storm or flood water runoff. The drainage system shall be independent of any sanitary sewer system.
- B. The subdivider may be requested by the Commission to carry away any surface or spring water that existed previously or is a result of the subdivision. Such drainage facilities shall be located in the street right-of-way or in unobstructed perpetual easements of appropriate widths.
- C. In high density residential developments, Planned Developments, and in commercial and industrial districts, the Commission shall require underground and storm sewer systems.
- D. Plans for storm sewer systems shall be designed by a Professional Engineer and approved by the Town Board.

SECTION 18.76 Water Facilities

- A. Where a public water main is accessible and the water supply is available, the subdivider shall install adequate water facilities, including fire hydrants, subject to the specifications of state and local officials and approval of the Town Board.
- B. Where municipal or community water is not available, the Commission may approve individual wells or a central water system provided that adequate water is available for all lots and the system(s) are sampled and approved by the appropriate health authorities.

SECTION 18.77 Street Signs

The subdivider shall provide street signs as approved by the Commission.

#6681

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AREA PLAN COMMISSION RESOLUTION: TRANSMITTING AMENDMENT TO ZONING ORDINANCE TO LEGISLATIVE BODY FOR PASSAGE.

RESOLUTION

WHEREAS, the Area Plan Commission of the County of Brown, Indiana, has given consideration to the immediate and future land use requirements of the Town for the establishment of a change in the Nashville Zoning Ordinance and,

WHEREAS, the said Area Plan Commission has held a properly advertised Public Hearing on said change, on the 28 day of November, 19 78, and all suggestions and criticisms have been given careful study and consideration, and,

WHEREAS, all of the steps prescribed by the Indiana Planning Statute, Chapter 138, of the Acts of the Indiana General Assembly for 1957, and all acts amendatory thereto, have been complied with,

NOW THEREFORE BE IT RESOLVED that the Area Plan Commission hereby recommends, to amend the Nashville Zoning Ordinance to permit one-operator Barber Shops and Beauty Shops with Special Exception in the Residence Districts (R1 and R2 districts) and in the Local Business (B1 district) without Special Exception. and,

BE IT FURTHER RESOLVED that said changes of Ordinance and Maps be recommended to the Board of Town Trustees, of the Town of Nashville, Indiana, for passage.

Adopted this 28 day of November, 19 78.

#6681

Received For Record
This 9 day of January
A.D. 19 79 at 1:17 o'clock P.M.
and recorded in record 31
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RECORDER OF BROWN COUNTY

Nancy A. Kirts

AREA PLAN COMMISSION OF

Brown County, Indiana

By Ralph Booker
President

By Beverly Sue Jamb
Secretary

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ON DEC. 3, 1978, AT A SPECIAL MEETING OF THE KNEADMORE LIFE COMMUNITY
CHURCH CALLED FOR THE PURPOSE, SUSAN LARSON WAS ELECTED TRUSTEE TO
FILL OUT THE UNEXPIRED TERM OF TED JOHNSON. THE TERM RUNS TO JULY 1979.

6694
Received For Record
This 11 day of January
A.D. 19 79 at 2:25 o'clock P.M.
and recorded in record 31
Page 195
RECORDER OF BROWN COUNTY
Nancy A. Kirts

SANDY GORDON
Sandy Bud Gordon
SECRETARY
KNEADMORE LIFE COMMUNITY CHURCH
RR 3 NASHVILLE, IND

Instrument prepared by
Sandy Bud Gordon