

ORDINANCE NO. 2002- 07

AN ORDINANCE OF THE TOWN OF NASHVILLE ESTABLISHING DESIGN REVIEW AUTHORITY AND GENERAL DESIGN REGULATIONS

WHEREAS, the Nashville Town Council is aware that the character of the commercial district is enhanced by a diversity of architecture that is sensitive to village traditions; and

WHEREAS, the design of new buildings, and of modifications to existing buildings, should respect these traditions and avoid out-of-state or bizarre building forms or incompatible design treatments; and

WHEREAS, the Town has consciously chosen not to adopt any specific architectural style and encourages originality and invention as long as the result contributes to the maintenance of small-scale structures and the traditional village character; and

WHEREAS, while the design character of the Town is diverse, common elements unite many buildings to enhance the village character. Buildings designed to a human scale and incorporating residential character are encouraged. Natural materials such as wood trim, doors, windows and roofs and walls of rock or stone are some of the contributors to village character. Attention to building details such as surface textures, modulation of building forms, variety of materials and decorative features are also encouraged; and

WHEREAS, the Nashville Town Council has received input from the public at large at duly noticed open meetings, and has considered and discussed the pros and cons of a design regulation and design review authority.

NOW THEREFORE, the Town Council of the Town of Nashville ordains as follows:

SECTION I REGULATORY GOALS

The Nashville Town Council declares that the following goals are to guide the evaluation of all construction and/or other design changes that are subject to design evaluation:

- a. To preserve the natural beauty of Nashville, Indiana and protect the village character of the Town;
- b. To encourage originality, flexibility and innovation in site planning and development;
- c. To discourage monotonous, drab, unsightly, dreary and inharmonious developments;
- d. To protect and improve property values;
- e. To foster community pride and spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement;
- f. To sustain the comfort, health, tranquillity and contentment of residents by reason of the Town's favorable built and natural environments;
- g. To preserve distinctive examples of existing architecture that have contributed to the historic development of Nashville, Indiana's unique village character.

SECTION II DEVELOPMENT COMMISSION ESTABLISHED

The Nashville Town Council hereby establishes development review authority and delegates this function to a nine (9) person Development Review Commission. The Development Review Commission is to be formed by each Nashville Town Council member appointing an individual of their choice to serve on the committee for the length of the term of the appointing council member unless removed and replaced by said council member.

In addition to the appointments by the Town Council, one appointment shall be made by each of the following groups: Brown County Chamber of Commerce, Brown County Visitors and Convention Bureau and Office of the Nashville Clerk-Treasurer.

The Nashville Town Manager shall serve as an ex officio member and shall have the authority to cast a tie breaking vote should the need arise.

SECTION III DESIGN REGULATION & EVALUATION

The purpose of the following sections is to establish procedures for the review of proposed construction and other design changes in the B1, B2 and B3 districts throughout the Town.

General Design Regulations In order to protect the unique qualities and characteristics of the Nashville business district, all exterior changes to commercial structures located within the B1, B2 and B3 land use districts shall be subject to the following regulations:

- a. The modification shall respect and be compatible with the architectural character and scale of the existing structure.
- b. The modification shall compliment the existing scale and design of the business district.
- c. The modification shall not create visual clutter through excessive number of, or uncomplimentary, design elements.
- d. The modification shall not incorporate colored materials, patterns or other design elements that:
 - 1. Call attention to the store front;
 - 2. Create a form of advertising or sign;
 - 3. Would render the store front unusable by a subsequent business occupant without further remodeling; or
 - 4. Create a standardized identification with a particular business use.

Design Evaluation Development review is an open and public, discretionary process used to review all projects required by this title including:

1. All exterior site, building design, lighting, landscaping, color and material changes in all business districts.
2. All site and building design changes as specified within designated specific plan areas.
3. All exterior changes to buildings, lighting and landscaping in all business districts.
4. All fences, walls and other incidental improvements in all business districts.

In addition to those projects listed above the Nashville Town Manager may refer public design proposals to the Development Review Commission for review when required by adopted policy or when unusual circumstances or new policy issues are raised by the project.

All projects scheduled for a hearing by the Development Review Commission shall first be evaluated by the Nashville Town Manager for compliance with adopted standards, policies and guidelines. Any written reports or other public documents related to the application shall be made available to the Design Review Commission, the applicant and the general public.

Criteria and Standards The following standards shall be utilized by the commission in reviewing the plans, drawings, sketches, and other documents. These standards are intended to provide a frame of reference for the application in the development of site and building plans, as well as a method of review for the committee. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation. The specification of one or more particular architectural styles is not included in the standards. If any other codes or ordinances in force in the Town of Nashville through the Area Plan Commission are found to be in conflict with these provisions, the more restrictive shall apply.

1. Preservation of Landscape.

The landscape shall be preserved in its natural state, in so far as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

2. Relation of Proposed Buildings to Environment.

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.

3. Drives, Parking and Circulation.

With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and, in so far as practical, do not detract from the design of proposed building structures and the neighboring properties.

4. Lighting.

No buildings or portion thereof, or grounds or signs, shall be lighted until design approval is obtained. Lighting of walks and entrances shall be limited to an amount which is consistent with public safety. It shall be unlawful for any person, firm or corporation to install, erect or maintain any lighting within the Town of ` Nashville on private property therein in such a manner that the light rays are directed, or reflected into, on or across any traffic, or in such a manner that the light rays are directed or reflected into the windows of a neighboring house or building occupied as a residence by any person or persons, or in such manner that the light therefrom may distract the attention of any vehicle driver from the operation of his vehicle in a safe or prudent manner. (See Ordinance 1999-1 and 2000-1)

5. Surface Water Drainage.

Special attention shall be given to proper site surface drainage so that removal of surface water will not adversely effect neighboring properties or the public storm drainage system. (See Ordinance 1997-8 and Resolution 2001-2)

6. Utility Service

Whenever feasible, electric, telephone and other utility lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.

7. Advertising Features.

The size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed building and structures and the surrounding properties.
(See Ordinance 1988-2)

8. Special Features.

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such set backs, screen plantings or other screening methods as shall reasonably be required to prevent them from being incongruous with the existing or the contemplated environment and the surrounding properties.

9. Application of Design Standards.

The standards of review outlined in subsections (1) through (8) above shall also apply to all accessory buildings, structures, exterior signs and other site features however related to the major buildings or structures.

Unless otherwise authorized under the Municipal Code, the commission shall not have the authority to waive or modify the site development requirements of this title or the requirements of any other applicable town ordinances.

Required Plans Drawings and plans shall be submitted in sufficient detail to illustrate clearly the design for which approval is sought. Such plans shall show the following:

1. Existing conditions, contours, public and private trees, and natural features, all structures and uses, improvements, public streets, rights-of-way, public and private easements and restrictions, and the official grade of the adjacent public right-of-way.
2. Site plan showing proposed structures, contours, site developments, landscaping and natural features retained, parking and loading facilities, trash storage areas, circulation, public rights-of-way, public and private easements, public and private trees, that to be removed or to be retained and sufficient other information.
3. Architectural elevations, colors, lighting, material to be used in or about the exterior of the structure.
4. Such other information as may be required by the design review committee to permit reasonable consideration of the application.

Application for Design Approval Application for design review approval shall be submitted to the Nashville Town Manager on forms provided by the Town of Nashville for that purpose. Such application shall be accompanied by the required fees as set forth by resolution of the Nashville Town Council.

SECTION IV SEVERABILITY

If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be effected thereby.

SECTION V CONFLICTING ORDINANCES

If any ordinance or parts of ordinances are found to be in conflict with the provisions of this ordinance, then the provisions of the more restrictive ordinance will prevail.

SECTION VI EFFECTIVE DATE

This Ordinance shall be in full force and effect after its passage, promulgation, and publication as prescribed by Indiana Law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, BROWN COUNTY, INDIANA, THIS 16th DAY OF MAY, 2002.

ATTEST:

Brenda K. Young
Clerk-Treasurer

Drafted by the Nashville
Town Manager under the
supervision of the
Nashville Town Attorney

Roger D. Kelso
Town Manager

Joan K. Quigley
Joan K. Quigley, Council President

Gerald Alexander
Gerald Alexander, Councilmember

Danetta Dorsett
Danetta Dorsett, Councilmember

John V. Davis
John Davis, Councilmember

Charles A. Smith
Charles Smith, Councilmember

☒ yea ☐ nay ☐ abstain

☒ yea ☐ nay ☐ abstain

☐ yea ☒ nay ☐ abstain

☒ yea ☐ nay ☐ abstain

☒ yea ☒ nay ☐ abstain