

ORDINANCE: 2003-04

WHEREAS, the Town Council ("Council") of the Town of Nashville, Indiana ("Town"), adopted a comprehensive zoning ordinance ("Zoning Ordinance") for the County in 1960; and,

WHEREAS, specific amendments to the zoning ordinance have been proposed;

WHEREAS, the Brown County Area Plan Commission conducted at least one public hearing on the proposed amendments and certified its recommendations on the proposed amendments to the Council; and

WHEREAS, the Council finds that the adoption of the proposed amendments, as certified, would promote the purposes of the Zoning Ordinance as authorized by Indiana Code Sections 36-7-4-601, including the promotion of the public health, safety, comfort, morals, convenience and general welfare, the lessening or avoidance of congestion in public ways, and the securing of adequate light, air, convenience of access, and safety from fire, flood, and other danger,

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Nashville, Indiana, as follows

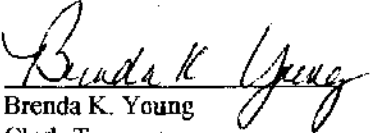


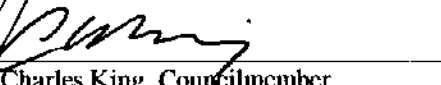
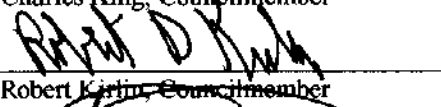
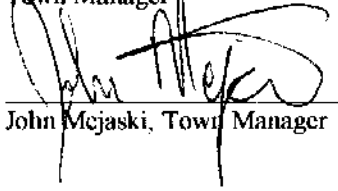
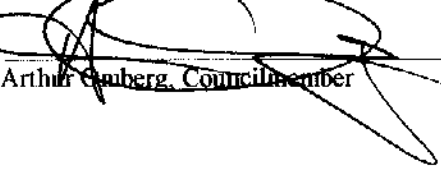
Section 1. Chapter 153 Zoning Code, of the Nashville Code of Ordinances shall be, and hereby is, amended to read as follows: Please see Exhibit A.

Section 2. The provisions of this Ordinance are separable. If any part or provision of this Ordinance or the application thereof to any persons or circumstances is adjudged invalid by a court of competent jurisdiction on procedural or any other grounds, such judgment shall be confined in its operation to the part, provision, procedure or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Ordinance or the application thereof to other persons or circumstances. The Town Council of the Town of Nashville, Indiana, hereby declares that it would have enacted the remainder of this Ordinance even without any such part, provision, procedure or application.

Section 3. This ordinance shall take effect upon its adoption by the Town Council of the Town of Nashville, Indiana this 17th day of JULY, 2003.

ORDAINED AND ADOPTED by the Town Council of the Town of Nashville, Indiana this 17th day of JULY, 2003.

ATTEST:

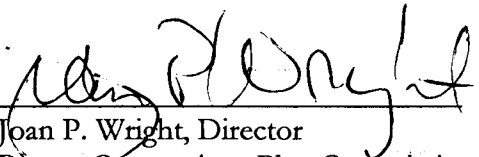
		yea	nay	abstain
 Brenda K. Young Clerk-Treasurer	 Gerald Alexander, Council President			
	 John Davis, Vice President	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
	 Charles King, Councilmember	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drafted by the Nashville Town Manager	 Robert Kirling, Councilmember	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
 John McJaski, Town Manager	 Arthur Emborg, Councilmember	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

BROWN COUNTY AREA PLAN COMMISSION
P.O. Box 401, Nashville, Indiana

TO: The Nashville Town Council, Nashville, Indiana

CERTIFICATION

I, Joan P. Wright, hereby certify that during a meeting on June 24, 2003 the Brown County Area Plan Commission considered the attached amendments to the Nashville Zoning Code and made a positive recommendation to forward for your consideration.


Joan P. Wright, Director
Brown County Area Plan Commission
June 25, 2003

Proposed Additions

Chapter 153: Zoning Code

General Provisions

153.004 Definitions

General Requirements

153.023 Design Review Commission

153.024 Driveway permit

153.025 Storm Water Drainage

153.026 Light Trespass

Regulations

153.113 -153.123 Erosion Control

153.128 Addition to Improvement Location Permit

Proposed additions to Section 153:004

Definitions

Administering Authority: Means the designated unit of government given the authority to issue permits.

Agricultural Land Use: Means use of land for the production of animal, plant life, including forestry pasturing or yarding livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

Erosion: Means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice or gravity.

Erosion Control Measure: Means a practice or a combination of practices to control erosion and resulting sedimentation.

Erosion Control Plan: Means a written description of pertinent information concerning erosion control measures designed to meet the requirements of this ordinance as submitted by the applicant for review and approval by the Nashville Town Manager.

Fixture: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing and the attachment parts.

Flood Light: A luminaire or bulb that projects light in a specific direction in a wide beam, typically 100 degrees or more.

Full-cut Off (fco): A light fixture which cuts off all upward transmission of light.

Fully Shielded: A fixture with housing or attachment thereto that prevents a line of sight to the bulb when viewed from another property and that prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture.

Glare: Discomfort experienced by an observer with a direct line of sight to a light source which often results in annoyance, discomfort, or loss of visual performance causing visual impairment.

Horizontal (or Vertical) Foot-candles: The amount of light striking a vertical or horizontal plane.

IESNA: Illuminating Engineering Society of North America.

Light Source: The bulb and lens, diffuser, or reflective enclosure.

Light Trespass: Light projected onto a property from a fixture not located on that property.

Lumens: Measure of brightness of the illumination exiting bulb.

Spot Light: A luminaire or bulb which projects light in a specific direction in a narrow beam, typically 45 degrees or less.

153:023 DEVELOPMENT REVIEW COMMISSION

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

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

(B) 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 are specified within designated specific plan areas.
- (3) All exterior changes to building, lighting and landscape in all business districts.
- (4) All fences, walls and other incidental improvements in all business districts.

(C) 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.

- (1) Preservation of Landscape
- (2) Relation of Proposed Building to Environment
- (3) Drives, Parking and Circulation
- (4) Lighting
- (5) Surface Water Drainage
- (6) Utility Service
- (7) Advertising Features
- (8) Special Features

(D) 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 fees as set forth by resolution of the Nashville Town Council.

153:024 DRIVEWAY PERMITS

(A) This section shall apply to all person, firms, partnerships, associations, corporations, companies, or organizations of any kind in the Nashville Town limits hereafter referred to as citizens.

The purpose of this section is to regulate access to all streets, alleys and other public right-a-ways in the town limits of Nashville and to insure proper traffic flow conformance with established standards and adequate drainage.

(1) Access Standards - Private Drive

- (a) That no private drive or other access way shall be made onto any town street in Nashville Indiana without a specific permit.
- (b) That no entrance shall be more than five (5) feet to the adjacent property line and no approach shall be constructed that any part of the same extends in front of property.
- (c) That all drainage pipes or tiles used in the construction of driveways and approaches shall be a minimum of twelve (12) inches in diameter and as much larger that the street department shall deem necessary for proper drainage.
- (d) That all driveways and approaches shall be so constructed that they shall not interfere with drainage of, or cause erosion to the street.
- (e) That all disturbed areas shall be fertilized and seeded or sodded to prevent erosion.
- (f) That the construction of such driveways and approaches shall not interfere with any existing structure, utility or any town right-of-way without specific permission.
- (g) That all entrances and approaches shall be so located as to provide adequate sight distance in both directions.
- (h) That no entrance or approach shall be located or constructed so as to interfere with or prevent the proper location of necessary street signs.
- (i) That the permittee shall assume responsibility for all maintenance of such approaches from the right-of-way line to the edge of the traveled street.
- (j) That no such entrance or approach shall be relocated or its dimensions altered.
- (k) That the permittee shall assume all responsibility for the injury or damage to persons or property resulting directly or indirectly from the construction of any approach or driveway.
- (l) That the permittee shall remove or relocate any such entrance or approaches when requested to do so by the Town Superintendent, in interest of safety to town street traffic.
- (m) That the right-of-way area adjacent to or between the approaches may be graded at the permit tee's expense, subject to drainage requirements as determined by the Town Superintendent.

(n) That all work shall be done in accordance with the approved plans and the latest issue of the Indiana State Highway Standard Specifications, and shall meet the approval of the Town Superintendent.

(o) That no driveway or other vehicle access road onto a town street shall be less than ten (10) feet in width as measured along the private property line for a single-family residential access or less than twenty-four (24) feet as measured along the private property line for all other accesses.

(2) Existing Private Drives

(a) That the Town Superintendent may require the removal and replacement of existing private drives and/or the drainage pipe and tiles for existing private drives.

(b) That the cost of all drainage pipes or tiles required by the Town Superintendent to be replaced shall be paid by the property owner.

(c) That the Town Superintendent may furnish such assistance as may be necessary for the removal and replacement of existing drives and/or the drainage pipes and tiles.

(d) That all work on existing drives shall be in accordance with the access standards set forth in Section 2 and shall be acceptable to and approved by the Town Superintendent.

(3) Permit Application

(a) That no person shall cut, dig, trench or otherwise interfere with the surface or subsurface, or any town street which is part of the town street system, or the easement adjacent to any such street.

(b) That a form shall be developed and used for the application by any person seeking a permit to construct a driveway onto any town street, or on the right-of-way adjacent thereto.

(c) Permit Fees: That the following schedule of fees shall be charged for driveway permits onto the town streets.

Private Drive	\$ 5.00
Commercial Drive	\$ 50.00
Subdivision Entrance	\$150.00

SECTION 153:025

(A) All new developments, any redevelopment and/or new construction in the Town of Nashville shall control the release of storm water run-off.

(1) The release rate of storm water from developed lands does not exceed the release rate from the land in its present land use or;

(2) The release rate of storm water from developed land does not create a harmful condition to adjacent or downstream property.

(B) The developer must submit to the Nashville Town council detailed computations and plans detailing site condition runoff rates before and after development, redevelopment or new construction demonstrating that storm runoff will be controlled.

(C) Preliminary and final drainage plans shall be submitted to the Nashville Town Council no less than forty-five (45) days prior to its regularly scheduled meeting.

SECTION 153:026

(A) REGULATION

It is unlawful for any person, firm or corporation to install, erect or maintain any floodlight, searchlight, security light, or other form or type of light source within the limits of the Town of Nashville in such manner that the light rays from such lighting fail to conform with the terms and conditions of this Ordinance and that the light there from may distract the attention of any vehicle driver from the operation of a vehicle in a safe and prudent manner.

On all properties except those zoned R1 and R2 the installation or replacement of any outdoor lighting fixtures shall require approval. Approval may not be issued unless the proposed installation is found by the Nashville Town Council to conform to all applicable provisions of this section.

All properties within the Town of Nashville must comply with the terms of this ordinance.

(B) LIGHT TRESPASS

The maximum illumination at five feet inside an adjacent residential parcel or public right-of-way, or beyond, from light emitted from an artificial light source is 0.05 horizontal foot-candles and 0.05 vertical foot-candles. Said illumination likewise measured inside an adjacent commercial or industrial parcel or on a public roadway, or beyond, shall not exceed 0.1 horizontal foot-candles or 0.1 vertical foot-candles. No line of sight to a glaring light source is permitted from 5 feet or more inside a residential or public right-of-way property line by an observer viewing from a position that is level with or higher than the ground below the fixture. Compliance is achieved with fixture shielding, directional control designed into the fixture, fixture location, fixture height, fixture aim, or a combination of these factors.

(C) GENERAL LIGHTING DESIGN

The bulbs in outdoor light fixtures emitting from 600 to 1200 lumens shall be frosted glass or covered by frosted glass or other similarly translucent cover. An outdoor light fixture emitting more than 1200 lumens except motion detector activated lighting, shall be full cutoff and fully shielded to an observer at the property line. This can be achieved with fixture location, mounting height, natural artificial barriers on the fixture owner's property, fixture shielding, and other fixture design features.

A spotlight of less than 1800 lumens need not be full cutoff or covered by a translucent cover if its center beam is aimed at a point not beyond any property lines and no higher than forty five degrees below the horizontal, and is motion detector activated and cycles off after five minutes.

Generally, luminaries should not be located closer to the property line than a distance equal to three times the fixture's mounting height above grade at the property line.

The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.

Emergency lighting and traffic control lighting is exempt.

Tower lighting shall not be permitted unless required by the FAA. Required lighting shall be of the lowest allowed intensity and red unless specifically forbidden under FAA requirements.

At the close of business, all lighting shall be reduced to a level not greater than those described in the section titled Parking Lot Lighting.

With the exception of structures having exceptional symbolic significance such as churches and/or public buildings or historic significance in the community, exterior buildings and other vertical structures shall not be illuminated. When buildings and other structures having symbolic or historic significance are to be illuminated, the design for the illumination must be approved by the Town Council.

(1) Buildings and other vertical structures:

- (a) The maximum illumination on any vertical surface or angular roof surface shall not to exceed 5.0 foot-candles.
- (b) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building surface. Lighting fixtures shall not be directed toward adjacent streets or roads.
- (c) Lighting fixtures mounted on the building and designed to "wash" the building surface with light are preferred.
- (d) To the extent practicable, lighting fixtures shall be directed below the horizontal rather than above the horizontal.

(2) Landscaping:

- (a) When landscaping is to be illuminated, the Town Council shall first approve a landscape lighting plan that presents the purpose and objective of the lighting, shows the location of all lighting fixtures and what landscaping each is to illuminate, and demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky.

(3) Externally Illuminated Signs:

- (a) The average level of illumination on the vertical surface of the sign shall not exceed 3.0 foot-candles, and the ratio of average to minimum illumination shall not exceed 2:1.
- (b) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties.

(c) Light fixtures illuminating signs shall be of a type such that the light source is not directly visible from adjacent streets, roads, or properties.

(d) To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed below the horizontal.

(4) Parking Lot Lighting:

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

(a) All lighting fixtures serving parking lots shall be cut-off fixtures.

(b) Mounting height of lighting fixtures shall not exceed 20 feet.

(c) The minimum illumination level shall be no more than 0.4 foot-candles. The ratio of the average illumination to the minimum illumination shall be 4:1.

(5) Lighting of Exterior Display Sales Areas:

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under local Ordinance are to be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. This designation must be approved by the Town Council.

(a) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking suggested elsewhere in this section.

(b) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The ratio of average to minimum illuminance shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.

(c) Light fixtures shall be cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

(d) Fixtures shall be mounted no more than 20 feet above grade, and mounting poles shall be located either inside the illuminated area or no more than ten (10) feet away from the outside edge of the illuminated area.

(6) Lighting of Walkways/Bikeways and Parks:

Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply.

- (a) The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 foot-candles.
- (b) The vertical illumination levels at a height of five (5) feet above grade shall be no more than 0.5 foot-candles.
- (c) Lighting fixtures shall be designed to direct light downward, and light sources shall have an initial output of no more than 1000 lumens.

(7) Lighting of Gasoline Station/Convenience Store Aprons and Canopies:

Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under local Ordinance are to be used for that purpose.

- (a) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- (b) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is no more than 5.5 foot-candles. The ratio of average to minimum illuminance shall be no greater than 4:1. This yields an average illumination level of no more than 22.0 foot-candles.
- (c) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees beyond the vertical plane.
- (d) As an alternative to recessed ceiling lights, indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- (e) Lights shall not be mounted on the top or sides of the canopy, and the sides of the canopy shall not be illuminated.

(8) Lighting of Outdoor Facilities:

Outdoor nighttime facilities (concerts, athletic contests, etc.) have unique lighting needs. Illumination levels vary, depending on the nature of the activity.

The regulations in this section are intended to allow adequate lighting for such events while minimizing skyglow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption. The design plan shall include a discussion of the lighting requirements of various areas and how those requirements will be met.

(D) SITE PLANS

Outdoor lighting installations involving the installation or replacement of two or fewer lighting fixtures may be approved by the Town manager, provided that no single lamp exceeds 150 watts, and that the total wattage of all bulbs in all fixtures does not exceed 300 watts. All other installation must be approved by the Town Council.

The applicant shall submit to the Town sufficient information, in the form of an overall exterior lighting plan, to enable the Town to determine that the applicable provisions will be satisfied. The lighting plan shall include at least the following items:

- (1) A site plan, drawn to a scale of one inch equaling no more than twenty (20) feet, showing buildings, landscaping, parking areas and all proposed exterior lighting fixtures.
- (2) Specifications for all proposed lighting fixtures including photometric data, designation as cut-off fixtures, and other descriptive information on the fixtures.
- (3) Proposed mounting height of all exterior lighting fixtures.
- (4) Analyses and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance.
- (5) Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.

When an outdoor lighting installation is being modified, extended, expanded, or added to, the entire outdoor lighting installation shall be subject to the requirements of this Ordinance.

Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels.

Electrical service to outdoor lighting fixtures shall be underground unless the fixtures are mounted directly on utility poles.

Proposed lighting installations that are not covered by the special provisions in this Ordinance may be approved only if the Town Council finds that they are designed to minimize glare, do not direct light beyond the boundaries of the area being illuminated or onto adjacent properties or streets, and do not result in excessive lighting levels. In general IESNA standards shall be used to determine the appropriate lighting design.

For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the lighting fixture.

The Town Council may modify the requirements of this section if it determines that in so doing, it will not jeopardize achievement of the intent of these regulations.

(E) EXEMPTIONS

The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from this Ordinance except where they create a hazard or nuisance from glare. However, consideration to light trespass requirements shall be demonstrated prior to commencing the use of the temporary lighting. Commercial activities exempt under this provision of the Ordinance shall only be able to use this exemption for one occurrence per year. All activities exempt under this provision of the Ordinance shall be exempt for a period not to exceed ten (10) consecutive days and when ever possible lighting should do be fco.

All other lighting existing or installed on the date of this Ordinance which does not conform with this Ordinance shall be exempt under the following conditions.

- (1) The exemption shall expire seven years after the adoption date of this Ordinance.
- (2) Lighting found by a governmental agency to create public hazard can be ordered removed or altered at any time.
- (3) On the effective date of the Ordinance, any light installation which provides for re-aiming of the fixture shall be brought in compliance with the terms of this Ordinance without delay.
- (4) Upon repair or replacement of any component of any luminaire, or relocation of any luminaire, that luminaire shall be brought in compliance with the terms of this Ordinance at the completion of the repair or replacement.
- (5) Upon installation of any new luminaire, this Ordinance shall fully apply. An inventory of existing lighting submitted by the applicant will be required when the application for installing new luminaire(s) is made.
- (6) Upon the transfer of ownership of an existing business or property, the exemption shall expire and all terms of this Ordinance shall apply.
- (7) At the close of business all lighting shall be reduced to a level not greater than those described in the section titled Parking Lot Lighting.

(F) STREET LIGHTING

Street lighting owned, operated, maintained or leased by the Town of Nashville shall be exempt understanding that a good faith effort shall be made to comply with the following conditions.

(1) All new, repaired or replaced shall be full cut off fixtures and the IESNA guidelines shall be considered. However, the design for an area may suggest the use of street light fixtures of a particular period or architectural style as an alternative if the following items are considered:

(a) The maximum initial lumens generated by each fixture does not exceed 2,000.

(b) The mounting height of the alternative fixture does not exceed 15 feet.

(c) That alternative lighting be approved in a public hearing in accordance with IC 5-3-1. Public comment regarding the alternative lighting standard will be considered at that time.

(2) Street light shall be located in the public right-of-way or on easement acquired for such a purpose.

(3) If the street has a sidewalk along one side, the street lights will generally be limited to the sidewalk side of the street.

Street lighting which causes light to trespass onto or into a neighboring parcel and causes an annoyance or disturbs the person(s) who own the neighboring parcel shall seek relief through the Nashville Town Council.

The Town Council shall hold a hearing on the matter in a meeting published in accordance with IC 5-3-1. The complaint and possible solution will be considered at that time.

(G) INJUNCTION

A person who installs or causes to be installed various forms and types of lights as described heretofore in violation of this Ordinance is subject to a suit for injunction. Such violation shall be punishable by a maximum fine of \$1,000.00. The Town Attorney is authorized to bring any enforcement action for injunctive relief through the Brown Circuit Court and the Town shall be entitled to recover attorney fees and costs as assessed at the discretion of the Court against the offending business.

153:113 Erosion Control

(A) The section applies to non-agricultural land disturbing activities on land within The boundaries and jurisdiction of the Town of Nashville, Indiana.

153:114 Design Criteria, Standards, and Specifications for Erosion Control Measures

(A) All erosion control measures including but not limited to those required to comply with this section shall meet the design criteria, standards, and specifications for erosion control measures similar to or the same as those outlined in the Field Office Technical Guide of the USDA Soil Conservation Service.

153:115 Control of Erosion and Sediment During Land Disturbing Activities

(A) Control of erosion and sediment is the responsibility of an applicant. Applicability and requirements are defined as follows:

(1) Applicability: This section applies to the following sites with land disturbing activities.

(a) Those requiring a subdivision plat approval or local improvement location permit for the construction of commercial, residential, or institutional buildings on lots of approved subdivision plats;

(b) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling, or other land disturbing activity affecting a surface area of 2,500 square ft. or more;

(c) Those involving excavation, filling, or a combination of excavation and filling affecting 100 cubic yards or more of soil, sand, gravel, stone, or other material.

(d) Those involving street, highway, road, or bridge construction, enlargement, relocation, or construction; and

(e) Those involving the laying, repairing, replacing, or enlarging of an underground pipe or utility for a distance of 50 feet or more.

115:116 Erosion and Other Sediment Control Requirements

(A) The following requirements shall be met on all sites:

(1) Site dewatering: Sediment-laden water flowing from the site shall be detained by temporary sediment basins. Also, water shall not be discharged in a manner that causes erosion in the receiving channel.

(2) Waste and Material Disposal: Waste or unused building materials, including but not limited to garbage, debris, cleaning wastes, wastewater, toxic materials, and hazardous substances, shall not be carried by runoff from a site. Proper disposal of all wastes and unused building materials, in line with the nature of the waste or material, is required.

(3) Tracking: Sediment being tracked from a site onto public or private roadways shall be minimized. This can be accomplished initially by a well planned layout of roads, access drives, and parking areas of sufficient width and length. However, protective covering also may be necessary.

(4) Sediment removal: Public or private roadways shall be kept cleared of accumulated sediment. If appreciable sedimentation occurs after a storm event, this sediment shall be deposited on the parcels of land if in the site, from where it likely originated.

(5) Drain inlet protection. All storm drain inlets shall be protected against sedimentation with straw bales, filter fabric, or equivalent barriers meeting accepted design criteria, standards and specifications.

(6) Site Erosion Control: The following items apply only to the time period when land disturbing activities are taking place.

(a) Runoff passing through a site from adjacent areas shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel may be improved to prevent erosion or sedimentation from occurring.

(B) Runoff may be controlled by one of the two following measures:

(1) Barring unforeseeable weather conditions, all disturbed ground left inactive for seven or more days shall be stabilized prior to Oct. 15th, by seeding, sodding, mulching, covering, or by other equivalent erosion control measures.

(2) With disturbed areas within a site of 10 acres or more, where drainage is in the same direction or where runoff will result in loss of soil, an abatement or recovery program is required. Where feasible one or more sediment basins shall be constructed.

(3) With disturbed areas within a site of less than 10 acres, filter fences, straw bales, or other erosion control measures shall be required.

(C) Erosion from all soil storage piles shall be controlled as before mentioned. Adjacent storm drain inlets, shall be protected. Soil storage piles shall be stabilized in the same manner as before mentioned, if remaining in existence for more than 7 days.

153:117 Maintenance of Erosion Control Measures

(A) During the period of land disturbance at a site, all sediment basins and other erosion control measures necessary to meet the requirements of this ordinance shall be applied by the applicant or Landowner.

153:118 Permit Application Erosion Control Plan and Permit Issuance

(A) No person shall begin a land disturbing activity subject to this ordinance without receiving approval of an erosion control plan.

153:119 Content of Erosion Control Plan for Land Disturbing Activities Covering More Than One Acre in a Given Site

(A) Existing site map: Conditions on a minimum scale of one inch equals 100 ft. adequate to show the site and adjacent areas, including.

- (1) Site boundaries and adjacent lands which accurately identify site location.
- (2) Lakes, streams, wetlands, channels, ditches, and other water courses on and adjacent to site.
- (3) One Hundred year flood plains floodway fringes, and floodways.
- (4) Location of the predominant soil types.
- (5) Vegetative cover grass weeds trees.
- (6) Location and dimensions of storm water drainage systems and natural drainage patterns on and adjacent to the site.
- (7) Locations, and dimensions of utilities, structures, roads, highways and paving.
- (8) Site topography.

(B) Plan of final site conditions

(C) Site Construction Plan

- (1) Locations and dimensions of all proposed land disturbing activities.
- (2) Locations and dimensions of all temporary soil stockpiles.
- (3) Locations and dimensions of all erosion control measures.
- (4) Anticipated start and completion date.
- (5) Provision for maintenance of the erosion control measures.

152:120 Content of Erosion Control Plan for Land Disturbing Activities Covering Less Than One Acre in a Given Site

(A) An Erosion Control Plan statement describing the site and erosion Control measures and including a development schedule and a simple map Showing the locations of the control measures is all that is required.

153:121 Review of Erosion Control Plan

(A) The Town Manager shall review all necessary information.

153:122 Permits

(A) Surety Bond: The Town Manager may require the applicant to provide such.

(B) Permit Conditions: All Permits shall require the applicant to:

- (1) Notify Town Manager 24 hours before commencing with any land disturbing activity.
- (2) Notify Town Manager Of completion of erosion control measures within 7 days after installation.
- (3) Obtain permission from Town Manager prior to modifying the erosion control plan.
- (4) Install all erosion control measures.
- (5) Maintain road drainage storm water, erosion control.
- (6) Where legal, remove sediment from land disturbing.
- (7) Allow Town Manager to enter site for verifying compliance with controls.

153:123 Inspection

(A) To ensure compliance with the erosion control plan, the Town Manager shall inspect sites having ongoing land disturbing activities. If land disturbing activities are being carried out without a permit, the Town Manager shall issue a Stop-Work-Order.

153:124 Enforcement

(A) The Town Manager shall post a stop-work-order if:

- (1) Any land disturbing is undertaken without a permit.
- (2) Erosion plan is not being implemented in good faith.
- (3) The conditions of the permit are not being met.

(B) An appeal to the Town Manager, a stop-work order or the revocation may be retracted.

(C) Ten days after posting a stop-work order, the Town Manager may issue a notice of intent stating 14 days after issuing the notice of intent the Town Manager will use the surety bond to perform work necessary.

(D) If five days after notification, a permit holder does not comply with the erosion plan or permit, the Town Manager may revoke the permit.

(E) Persons violating the provisions of the ordinance shall be subject to a forfeitures or fine.

(F) Compliance with the provisions of this ordinance also may be enforced by injunction.

Project Termination:

(A) An orderly and timely termination of a project with land disturbing activities should be planned between all persons involved with the site.

(1) Nearing the end of the project, but prior to the final land grading, the person holding the permit should petition the Town Manager to allow for the installation of utility lines. This work should be done promptly. After utilities are installed, complete all erosion control measures promptly.

(2) When project is complete, the person holding the permit shall petition the Town Manager for approval of erosion control measures which are to remain on the site. The Town Manager shall inspect the site to evaluate the adequacy of these measures.

(3) If the erosion control measures are approved, any surety bond or letters of credit shall be released.

(4) If the erosion control measures are not approved because they are not in line with either the erosion control plan or the General Principles of this ordinance, the Town Manager shall notify in writing the person holding the permit of unacceptable features.

Administrative Appeals and Judicial Review:

(A) Nashville Town Council

(1) The Council shall hear and decide appeals where it is alleged that there is an error in any order, decision or determination made by the Town Manager in administering this ordinance.

(2) Upon appeal, the Council may authorize variances from the provisions of this ordinance which are not contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hindrances.

(3) The Council shall use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals and in authorizing variances.

(B) Judicial Review

(1) Final decisions of the Town Council are subject to review by the Brown County Court provided an appeal is filed within thirty (30) days from the date of the final decision of the Town Council.

AMENDMENT TO THE NASHVILLE ZONING ORDINANCE
ADMENDENT TO SECTION 153.128 - IMPROVEMENT LOCATION PERMIT

(C) Application

Every application for an improvement location permit shall be accompanied by:

- (1) A site plan drawn to scale showing the location of the structure or improvement to be altered, changed, placed, erected, or located;
- (2) The dimensions of the lot to be improved;
- (3) The size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot and the manner in which the location is to be improved.

Applications must also be accompanied by proof of compliance by the applicant with the requirements of the following sections of this ordinance.

Section 153.023 - Design Review

Section 153.024 - Driveway Permit

Section 153.025 - Storm Sewer and Drainage

Section 153.026 - Lighting Trespass

Section 153.133 - Erosion Control

Compliance with these sections may be established by the submission of a letter or report from the Nashville Town Manager obtained pursuant to the terms of said section.

No improvement location permit shall be granted without this proof.

(c) Light fixtures illuminating signs shall be of a type such that the light source is not directly visible from adjacent streets, roads, or properties.

(d) To the extent practicable, fixtures used to illuminate signs shall be top mounted and directed below the horizontal.

(4) Parking Lot Lighting:

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas, and to not cause glare or direct illumination onto adjacent properties or streets.

(a) All lighting fixtures serving parking lots shall be cut-off fixtures.

(b) Mounting height of lighting fixtures shall not exceed 20 feet.

(c) The minimum illumination level shall be no more than 0.4 foot-candles. The ratio of the average illumination to the minimum illumination shall be 4:1.

(d) See below.

(5) Lighting of Exterior Display Sales Areas:

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses. Signs allowed under local Ordinance are to be used for that purpose. The applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. This designation must be approved by the Town Council.

(a) Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for parking suggested elsewhere in this section.

(b) Areas designated as exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The ratio of average to minimum illuminance shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as exterior display/sales area.

(c) Light fixtures shall be cut-off fixtures, and shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

(d) Fixtures shall be mounted no more than 20 feet above grade, and mounting poles shall be located either inside the illuminated area or no more than ten (10) feet away from the outside edge of the illuminated area.

4(d) Internally lighted "Exit" and "Enter" and "Open" and "Closed" signs on lanes of drive through facilities shall be permitted that otherwise comply with the requirements of this ordinance.

Lighting
Sections
15-3:026
3rd page

SPECIAL EXCEPTED	DISTRICT(S) IN WHICH USE MAY BE PERMITTED AND	REQUIREMENT DEMONSTRATION
Airport or heliport On a Government-owned or leased airport Artificial lake of 3 or more acres Cemetery or crematorium Clinic or medical health center Country Club or Golf Course FIRE STATION, OF COUNTY JAIL. Greenhouse, Connecticut	All except R-1 All except R-1 R-1, R-2, R-3, R-4 R-1 All All except R-2	R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, R-13, R-14, R-15, R-16, R-17, R-18, R-19, R-20, R-21, R-22, R-23, R-24, R-25, R-26, R-27, R-28, R-29, R-30, R-31, R-32, R-33, R-34, R-35, R-36, R-37, R-38, R-39, R-40, R-41, R-42, R-43, R-44, R-45, R-46, R-47, R-48, R-49, R-50, R-51, R-52, R-53, R-54, R-55, R-56, R-57, R-58, R-59, R-60, R-61, R-62, R-63, R-64, R-65, R-66, R-67, R-68, R-69, R-70, R-71, R-72, R-73, R-74, R-75, R-76, R-77, R-78, R-79, R-80, R-81, R-82, R-83, R-84, R-85, R-86, R-87, R-88, R-89, R-90, R-91, R-92, R-93, R-94, R-95, R-96, R-97, R-98, R-99, R-100, R-101, R-102, R-103, R-104, R-105, R-106, R-107, R-108, R-109, R-110, R-111, R-112, R-113, R-114, R-115, R-116, R-117, R-118, R-119, R-120, R-121, R-122, R-123, R-124, R-125, R-126, R-127, R-128, R-129, R-130, R-131, R-132, R-133, R-134, R-135, R-136, R-137, R-138, R-139, R-140, R-141, R-142, R-143, R-144, R-145, R-146, R-147, R-148, R-149, R-150, R-151, R-152, R-153, R-154, R-155, R-156, R-157, R-158, R-159, R-160, R-161, R-162, R-163, R-164, R-165, R-166, R-167, R-168, R-169, R-170, R-171, R-172, R-173, R-174, R-175, R-176, R-177, R-178, R-179, R-180, R-181, R-182, R-183, R-184, R-185, R-186, R-187, R-188, R-189, R-190, R-191, R-192, R-193, R-194, R-195, R-196, R-197, R-198, R-199, R-200, R-201, R-202, R-203, R-204, R-205, R-206, R-207, R-208, R-209, R-210, R-211, R-212, R-213, R-214, R-215, R-216, R-217, R-218, R-219, R-220, R-221, R-222, R-223, R-224, R-225, R-226, R-227, R-228, R-229, R-230, R-231, R-232, R-233, R-234, R-235, R-236, R-237, R-238, R-239, R-240, R-241, R-242, R-243, R-244, R-245, R-246, R-247, R-248, R-249, R-250, R-251, R-252, R-253, R-254, R-255, R-256, R-257, R-258, R-259, R-260, R-261, R-262, R-263, R-264, R-265, R-266, R-267, R-268, R-269, R-270, R-271, R-272, R-273, R-274, R-275, R-276, R-277, R-278, R-279, R-280, R-281, R-282, R-283, R-284, R-285, R-286, R-287, R-288, R-289, R-290, R-291, R-292, R-293, R-294, R-295, R-296, R-297, R-298, R-299, R-300, R-301, R-302, R-303, R-304, R-305, R-306, R-307, R-308, R-309, R-310, R-311, R-312, R-313, R-314, R-315, R-316, R-317, R-318, R-319, R-320, R-321, R-322, R-323, R-324, R-325, R-326, R-327, R-328, R-329, R-330, R-331, R-332, R-333, R-334, R-335, R-336, R-337, R-338, R-339, R-340, R-341, R-342, R-343, R-344, R-345, R-346, R-347, R-348, R-349, R-350, R-351, R-352, R-353, R-354, R-355, R-356, R-357, R-358, R-359, R-360, R-361, R-362, R-363, R-364, R-365, R-366, R-367, R-368, R-369, R-370, R-371, R-372, R-373, R-374, R-375, R-376, R-377, R-378, R-379, R-380, R-381, R-382, R-383, R-384, R-385, R-386, R-387, R-388, R-389, R-390, R-391, R-392, R-393, R-394, R-395, R-396, R-397, R-398, R-399, R-400, R-401, R-402, R-403, R-404, R-405, R-406, R-407, R-408, R-409, R-410, R-411, R-412, R-413, R-414, R-415, R-416, R-417, R-418, R-419, R-420, R-421, R-422, R-423, R-424, R-425, R-426, R-427, R-428, R-429, R-430, R-431, R-432, R-433, R-434, R-435, R-436, R-437, R-438, R-439, R-440, R-441, R-442, R-443, R-444, R-445, R-446, R-447, R-448, R-449, R-450, R-451, R-452, R-453, R-454, R-455, R-456, R-457, R-458, R-459, R-460, R-461, R-462, R-463, R-464, R-465, R-466, R-467, R-468, R-469, R-470, R-471, R-472, R-473, R-474, R-475, R-476, R-477, R-478, R-479, R-480, R-481, R-482, R-483, R-484, R-485, R-486, R-487, R-488, R-489, R-490, R-491, R-492, R-493, R-494, R-495, R-496, R-497, R-498, R-499, R-500, R-501, R-502, R-503, R-504, R-505, R-506, R-507, R-508, R-509, R-510, R-511, R-512, R-513, R-514, R-515, R-516, R-517, R-518, R-519, R-520, R-521, R-522, R-523, R-524, R-525, R-526, R-527, R-528, R-529, R-530, R-531, R-532, R-533, R-534, R-535, R-536, R-537, R-538, R-539, R-540, R-541, R-542, R-543, R-544, R-545, R-546, R-547, R-548, R-549, R-550, R-551, R-552, R-553, R-554, R-555, R-556, R-557, R-558, R-559, R-560, R-561, R-562, R-563, R-564, R-565, R-566, R-567, R-568, R-569, R-570, R-571, R-572, R-573, R-574, R-575, R-576, R-577, R-578, R-579, R-580, R-581, R-582, R-583, R-584, R-585, R-586, R-587, R-588, R-589, R-590, R-591, R-592, R-593, R-594, R-595, R-596, R-597, R-598, R-599, R-600, R-601, R-602, R-603, R-604, R-605, R-606, R-607, R-608, R-609, R-610, R-611, R-612, R-613, R-614, R-615, R-616, R-617, R-618, R-619, R-620, R-621, R-622, R-623, R-624, R-625, R-626, R-627, R-628, R-629, R-630, R-631, R-632, R-633, R-634, R-635, R-636, R-637, R-638, R-639, R-640, R-641, R-642, R-643, R-644, R-645, R-646, R-647, R-648, R-649, R-650, R-651, R-652, R-653, R-654, R-655, R-656, R-657, R-658, R-659, R-660, R-661, R-662, R-663, R-664, R-665, R-666, R-667, R-668, R-66

at the nature of the Special Exception involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the Special Exception which most closely relates to the primary use, provided that the requirements of all the related uses will be met.

FIGURE 9. SPECIAL EXCEPTIONS AND REQUIREMENTS

Ashtville, Ind.

Asheville, Ind.

James I. Roberts

James I. Roberts P.C. 812 988 1842
155.997 Any person violating any provisions of the foregoing zoning and land use code shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) per day, together with court costs. Each day such violation is committed or permitted to continue shall constitute a separate and continuing offense and shall be punishable as such hereunder."