

ORDINANCE NO. 2012 - 21

**AN AMENDMENT TO THE COMPLIANCE REQUIREMENTS
FOR BUILDING PERMITS**

WHEREAS: The Town Council has been made aware of potential difficulties in the enforcement of design and color requirements imposed on new and remodeled construction in business districts by the Town Development Review Commission, and;

WHEREAS: The Area Plan Commission of Brown County is the enforcement agency for land use matters within the Town of Nashville and requires clear standards for enforcement of compliance with the requirements imposed by the Town Development Review Commission;

WHEREAS: A public hearing was held on this Ordinance on December 18, 2012 by the Area Plan Commission;

It is therefore **ORDAINED** as follows:

1. That portion of Ordinance 1988-6 that is codified as Section 150.17 of the Nashville Code of Ordinances is hereby amended to read:

All work done under any permit shall be in full compliance with all other ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in the ordinances. Compliance with all ordinances and compliance with the terms of any **CERTIFICATE OF APPROPRIATENESS** issued by the Development Review Commission shall be a condition of all permits issued under this section. Noncompliance shall render the permit void and revoked.

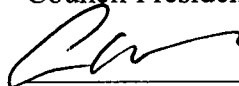
2. All portions of said section in conflict with this amendment are hereby **REPEALED**.

3. This Amendment shall become effective upon passage.

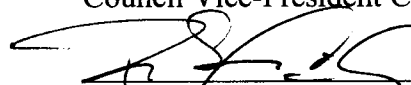
IT IS SO ORDAINED this 20th day of DECEMBER, 2012.

Prepared by:
James T. Roberts
Attorney for the
Town of Nashville


Council President Robert Kirlin ☒ yea ☐ nay ☐ abstain



Council Vice-President Charles B. King ☒ yea ☐ nay ☐ abstain

ATTEST:


Council Member R. Sean Cassidy ☒ yea ☐ nay ☐ abstain


Clerk-Treasurer, Brenda K. Young


Council Member Jane Gore ☒ yea ☐ nay ☐ abstain


Council Member Arthur Omberg ☒ yea ☐ nay ☐ abstain

BROWN COUNTY AREA PLAN COMMISSION

P.O. Box 401, Nashville, Indiana

TO: The Town Council of Nashville, Indiana

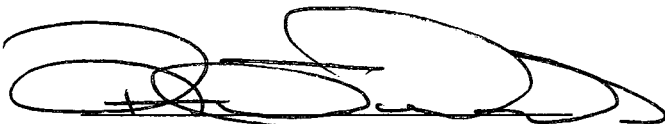
CERTIFICATION

I, David T. Woods, hereby certify that during a meeting on December 18, 2012, the Brown County Area Plan Commission considered a proposal from the Town of Nashville to amend Section 150.17 of the Town Ordinance to add the following sentence to the section:

"Compliance with all ordinances and compliance with the terms of any CERTIFICATE OF APPROPRIATENESS issued by the Development Review Commission shall be a condition of all permits issued under this section. Noncompliance shall render the permit void and revoked."

The Brown County Area Plan Commission made a favorable recommendation thereon.

The recommendation is being forwarded for your consideration pursuant to I.C. 36-7-4-605.

A handwritten signature in black ink, appearing to read 'David T. Woods', is written over a horizontal line.

David T. Woods, Director
Brown County Area Plan Commission
December 19, 2012

BROWN COUNTY AREA PLAN COMMISSION

Staff Report for Amendment to Town Ordinance

Docket No.:12-M-03

Date: December 18, 2012

Request: An amendment to provide for compliance of the terms of Certificate of Appropriateness of the Development Review Commission

Petitioner: James T. Roberts, Town Attorney on behalf of the Town of Nashville.

General Findings:

1. The Town of Nashville Ordinance provides that a permit be obtained from the Building Commissioner of the County prior to the construction, alteration or repair of any building or structure, the cost of which exceeds \$500.00 (Section 150.15).
2. The Development Review Commission (DRC) was established by town ordinance in 2002 to preserve and protect the natural beauty and unique village character of the Town of Nashville.
3. The DRC has jurisdiction in B1, B2 and B3 land use districts within the Town of Nashville to review and approve construction through the issuance of a Certificate of Appropriateness.
4. The Town of Nashville proposes to address the issue of enforcement of DRC conditions and requirements by amending Section 150.17 by adding the following sentence to the section:

"Compliance with all ordinances and compliance with the terms of any CERTIFICATE OF APPROPRIATENESS issued by the Development Review Commission shall be a condition of all permits issued under this section. Noncompliance shall render the permit void and revoked."