

**TOWN OF NASHVILLE  
ORDINANCE 2021-05**

**APC MEMBERSHIP ORDINANCE**

The purpose of this ordinance is to revise the Brown County Area Plan Commission membership provisions set forth in the Town of Nashville Ordinance to reflect recent amendments to the Indiana Code regarding plan commission membership qualifications.

WHEREAS, Indiana Code 36-7-4-601 authorizes the Town Council of Nashville, Indiana (“Town Council”) to adopt planning and zoning ordinances, and amendments thereto, for the following purposes: securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general welfare; and otherwise accomplishing the purposes of Indiana Code Chapter 36-7-4;

WHEREAS, the Nashville Town Council have established and amended the Town of Nashville Zoning Ordinance and Maps (Zoning Ordinance), through the adoption of numerous ordinances since the mid-1960s;

WHEREAS, the membership provisions of the Brown County Area Plan Commission (“APC”) are set forth in Chapter 153.151 of the Zoning Ordinance;

WHEREAS, Indiana Code 36-7-4-602 requires local plan commissions to prepare, conduct public hearings on, approve and certify planning and zoning ordinances, and amendments thereto, for consideration by the local legislative bodies;

WHEREAS, certain amendments (“Proposed Amendments”) to the Area Plan Commission membership provisions have been proposed by the APC in order to incorporate recent amendments to the State Code provisions on area plan commission membership;

WHEREAS, the Plan Commission advertised for and conducted a public hearing on the Proposed Amendments on April 27, 2021;

WHEREAS, following the public hearing, the Plan Commission voted to forward the Proposed Amendments to the Town Council with a positive recommendation;

WHEREAS, on April 28, 2021, the Director of the Brown County Area Plan Commission certified the Proposed Amendments to the Town Council for consideration pursuant to Indiana Code Sections 36-7-4-602 through 605;

WHEREAS, in accordance with Indiana 5-14-1.5-5, the Town Council provided public notice of its intention to consider the Proposed Amendments in ordinance form during its May 20, 2021, meeting;

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WHEREAS, the Town Council received public comment on the Proposed Amendments during its May 20, 2021, meeting and, following discussion and deliberation, found and concluded that the adoption of the Proposed Amendments would reasonably and efficiently advance the statutorily recognized zoning ordinance purposes, which include, among other purposes, the promotion of the health, safety, morals, convenience, order, and general welfare of the citizens of the Town of Nashville and Brown County, Indiana;

WHEREAS, the Town Council finds and confirms that in the preparation and consideration of the Proposed Amendments the Board of Commissioners gave reasonable regard to: the Comprehensive Land Use Plan of Brown County, Indiana; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth;

NOW, THEREFORE, be it ordained by the Town Council as follows:

Section 1. Section 153.151 of the Zoning Ordinance shall be, and hereby is, amended to read as follows:

### 153.151 Membership

The Plan Commission shall consist of seven (7) members, as follows:

- A. Two (2) members, appointed by the Board of County Commissioners, who may be a member of the Board of County Commissioners;
- B. One (1) member, appointed by the County Council, who may be a member of the County Council;
- C. One (1) member, appointed by the Nashville Town Council, who may be a member of the Town Council;
- D. One (1) member, appointed by the Brown County School Board, who shall be the Superintendent of Schools, the Assistant Superintendent of Schools, an administrative official of the School Corporation, or a member of the Brown County School Board;
- E. The Brown County Surveyor or an individual appointed by the Brown County Surveyor; and,
- F. The County Agricultural Extension Educator. However, the county agricultural extension educator must be a resident of the county to be eligible to serve on the area plan commission. If:
  - (a) the county does not have a county agricultural extension educator; or

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- (b) the county agricultural extension educator is not a resident of the county;

the county executive shall select a resident of the county who is a property owner with agricultural interest to serve on the area plan commission under this clause for a period not to exceed one (1) year. In addition to the county resident selected by the county executive to serve as a member of the commission, the county agricultural extension educator who is not a resident of the county shall serve the commission in a nonvoting advisory capacity.

Section 2. Section 153.151 of the Zoning Ordinance shall be, and hereby is, amended to read as follows:

### 151.153 (B) Qualifications of Members

Each member shall be appointed because of the member's knowledge and experience in the community affairs in Brown County or elsewhere; the member's awareness of the social, economic, agricultural, and industrial problems of the area; and the member's interest in the stewardship of the area. A member may not hold other elective or appointive office in municipal, county, or state government except in the case of a membership on the school board, the Park Board, the Board of Zoning Appeals, the board of directors for the public utilities, or the board of trustees for utilities created under IC. 8-1-11.1, or as otherwise authorized by law (e.g., I.C. 36-7-4-208). Except for the member established by 153.151 D above, a voting member must be a resident of Brown County, Indiana. A member shall be knowledgeable in the area from which the member is appointed.

Section 3. The Director of the Brown County Area Planning Department shall cause the Zoning Ordinance to be revised to reflect the foregoing amendments.

Section 4. The terms and 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 grounds, or on 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 applications thereof to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of this ordinance even without any such part, provision, procedure or application.

Section 5. This ordinance shall take effect upon adoption.

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SO APPROVED AND ADOPTED by the Town Council of Nashville, Indiana, this  
20th day of MAY, 2021.

ATTEST:

Brenda K. Young  
Clerk-Treasurer, Brenda K. Young

Jane Gore (yea) nay abstain  
Council President Jane Gore

Alisha Gredy (yea) nay abstain  
Council Vice-President Alisha Gredy

Nancy Crocker (yea) nay abstain  
Council Member Nancy Crocker

Anna Hofstetter (yea) nay abstain  
Council Member Anna Hofstetter

Dave Rudd (yea) nay abstain  
Council Member Dave Rudd