

**MAJOR STREETS AND HIGHWAYS,
SUBDIVISION CONTROL, PUBLIC FACILITIES,
AND IMPROVEMENT LOCATION PERMITS**

**A PART OF THE MASTER PLAN
FOR THE
COUNTY OF BROWN, INDIANA**

AN ORDINANCE FOR THE DEVELOPMENT THROUGH PLANNING, OF THE UNINCORPORATED AREA WITHIN THE JURISDICTION OF THE BROWN COUNTY PLAN COMMISSION.

Be it ordained by the Board of County Commissioners of the County of Brown, Indiana, under authority of Chapter 174, Acts of 1947, and all acts amendatory thereto, General Assembly of the State of Indiana:

TITLE I DEFINITIONS

For the purpose of this ordinance certain terms or words used herein shall be interpreted or defined as follows: Words used in the present tense include the future tense. The term "shall" is always mandatory.

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

BLOCK: Means an area that abuts a street and lies between two adjoining streets or barriers such as a railroad right-of-way or a water-way.

BOARD: The Board of Commissioners of the County of Brown, Indiana.

BUILDING LINE: Means the line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line.

COMMISSION: The Brown County Plan Commission.

COUNTY: County of Brown, Indiana.

CUL DE SAC (Court or Dead End Street): A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

DEVELOPER: Any person(s) engaged in developing or improving a lot or group of lots or structures thereon for use or occupancy.

EASEMENT: A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.

FEEDER STREET: A street planned to facilitate the collection of traffic from local streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach Major Streets.

JURISDICTION OF THE COMMISSION: The unincorporated territory of the County of Brown, Indiana.

LOCAL STREET: A street used primarily for access to abutting properties, usually residential. Certain local streets may be Marginal Access Streets parallel to Limited Access Major Streets, State Feeder Highways, or State Arterial Highways, thereby providing access from properties abutting such Marginal Access Streets to access points on such Limited Access Streets or Highways.

LOT: A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or development.

MAJOR STREET: A street designated for large volumes of traffic movement. Certain Major Streets may be classed as Limited Access Streets to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

MASTER PLAN: The complete plan, or any of its parts, for the development of the County prepared by the Commission and adopted in accordance with Chapter 174, Acts of 1947, General Assembly of Indiana, as is now or may hereafter be in effect.

OFFICIAL THOROUGHFARE PLAN: The part of the Master Plan, now or hereafter adopted which includes a major street and highway plan and sets forth the location, alignment, dimensions, identification of existing and proposed streets, highways and other thoroughfares.

PERSON: Includes a corporation, firm, partnership, association, organization, or any other group that acts as a unit.

PLAT: A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

PRIVATE DRIVE: A right-of-way, which has the characteristics of a street, as defined herein, except that it is not dedicated to the public use. A driveway which is located on a lot and which serves only the use on that lot is not considered as a private drive.

PUBLIC FACILITIES PLAN: The part of the Master Plan, now or hereafter adopted which shows the locations of existing and proposed school and park, or recreation sites.

STATE ARTERIAL HIGHWAY: A state highway primarily for heavy through traffic, capable of handling high traffic volumes.

STATE FEEDER HIGHWAY: A state highway primarily for medium through traffic, capable of handling medium traffic volumes.

STREET (Road): A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

STREET (or ALLEY) IMPROVEMENT: Shall mean the construction of a street or alley to its full thickness, commencing at the subgrade according to the specifications contained in Article 4, Section 2, hereinafter. The placing of a new surface over an existing paved or closed surface street or alley shall not be considered as an improvement but as maintenance.

ZONING ORDINANCE: The part of the Master Plan, now or hereafter adopted, which includes an ordinance and zone maps which divide the jurisdiction of the Commission into Districts, with regulations and requirements and procedures for the establishment of land use controls.

TITLE II OFFICIAL THOROUGHFARE PLAN

ARTICLE 1 THOROUGHFARE MAPS AND DRAWING

The official Thoroughfare Plan of the County of Brown, Indiana, consists of a map entitled "BROWN COUNTY, INDIANA" Plan of Major Streets and High ways", dated 1963, Sheet 1 of 2, and a drawing entitled "Typical Thoroughfare Cross-sections, Brown County, Indiana", dated 1963, Sheet 2 of 2, which shows recommended design plans for the proposed thoroughfares. The Official Thoroughfare plan is hereby declared to be a part of this Ordinance and notations, references, indications and other details shown therein are as much a part of this Ordinance as if they were fully described in the text of this Ordinance.

ARTICLE 2 DESIGNATION OF THOROUGHFARES

The Major streets and highways comprising the Official Thoroughfare Plan are hereby classified on the basis of width and type, in accordance with their proposed function, as Major, Feeder and Local Streets, as shown in Sheets 1 and 2, described above.

ARTICLE 3 POLICIES AND DIRECTIVES

Section 1 Opening or Widening Of Streets

Whenever a street classified in the Official Thoroughfare Plan is to be platted as a part of a subdivision, the required right-of-way width for such street shall be as specified in the Official Thoroughfare Plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half of the right-of-way designated for such street, measured at ninety (90) degrees to the centerline thereof.

Section 2 Location Of Streets

A. Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

B. In the absence of any street being designated in each section of land, within the jurisdiction, on or approximately on the north-south and east-west half-section lines of such sections, it is the intent of the Official Thoroughfare Plan and this Ordinance that Feeder Streets be established on such half section lines where feasible.

C. Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an irregular alignment, or a revised alignment or is not referenced to an established line, it shall follow the alignment shown in the official Thorough fare Plan. Such alignment shall be subject to a detailed survey which may be provided by the Commission or other public agencies, or by the owners of land to be subdivided if required by the Commission. The survey for such street shall be subject to the approval of the Commission prior to the dedication of the street.

Section 3 Consideration By Public Agencies

The Board shall be guided by and give consideration to the general policy and pattern of street development set out in the Official Thoroughfare Plan in the authorization, construction, widening, alteration, relocation or abandonment of the public street, highways and related structures.

Section 4 Issuance Of Permits

Any permits authorized by the Board including but not limited to Improvement Location permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Commission, shall be issued only if, in addition to satisfying the requirements of other Ordinances, the proposed street right-of-way as set forth by this Ordinance will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street.

ARTICLE 4 CONTINUING AUTHORITY OF COMMISSION

Subsequent to the passage of this Ordinance, the Commission may determine lines for new, extended, widened or narrowed thoroughfares in any portion of the area within the jurisdiction of the Commission, and certify to the Board the amended or additional plan under the same procedure as established for the certification and approval of the Official Thoroughfare Plan.

**BROWN COUNTY
TITLE III - SUBDIVISION CONTROL ORDINANCE
AND PLANNED DEVELOPMENTS**

SECTION 1 Purpose

- 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 county 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 re-subdivisions, in order to promote the most desirable use of land; and to insure proper legal descriptions and monuments 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, 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.

SECTION 2 Jurisdiction

- A. These subdivision regulations shall apply to all subdivisions of land, as defined herein not within the jurisdiction of the Town of Nashville.
- B. No land shall be considered subdivided within these boundaries until the following has been completed:
 - 1. Approval of the primary and secondary 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 3 Interpretation

- A. All subdivisions as defined herein shall comply with the provisions of these regulations unless the Commission authorizes modification in accordance with Section 4.
- 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 4 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 5 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 6 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 Commission or the Board.

2. An application shall be filed at least three (3) weeks prior to the regular meeting of the Commission, and shall be published in a newspaper of general circulation at least ten days prior to the meeting
3. Within thirty (30) days of the hearing, the written report of the Commission must be submitted to the Board.

SECTION 7 Re-subdivision (Re-plat)

- 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 re-subdivided, 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.
- C. Minor plats which divide land parcels for building sites shall not create a new site for development which causes an adverse impact on neighboring lots or homes. Minor plats in Forest Reserve (FR) or other areas which share a private road must submit to the Area Plan Commission a letter of understanding related to using and maintaining the private road to standards which affords access for emergency vehicles.

SECTION 8 Vacation

- A. Vacations of plats shall be governed according to I.C. 36-7-3-10 et. seq. and the rules of procedure of the Area Plan Commission.
- B. In addition to the requirements of I.C, 36-7-3-10 et. seq., no plat shall be vacated until the same has been signed by the Board.

SECTION 9 Repeals, Reservations, Effective Date

Title III Articles 1 through 6 of the Ordinance of 1964 and all subsequent amendment thereto are hereby repealed. These regulations shall become effective on _____, 19_____.

SECTION 10 Definitions

- A. Application and Interpretation

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

DIRECTOR: Director of the Brown County Area Plan Commission.

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 a 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.

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 flood-proofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood.

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 flood proofed 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 of 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 by 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.

MODEL 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: State of Indiana, Department of Natural Resources.

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 Commissioners 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 PLANNED UNIT DEVELOPMENT – means a type of land regulation which permits large scale, unified land development in a configuration and possibly in a mix of uses not otherwise permitted “as of right” under the Brown County Zoning Ordinance, but requiring under that Ordinance a special review and approval process. A Planned Unit Development may be established for predominantly Residential (Planned Residential Development), Commercial (Planned Commercial Development) or Industrial (Planned Industrial Development) purposes.

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

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

REGULATORY FLOOD: The flood having a peak discharge which can be expected to be equaled or exceeded on the average 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 lot line; 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 highway, 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 that purpose, or dedicated by 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, shown as a unit, part of a unit or as two contiguous units on the last preceding transfer of ownership, which is divided:

1. into two or more lots, parcels, sites, units, or interests, any one of which is less than five (5) acres, for the purpose of offer, conveyance, sale, lease or development; or,
2. into two or more lots, parcels, sites, units or interests all of which are each five (5) or more acres but which require an easement for access to two or more lots.

Subdivision also includes the improvement of land with two (2) or more residences. commercial or industrial uses or structures or combination hereof, which are planned and developed under single or joint ownership for the purpose of selling, leasing, or conveying individual lots or structures or parts of structures in the future.

However, this ordinance shall not apply to 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 in any block of the recorded plat.
- b. All allocation of land in the settlement of estate of a descendant 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 Law.
- d. The exchange of land between adjoining land owners which does not result in the change of the present land usage.
- e. Widening of existing streets to conform to this ordinance.
- f. A division of land into two or more lots, each of which is at least three (3) acres, for the purpose of offer, conveyance, sale, lease or development, provided at least one of the resulting lots has frontage on a public road, and the following minimum frontage standards are met: one hundred (100) feet of frontage on a public road, if each lot created fronts on the road; and one hundred fifty (150) feet of frontage on a public road, if less than all of the lots have frontage on the road.

Nothing in this definition shall be construed to alter or amend the minimum lot sizes as stated in Section 4.4 of this ordinance.

SUBDIVISION MAJOR: All subdivisions not classified as minor subdivisions including but not limited to subdivisions of three (3 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 two (2) lots, not involving any new public street or road, or the extension of municipal facilities, or 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.

SUBSURFACE ABSORPTION FIELD: Means open-jointed or perforated pipes laid in a system of trenches into which the effluent from distribution box is discharged for direct absorption into the soil.

VARIANCE: A modification of the strict terms of the relevant regulation of this ordinance where such modifications 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.

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

SECTION 11 - Zoning Districts

The subdivision of land may occur in any zoning district, except that no residential subdivision shall be allowed in any Floodway portion of an FP (Flood plain) District.

SECTION 12 - Application and Approval Process

The following describes the procedures for both major and minor subdivision applications and, by reference, for Planned Developments. For filing fees, see Chapter 8 - Filing Fees, Section 8.2(d).

SECTION 13 - General Procedure and Preliminary Consultation

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 14 - Procedures for a Major Subdivision

A. Application and Primary 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.
 - d. Three (3) copies of a primary plat, which is drawn in conformance with the requirements of Section 16 of this ordinance.
 - e. Information concerning utilities, school districts, public services, etc., as required by the Commission.
2. The Commission staff shall review the applications for technical conformity with the standards fixed in this ordinance. No later than thirty (30) days from receipt of the application, the Director shall announce the date for the hearing before the Commission, notify the applicant in writing of the date, time and place thereof, and instruct the applicant as to his responsibilities for notifying interested parties.
3. Applicant shall publish a legal notice in a newspaper of general circulation published in the county at least 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.
4. Applicant also shall notify all property owners within six hundred (600) 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 Planning Office at least three (3) days prior to the hearing.
 5. At least one week before the hearing on the application, the Director 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.
 6. The Commission shall review the application and primary plat at a public hearing and hear reports from the Director, the Plan Office, any public agencies, and testimony from interested parties. The Commission shall approve, conditionally approve or disapprove the primary 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.
 7. If the plat is approved or conditionally approved, the Commission shall make written findings and a decision granting primary approval to the plat, on a form to be provided by the Commission, which shall be signed by the President of the Commission and dated.
 6. If the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval, which shall be signed by the President of the Commission and dated, and the applicant shall be provided with

a copy thereof.

9. No major subdivision shall be approved by the Plan Commission, which subdivision has as its access a road other than a State Highway unless the owner or developer thereof shall have obtained prior approval of the access road by the Board of Commissioners of Brown County.
10. The Director shall review all proposed subdivisions to determine if the subdivision lies in a special flood hazard area. If the proposed subdivision involves development within the special flood hazard area, the Director shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Director shall require appropriate changes and modifications in order to ensure that:
 - a. it is consistent with the need to minimize flood damage.
 - b. all public utilities and facilities, such as sewers, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - c. adequate drainage is provided to reduce exposure to flood hazards.
 - d. onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of a regulatory flood.
11. The approval of a primary 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 portion of the plat not receiving secondary 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. Secondary Plat Approval:

1. Following Commission approval of a primary plat, applicant shall file for secondary 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. Secondary approval may not be given any sooner than thirty (30) days from the date of primary approval.
3. Three (3) copies of the proposed secondary plat shall be submitted to the Director ten (10) days prior to the hearing. The plat shall conform to Section 17 of this ordinance.
4. If the secondary plat is substantially different from the primary plat, it may be reviewed by the Director prior to the hearing.

5. 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.
6. One copy of the secondary 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.
7. No vested rights shall accrue to any plat by reason of secondary approval until the actual signing of the plat by the President of the Commission. All conditions and improvements required by secondary approval of the subdivision must be completed before the plat is signed, except as provided below. However, when completed, the plat shall be signed by the President of the Commission.
 - a. The Commission may waive the requirements that the applicant complete all improvements before the signing of the plat, and instead require the applicant to post a performance bond or irrevocable letter of credit in an amount estimated by the Commission as sufficient to secure to the local government the satisfactory completion of all required improvements. The performance bond or irrevocable letter of credit shall be in the amount of 125% of the estimated cost of the required improvements. The Commission may, upon proof of difficulty, recommend to the Board extension of the completion date for a maximum of one year.
 - b. The Commission may release or reduce the performance bond if the subdivider applies to the Commission, in writing, for the release or reduction of the bond and provides the Commission with a certificate, signed by a registered engineer, stating that all required improvements for the subdivision, or a phase of the subdivision, have been completed in the manner prescribed by these regulations and by the Commission's subdivision approvals.
8. Within sixty (60) days after the secondary hearing, the subdivider shall submit a copy of the secondary plat showing any changes that were required by the secondary plat hearing; if the plat was accepted as presented at the hearing, no additional copies are required.
9. 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 and the plat shall be submitted to the Board for signing. A copy of that plat, reduced to a size no larger than 12" X 18", shall be recorded in the office of the Brown County Recorder and copies distributed to the Auditor, Assessor and Commission.
10. No portion of a subdivision may be sold, leased or exchanged until the secondary plat has been signed.

SECTION 15 - Primary and Secondary Plat Requirements for Major Subdivisions

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

SECTION 16 - Primary Plat Requirements

- A. The primary 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 primary plat shall be drawn by a registered Surveyor or Engineer showing the following:
1. Subdivision name, scale, north point and date;
 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 and curves);
 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. Contour at vertical intervals of ten (10) feet if the general slope of the site is ten (10) percent or less and at vertical 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 lines;
 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 a general soils evaluation for each major subdivision using guidelines as set forth in the soils manuals and handbooks of the Soil Conservation Service, U.S. Department of Agriculture.

Subsurface absorption fields shall not be constructed in soils rated as having severe or very severe limitations for subsurface sewage disposal by the Soil Conservation Service, U.S. Department of Agriculture, unless that limitation is not present as shown by field investigation or can be overcome.

- C. The primary plat shall be drawn to a scale of one-hundred (100) feet to one (1) inch or as recommended by the Commission.
- D. Written statement from utility companies concerning the availability and approximate size and capacity of utilities to be installed.

SECTION 17 - Secondary Plat Requirements

- A. The secondary plat shall show the following:
 1. Subdivision name, scale, north point, date and township;
 2. Names and addresses of owners, sub-dividers, 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 hundredths 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 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. Notary Signature: owner certificate including all owners on deed according to Exhibit A of this ordinance;
14. Certification by a registered professional engineer or registered land surveyor according to Exhibit B of this ordinance;
15. Certifications for approval by the Commission, and by the County Commissioners (Board) when applicable according to Exhibit C and D of this ordinance;
16. Statement and signatures for county auditor and county recorder according to Exhibit E and F of this ordinance;
17. Certification of dedication of street and other public property according to Exhibit G of this ordinance.

B. The secondary plat shall be accompanied by:

1. Plans and specifications for all required improvements (e.g. roads, sidewalks, drainage, etc.);
2. Protective covenants in proper form for recording;
3. A statement of any limitations on easements;
4. The results of a soils evaluation/analysis for each lot in the subdivision using guidelines as set forth in the soils manuals and handbooks of the Soil Conservation Service, the US Department of Agriculture and in compliance with regulations and procedures of the Indiana State Board of Health and the Brown County Health Department. Subsurface absorption fields shall not be constructed in soils rather as having severe or very severe limitations for subsurface sewage disposal by the Soil Conservation Service, US Department of Agriculture, unless that limitation is not present as shown by field investigation or can be overcome.

SECTION 18 - Procedure for a Minor Subdivision and Requirements

- 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 following:
 - a. Subdivision name, township, scale, north point and date;
 - b. Legend to show types of corners, either set or found;
 - c. Dimensions on all lines to the nearest one-hundredth decimal foot'
 - d. 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.).
 - e. Individual lot area in square feet or acreage for the net area of the platted lot;
 - f. Lot number and building setback line;
 - g..Two corners of the Subdivision and/or one Subdivision corner and the tie in monument shall be referenced.
 - h. The subdivision shall be tied in to the nearest 1/2,1/4 or 1/4-1/4 section corner.
 - i. Flood Plain Designation, elevation required if in flood plain area.
 - j. Notary Signature; owner certificate, including all owners on deed according to Exhibit A of this ordinance;
 - k. Surveyor's Certificate according to exhibit B of this ordinance.
 - l. Certificate for approval by the Plan Commission and by the County Commissioners, Auditor, and Recorder according to Exhibit C, D, E & F of this ordinance.
 - m. Name and mailing address of whom prepared plat.
- B. Written statement of type and feasibility of proposed sewage disposal system and availability of water.
- C. 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 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.
- D. All plats shall be reviewed by the Commission in accordance with A (10) of Section 14 (flood plain requirements).
 - E. All plats which have been approved and signed by the President of the Commission shall be submitted to the Board for signing and shall be recorded in the office of the Brown County Recorder and copies distributed to the County Auditor, Assessor and Commission. Plat presented for recording shall be no larger than 12" x 18".

SECTION 19 - Development

- A. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications have been submitted to the Commission and the petitioner has, at least 24 hours in advance, notified the Commission of his intention to begin such work, in order that inspections may be made as the work progresses.
- B. All development shall be in conformity with the approved secondary Plat. In the exercise of its continuing jurisdiction, the Commission shall take cognizance of any material deviations from the approved Secondary Plat and take appropriate action.
- C. Construction on site shall begin within one year of the date of secondary approval. It shall be completed within two (2) years of the date construction began. However, the Commission may extend the completion date for a maximum of two (2) years, provided that the developer has made timely application to the Commission for such an extension, and that good cause is shown why it should be granted.

SECTION 20 - Abandonment or Expiration

Upon the abandonment of a subdivision authorized by the Commission (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Secondary Plat for twelve (12) consecutive months), or upon the expiration of two (2) years from the approval by the Commission of a Secondary Plat for a subdivision which has not been completed, or the expiration of an extension granted by the Commission, the permission previously conferred upon the developer to construct the subdivision shall be withdrawn and of no force or effect whatever.

SECTION 21 – Planned Unit Development

A. Requirement

Land within the County Jurisdictional Area may not be developed as a Planned Unit Development (PUD), except as authorized and approved under this Chapter.

B. Purpose and Objectives

The purpose of this chapter is to encourage flexibility in the development of land in order to promote its most appropriate use and to improve the design, character and quality of new developments in harmony with the main purpose of the Zoning Ordinance.

C. Procedure for Approval of a Planned Unit Development

1. Applications shall be accompanied by all plans and documents required by Section 21C3 or 21C5. A four step approval process shall be used. The steps in the process are:

- (1) Pre-design Conference;

- (2) Outline plan approval;

- (3) Planned Unit Development (PUB) district ordinance approval; and,

- (4) Development plan approval.

2. Pre-designed Conference. Prior to submitting an application under this chapter, the applicant shall participate in at least one (1) pre-design conference with the administrator. The purpose of the pre-design conference shall be to:

- (1) Discuss the applicant's proposal;

- (2) Discuss the applicable requirements, standards, and procedures for the Planned Unit Development, including the following:

- a. The general layout of streets and lots;

- b. Storm water drainage and flood control;

- c. The availability of water and sewage disposal;

- d. The provision of public services such as police, fire, and schools;

- e. Other special concerns relating directly to the proposal site, including but not limited to site access, neighboring land uses, and development trends; and

- (3) Discuss other planning issues raised during the conference.

- (4) The applicant shall contact the Administrator to schedule a pre-design conference. The applicant shall provide the following information:

- a. The location and acreage of the proposed Planned Unit Development;
- b. Whether subdivision approval will be required;
- c. The applicant's name, telephone number and mailing address; and
- d. The owners name.

(5) Upon completion of the pre-design conference, the Administrator shall prepare a brief written summary of the conference and provide a copy to the applicant. The Administrator's summary reflects the results of a general and informal discussion, and thus shall not constitute a binding agreement on the part of the Plan Commission.

3. Outline Plan Application Materials:

(1) An application for approval of a Planned Unit Development shall be filed with the Plan Commission. The application shall contain an outline plan that includes both maps and a written statement.

(2) Outline Plan Map. The map which is part of the outline plan shall be in general, schematic form and shall contain at least the following information:

- a. Existing topographic character of the land (at least 10 foot contour intervals) and major natural features.
- b. Location, owner, zoning and use of adjacent properties, including location, size and use of all buildings within fifty (50) feet of the lot line.
- c. Proposed density and types of dwellings, buildings and uses (citing Land Use Table category).
- d. Land to be used as common open space.
- e. Phases, if any, in which the P.U.B. is to be con
- f. Approximate location of thoroughfares within the project. Prior to the submittal of the outline plan to the Plan Commission, the thoroughfare plan shall be considered by the Board of Commissioners. Consideration of the thoroughfare plan shall be carried out at a public meeting for which the thoroughfare plan was expressly stated on the Board of Commissioners agenda. If the Board of Commissioners finds that the thoroughfare plan is adequate and appropriate, its approval shall be in writing. The Applicant shall deliver the approval, if any, to the Commission with the outline plan.
- g. Data concerning the availability, adequacy and location of public facilities, existing and proposed, to be utilized by the project, including

but not limited to the following:

- 1) Utilities: sanitary and storm sewers, water, gas and electricity.
 - 2) Streets: impact of traffic generated by the project upon existing thoroughfares, showing routes to the town and/or other major destinations, i.e., shopping or industrial centers.
 - 3) Schools.
 - 4) Fire protection.
 - h. Delineation on a USGS base map (at an appropriate scale) of the perimeter of the proposed subdivision, the drainage area in which the subdivision is located, the location of drainage courses and surface waste flow within the drainage area, significant drainage features and facilities.
- (3) Written Statement: The written statement to accompany the outline plan shall contain at least the following information:
- a. Description of the planned unit development, including, for example, the types of uses, phases of development, residential densities, etc;
 - b. Land ownership;
 - c. Relationship to surrounding neighborhood (zoning district, land uses, roads and public facilities); and,
 - d. Other information that was requested and identified by the Administrator, during the pre-design conference, as being necessary to assess the proposed development's compliance with these regulations.

4. Approval Procedure for Outline Plan and P.U.D.. Zoning

- (1) Applications for approval of the outline plan of planned unit development shall be made on the forms available at the office of the Commission and shall be signed by the Owners of the property that would be subject to the proposed outline plan for the compliance with the procedures and with the criteria for approval set forth or incorporated herein.
- (2) The commission shall then publish notice of public hearing on the outline plan, in the manner prescribed for zone map amendments by I.C. // 37-7-4-604 (i.e., notice published in two local newspapers of general circulation at least ten days prior to the hearing and notice to interested parties, in the manner prescribed by the Commission's Rules of Procedure, at least ten

days prior to the hearing). The petitioner shall be responsible for paying the advertising cost. The commission shall hold the public hearing on the application within sixty (60) days of the submission of a complete application.

- (3) Upon conclusion of its public hearings and within ten (10) days of final action on an outline plan, the Commission shall forward its certified, written report and recommendations concerning the proposed outline plan to the Board of Commissioners with a favorable recommendation, with an unfavorable Recommendation or with no recommendation.
- (4) Upon receipt of a certified, written report and recommendation, the Board of Commissioners shall give notice under I.C. // 5-14-1.5-5 (i.e., posting notice of the Board of Commissioners intention to consider the proposed outline plan at least forty-eight (48) hours prior to the meeting during which the plan is to be considered). The Board of Commissioners shall take action on the proposed outline plan within ninety (90) days after the receipt of the Commission's certified report and recommendations.
- (5) Following the hearings, the Board of Commissioners may approve or reject the outline plan and written statements.
 - a. If the proposal is certified to the Board of Commissioners with a positive recommendation, it takes effect upon adoption, or upon the ninety-first day following certification if the Board of Commissioners fails to act on the proposal in a timely manner. The proposal is defeated if it is rejected by the Board of Commissioners.
 - b. If the proposal is certified to the Board of Commissioners with a negative recommendation or with no recommendation, it takes effect upon adoption. The proposal is defeated if it is rejected by the Board of Commissioners or if the Board of Commissioners fails to act on the proposal in a timely manner.

*The Board of Commissioners may impose reasonable conditions on the proposed Planned Unit Development and may allow or require the owner of the proposed site to make written commitments in the manner authorized by I.C. 36-7-4-615.

- (6) If the Board of Commissioners approves the outline plan, it shall direct the Planning Coordinator to amend the zoning map to designate the area covered by the outline map as a P.U.B. district.

5. Approval Procedure of Development Plan

- (1) The applicant shall submit to the Commission a development plan covering all of the area of the outline plan or one or more of the stages for the construction of the planned unit development that are shown on the outline

plan. The proposed development plan, like a proposed outline plan, shall consist of a written statement and a map. A development plan map shall be prepared by a licensed land surveyor at an appropriate scale, as determined in consultation with the Administrator. To determine the appropriate scale, the applicant and the Administrator shall consider topography, environmental constraints, number of lots and the size (area) of the proposed development plan. The plan shall be prepared in pen and the sheets shall be numbered in sequence, if more than one (1) sheet is used. The plan shall contain at least the following information:

- a. The date of the plan, legend, notes, approximate true North point and graphic scale;
- b. The names, addresses, telephone numbers, seal and registration numbers of the professionals responsible for the design of the proposed development plan, the design of the proposed public improvements, the property survey, and the preparation of the development plan and supporting materials;
- c. The written legal description, civil township, section, parent tract plat number, address (if any) and parcel boundary lines (with dimensions, bearings, curve data and references to section, township and range lines or corners) of the property to be developed;
- d. The name of the proposed development followed by the term "Development Plan";
- e. The locations, approximate dimensions (to the nearest one-tenth of a foot), lot numbers (if any), curve data and approximate acreage (to the nearest one-hundredth of an acre) of all proposed and/or existing subdivided lots;
- f. A table showing the proposed front, side and rear yard setback requirements;
- g. The accurate location of all existing and platted streets intersecting or abutting the boundaries of the property to be developed.
- h. The source of the owner's title to the property to be developed as shown by the last entry in the records of the County Recorder;
- i. The accurate locations and dimensions of easements and any property to be dedicated to the public or reserved for the public, semipublic or community use;
- j. With respect to existing and proposed rights-of-way and streets within the proposed subdivision site.

- 1) street rights-of-way as established by the Thoroughfare Plan;
- 2) names;
- 3) classifications (local, collector, arterial) in parentheses following the name;
- 4) width;
- 5) approximate gradient;
- 6) type and width of pavement, including curbs, sidewalks, crosswalks, and other relevant information shown in a cross-section, scale drawing; and,
- 7) curve notes for all curves along all property and right-of-way lines and right-of-way center lines.

k. The existing and proposed topographic contours of the property to be subdivided shown at intervals of no greater than five (5) feet for areas containing land with twelve (12) percent slope or greater, and at intervals of two (2) feet for areas containing land with less than twelve (12) percent slope.

l. The floodplain boundaries, if applicable, indicating the classification of each floodplain area:

m. The location, size, elevation, capacity and other appropriate descriptions of all existing or proposed permanent and significant features, either natural or manmade, including but not limited to trees, watercourses, falls, beaches, historic places, rock formations, streets, sewers, drains, water bodies, swamps or other wetlands, railroads, transmission towers, existing structures, County ditches, legal drains, water mains, culverts, utility lines, fire hydrants, drainage structures, and water elevations (including approximate high-water and low-water elevations) of adjoining lakes, rivers and streams at the date of the survey (by reference to the USGS datum plan); the approximate size and capacity of utilities may be presented in note on the plat;

n. The delineation of the phase, if any, of the development, indicating the lots and improvements to be included in each phase;

o. The proposed use of any lot (i.e. single-family, two family, multifamily, etc.);

p. All applicable certificates and notations;

- q. Any other factors significantly affecting the property to be subdivided;
- r. The names, addresses, and telephone numbers of all applicants and sub-dividers;
- s. The names of the owners of the real property that is located within 600 feet of the boundaries of the proposed development, referenced to the Deed Records that established ownership;
- t. Zoning classification of the adjacent properties; and
 - u. Delineation on a USGS base map (at an appropriate scale) of the perimeter of the proposed development, the drainage area in which the subdivision is located, the location of drainage courses and surface water flow within the drainage area, and roads.

(2) An applicant for development plan approval shall submit the following supporting material with the development plan:

- a. An erosion control and grading plan that would reasonably prevent the migration of soils from the development site, or as otherwise required by the Zoning Ordinance. To determine whether an erosion control and grading plan is satisfactory, the Plan Commission and/or Administrator shall be guided by the DNR's Indiana Handbook for Erosion Control in Developing Areas (the Rule 5 handbook);
- b. A sewage disposal plan meeting the requirements of this section;
- c. A drainage plan for review by the Brown County Drainage Board;
 - d. Specifications for any required improvements to existing County or State roads;
 - e. A landscape plan providing for the installation of a landscape buffer that would visually screen adjoining residential uses from any commercial, industrial or higher density residential uses within the development site, or as otherwise specified in the Zoning Ordinance;
 - f. For any improvements or systems which are to be owned and/or maintained by the property owners in the development, a plan for establishing such ownership and for providing and financing such maintenance. Documents and/or plans submitted under this section are subject to determination by the Plan Commission whether they are adequate to ensure that the County will not be held responsible in the future for such maintenance;

g. For each proposed lot in the development to be served by a private subsurface sewage disposal system, The Applicant must provide a septic permit from the County Health Department indicating that such a system could be safely installed and maintained on the lot and detailing any conditions to be placed upon such installation and maintenance. For each proposed lot in the development to be served by a private mound sewage disposal system, the Applicant must provide either a septic permit or a letter from the County Health Department stating that a suitable site has been located for the placement of the mound septic system. If approval is sought for any experimental septic system or other waste disposal system, that approval must be obtained from the Indiana Department of Health, rather than from the County Health Department. The Plan Commission may require that any conditions for installation and maintenance be recorded as part of the approved development;

h. If the development is to be served by a public sewage disposal system, the Applicant must provide evidence that such system has both the actual and legal capacity and capability to serve the specified number of lots in the proposed subdivisions and the Applicant must provide a letter signed by the president and secretary of the sewage disposal utility which will serve the proposed subdivision that affirms that the system has the foregoing capacity and capability;

i. If the development is to be served by a municipal sewage disposal system, the Applicant must provide evidence that such system has both the actual and the legal capacity and capability to serve the specified number of lots in the development and the Applicant must provide a letter signed by the municipality or the municipal agency responsible for the operation and maintenance of the sewage facility which affirms that the system has the foregoing capacity and capability;

j. If lots are to be dedicated or reserved for schools, parks, playgrounds or other public or community purposes, a letter of approval and acceptance from the entity that will be responsible for maintaining the dedicated lots;

k. If any lot or road in the development is to receive access from or intersect with a State highway, a copy of the driveway permit or approval letter issued by the Indiana Department of Transportation shall be submitted;

l. If any lot or road in the development is to receive access from or intersect with a County highway, a copy of the driveway permit or approval letter issued by the Brown County Highway Department, if required;

m. For each proposed lot in the proposed development to be served by a private water system, the Applicant must provide evidence that such a system could be safely installed and maintained on the lot and detailing

any conditions to be placed upon its installation and maintenance. The Plan Commission may require that the conditions be recorded as part of the approved development;

n. If the development is to be served by a public water system, the Applicant must provide evidence that the system has both the actual and the legal capacity and capability to serve the specified number lots in the proposed subdivision and Applicant must provide a letter signed by the president and secretary of the water utility will serve the proposed subdivision that affirms that the system has the foregoing capacity and capability;

o. Land to be developed as shown on the development plan shall be designed and improved so as to conform to the natural landscape so far as practical. There shall be minimum disturbance of natural contours, natural drainage, tree cover and ground vegetation consistent with the reasonable implementation of the development plan. Plans for road alignment, utility installation and construction of building improvements shall reflect attention to preservation and enhancement of natural cover. Particular attention shall be paid to protection of soils, terrain, and vegetation on land slopes facing directly upon any lake, stream or reservoir;

p. When applicable, the development shall show the visual impact on the development from any public lake, forest or recreational area;

q. The names and addresses of all persons to be notified pursuant to Article III of the Plan Commission Rules of Procedure;

r. The recorded deed or land contract for the proposed development site; and

s. The Auditor's plat map of the proposed development site; and

t. An eight and one-half (8 ½) inches by eleven (11) inches reduced copy of the development plan.

(3) When the scope or location of the proposed development warrants, the Board of Commissioners or Plan Commission may require the developer to prepare an environmental impact statement. Such a report shall include a detailed statement setting forth the following:

a. The environmental impact of the proposed action;

b. Any adverse environmental effects which cannot be avoided if the proposal is implemented;

- c. Measures proposed to minimize the impact;
- d. Alternatives to the proposed action;
 - e. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and
 - f. Any irreversible environmental changes which would be involved in the proposed action should it be implemented.

(4) Each development plan submitted to the Plan Commission shall be accompanied by one of the following:

- a. A certificate that all public improvements and their installations have been completed in accordance with specifications set out in the Zoning Ordinance.
- b. A bond or letter of credit that:
 - 1) Runs to Brown County, Indiana.
 - 2) Is in an amount set by the Plan Commission sufficient to complete the improvements and their installations in compliance with the Zoning Ordinance.
 - 3) Is with surety by a company licensed to do business in the State of Indiana.
 - 4) Specifies a completion date for the improvements that is acceptable to the Plan Commission and Board of Commissioners. Brown County shall have the authority to move against the bond or letter of credit in the event the improvements and their installation have not been met by the specified completion date. Any funds received from the bond or letter of credit shall be used to complete the improvements and their installation.

*In the event all improvements required by the Zoning Ordinance have not been met and no bond or letter of credit posted, the Plan Commission may give written final approval pending future delivery of a certificate that all improvements have been met. However, the development plan shall not be recorded and no lots or structures shall be sold or rents collected until delivery of said certificate to the Plan Commission. The Plan Commission may allow a phase of the development to be recorded and a certificate of occupancy issued only if all improvements required by the Zoning Ordinance for that phase have been completed and that phase complies with all other sections of the Zoning Ordinance.

5) Application for development plan approval shall be made on forms available at the Planning Department office and shall be signed by the owners of the property that is to be subject to the development plan. The application shall be accompanied by three (3) copies of the development plan and the appropriate filing fee.

6) Commission Review of Development Plan. The Plan Commission, after publishing notice as required by Indiana law, shall review the development plan at a public hearing held in accordance with the Plan Commission Rules and Procedure. The Plan Commission shall review each type of development for compliance with the relevant substantive standards set out in this Chapter.

7) Board of County Commissioners Review of Development Plan. The Board of County Commissioners shall review each development plan for compliance with relevant substantive standards set out in the planned unit development ordinance prior to the recording of the development plan.

8) Recording of the Approved Development Plan. Upon approval by the Plan Commission and the Board of Commissioners, the developer shall record the development plan in the manner provided for the recording of subdivision plats. If the development plan is approved with modification, the plan shall not be recorded until the applicant has filed with the Plan Commission a written consent to the plan as modified. If the applicant does not accept the modifications, the development plan shall be deemed denied.

9) Changes to Outline or Development Plan. No changes shall be made in an approved outline or development plan prior to the completion of the Planned Unit Development except upon application under the following procedures:

(a) Material changes in the location, siting, and height of buildings and structures and material changes in the internal street system and off-street parking areas shall be approved by the Plan Commission, when appropriate and when required by engineering or comparable circumstances not foreseen at the time the development plan was approved. No change made under the provisions of this section shall increase the cubic volume of any building or structure by more than ten (10) percent, increase the density of dwelling units to be constructed, or decrease the area devoted to open space.

(b) All other changes in the outline plan or development plan, including changes in use and density, approved ratios and additions to or deletions from the area covered by the outline plan, shall be made by the Board of Commissioners under the provisions authorized by the Zoning Ordinance for the initial approval of the outline plan.

10) The Administrator shall issue improvement location permits and land use certificates for buildings and structures in the area covered by the approved development plan only if they are in conformance with the development plan and with all other ordinances and regulations, and if all common open space and recreational area and facilities provided in the Planned Unit Development have been conveyed in accordance with standards established in Section 21D of these regulations.

11) Completion of Planned Unit Development.

(a) When appropriate, the administrator shall issue a certificate ratifying the completion of the Planned Unit Development or an entire phase of the Planned Unit Development and shall note the issuance of the certificate on the recorded copy of the development plan.

(b) After the certificate of completion has been recorded, the use of land and construction, reconstruction, modification, or alteration of any buildings, structures or improvements within the Planned Unit Development or phase of such Planned Unit Development shall be governed by the development plan rather than by the provisions of the Zoning Ordinance.

D. Substantive Requirements for Planned Residential Developments

1. Density - The maximum density for dwelling units within a Planned Unit Development shall be equivalent to the project density of the underlying zoning district. Where a Planned Unit Development replaces a nonresidential zoning district, the maximum dwelling unit density permitted shall be equivalent to the project density of the adjacent residential zoning district. If there are two adjacent residential districts of differing densities, the more restrictive requirement shall apply. The above notwithstanding, the Plan Commission may authorize a density for dwelling units within a Planned Unit Development greater than the project density of the underlying zoning district where the Plan Commission finds that doing so would result in a net benefit to the community and to the properties and uses in the same district and vicinity and that the proposed density would not damage any adjacent residential districts.

2. Commercial Uses - Commercial uses permitted by the Plan Commission shall be limited to those permitted in the Accommodation Business (AB) district. No Planned Unit

Development containing fewer than 40 dwelling units shall include commercial uses. Not more than ten (10) percent of the gross area of the Planned Unit Development may be devoted to commercial use.

3. Review Considerations - The plan Commission may approve the development plan if it is in compliance with the outline plan, if procedures and standards as specified or incorporated in this Chapter have been satisfied, and if the Plan Commission finds that the following criteria, standards and requirements have been met:

- (1) Appropriate spacing is provided between buildings and structures, giving consideration to their height, design, location and siting.
- (2) The Planned Unit Development is appropriately related to the surrounding neighborhood, and there is a buffer area between the Planned Unit Development and any adjacent residential district of equal or lesser density. The buffer is free of roads, parking, buildings and recreational structures and is landscaped, screened, or protected by natural features so that adverse effects on surrounding properties are minimized.
- (3) Any common open space included within the Planned Unit Development is suitable for amenity, landscaping, and/or recreational purposes. Common open space is suitably improved for its intended use. A minimum of twenty-five (25) percent of the Planned Unit Development area is common open space.
- (4) The internal street system is safe and convenient, provides safe and adequate access to existing streets and thoroughfares, and provides for an adequate system of internal circulation. County street standard shall be used.
- (5) Off-street parking areas provide safe and convenient access to streets and thoroughfares, are convenient access to residential buildings, and allow for the adequate internal circulation of vehicles.
- (6) Pedestrian access is arranged so as to provide safe and convenient routes to, from and within a Planned Unit Development.
- (7) Trees, ground cover, streams, woodland and all other natural features are preserved, so far as practicable. In addition, adequate landscaping areas are provided, including all off-street parking areas.
- (8) The erosion and drainage control plans comply with all relevant Brown County Zoning Ordinance provisions and all State and federal laws.
- (9) Any other guidelines and policies issued by the Board of County Commissioners which are to be used in evaluating Planned Unit Development.

4. Conveyance and Maintenance of Common Open Space - All common open space included in the development plan shall be conveyed under one of the following options:

(1) Open space may be conveyed to a public agency which agrees to maintain the open space and any buildings, structures or improvements which have been placed on it, or

(2) Open space may be conveyed to trustees as provided in an indenture establishing an association or similar organization for the maintenance of the common open space. The common open space shall be conveyed to the trustees subject to covenants which restrict the common open space to the uses specified in the development plan and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes.

5. Subdivision and Resale - A Planned Unit Development may be subdivided or re-subdivided for purposes of sale or lease after the certificate of completion has been recorded. Application for subdivision or re-subdivision shall be made to the Plan Commission. The Plan Commission may approve the application if it finds that each section of the subdivided or re-subdivided Planned Unit Development satisfy the criteria, standards and requirements which are provided in this chapter and any other applicable provisions of the Zoning Ordinance or any other ordinance. All sections of a subdivided or re-subdivided Planned Unit Development shall be governed by the development plan.

E. Substantive Requirements for Planned Commercial or Industrial Developments

1. Permitted Uses - It is not the intent of this section to restrict potential development by limiting uses. In Planned Commercial Developments uses permitted may include offices, business and personal services, shopping centers and light distribution centers. In Planned Industrial Developments uses permitted may include manufacturing, distribution, research and development offices and subordinate services.

2. Zones Permitted

(1) At least sixty (60) percent of the land area of any Planned Commercial Development, including but not limited to shopping centers and office parks, shall be zoned for General Business (GB) or Accommodation Business (AB).

(2) At least sixty (60) percent of the land area of any Planned Industrial Development designated for industrial, distribution or warehousing shall be zoned Industrial (I).

(3) Research and development parks shall be zoned General Business (GB) or Industrial (I).

(4) The remaining area of the Planned Commercial or Industrial Development shall be in any zoning district category provided that such land is adjacent and contiguous along one or more continuous lot lines and crosses no street, alley, or watercourse.

(5) Development not clearly in one of the above categories or representing a mixture of uses shall be permitted in the most similar zoning district with the approval of the Board of County Commissioners.

3. Plan Commission Approval - The Plan Commission may approve the development plan, with or without modifications, if it is in compliance with the outline plan, if procedures specified in this Chapter have been followed and if the Plan Commission finds that the following criteria, standards and requirements have been met:

- (1) Adequate spacing shall be provided between buildings and structures giving consideration to their height, design, location, and siting.
- (2) The development shall be appropriately related to the surrounding neighborhood and there shall be an appropriate buffer area between the planned commercial development and any adjacent residential district.
- (3) The maximum lot area covered by buildings or structures shall be fifty (50) percent at the ultimate expansion potential.
- (4) The building height shall be limited to thirty-five (35) feet. However, to permit the greatest flexibility of design the Plan Commission may approve greater building Heights provided that the height is an integral part of the building grouping and enhances the design of the entire project.
- (5) Parking shall not be permitted in the front yard of any structure constructed on an individual lot unless the parking area is landscaped with trees, shrubs and grass islands to prevent the appearance of an open parking lot. Off-street parking areas shall provide safe and convenient access to streets and thoroughfares, shall be convenient to building groups, and shall allow for adequate internal circulation of vehicles. All parking and loading requirements shall be in accordance with those specified in Chapter 4 of the Zoning Ordinance.
- (6) Outdoor storage shall be fully screened on all sides by an opaque ornamental screen or landscaping.
- (7) A landscape plan for the entire development or development phase shall be prepared and presented to the Plan Commission for approval in compliance with the requirements specified above in Section 21C5 (2) (e). The landscaping plan shall include but shall not be limited to approaches to building entrances, appropriate visual screens and any parking areas.
- (8) Pedestrian access shall be arranged so as to provide safe and convenient routes to, from and within a Planned Development, shall be interconnected by a common pedestrian system, and shall separate pedestrian traffic from automotive traffic.

(9) Trees, ground cover, streams, woodland and other natural features shall be preserved, so far as practicable. In addition, adequate landscaping areas shall be provided which are appropriate to the Planned Commercial Development. Adequate landscaping shall be provided for all off-street parking areas.

(10) Access and internal streets shall be designed to minimize conflicts in traffic. Streets shall be designed to the standards of arterial streets as provided by relevant County codes.

Section 22 - Development

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.

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 in the Secondary Plat Approval. If it is to be completed as a unit, it shall be completed within four years of the date of Secondary Plat Approval. However, the Commission may extend the completion date for a maximum of two (2) years.

Section 23 – 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 24 - Streets

A. Public streets and roads shall conform to the standards of County Ordinance #9-4-73 and subsequent amendments of said ordinance and any and all subsequent ordinances passed by the Board pertaining to public streets and road standards.

B. Private streets May be built to lower standards than public road standards in all respects other than right-of-way width where covenants in plat provide for private maintenance.

Section 25 - 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 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, and the width of the easement shall be no less than that required by the individual utility company, and in no event less than twelve feet (12') wide.
- G. The building line or 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.

Section 26 - 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 27 – Sewage Facilities

- A. For all Medium and High Density developments, the sub-divider shall install sanitary sewer facilities in a manner approved by the 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 interest of the subdivision would be served by a private sewage treatment plant, the Commission may approve such.
- B. Low Density development shall utilize a public sanitary 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 sub-divider 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 Sub-divider shall install the sewer lines, laterals, and mains in conformance with such plans.
 - 2. Individual Sewage Disposal Systems provided the applicant, shall install sanitary sewer lines, laterals, and mains to a point in the sub-division 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 28 – Drainage Facilities

A. The Commission shall not approve any plat, which does not adequately provide for storm or floodwater runoff. The drainage system shall be independent of any sanitary sewer system.

B. The sub-divider 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 Commission.

Section 29 – Water Facilities

A. Where a public water main is accessible and the water supply is available, the sub-divider shall install adequate water facilities, including fire hydrants, subject to the specifications of state and local officials and approval of the Board.

B. Where municipal or community water is not available, the Commission may approve individual water systems 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 30 – Street Signs

The sub-divider shall provide street signs as approved by the Commission.

Section 31

The requirements of this ordinance shall not apply to subdivisions platted and recorded prior to the enactment of this ordinance.

Section 32 – Improvement location Permits

No improvement location permit shall be issued for a lot or tract of land created by sub-division as defined in this ordinance unless said lot or tract is a portion of a sub-division created and approved pursuant to the terms of this ordinance except:

A. Lots of at least 16,000 square feet the boundaries of which were created by land survey conducted by registered surveyor prior to May 8, 1978 and one or more of which have been conveyed by recorded deed or signed land contract prior to said date.

B. Lots of at least 16,000 sq. ft. created by a land survey conducted by a registered surveyor between the dates of May 8, 1978 and July 1, 1978 and which are divided from a larger parcel of land which has a defined surveyed perimeter and from which three or more lots have been sold by a recorded deed or signed land contract prior to May 8, 1978.

Section 33 – Fee Schedule

*See Chapter 8, Section 8.2(d)

TITLE IV - PUBLIC FACILITIES PLAN

ARTICLE 1: MAP OF PUBLIC FACILITIES

The Public Facilities Plan of the County consist of a map entitled: "Brown County, Indiana Public Facilities Plan", dated 1963, which shows the locations of existing and proposed school and park or recreation sites within the jurisdiction of the Commission. The Public Facilities Plan is hereby declared to be a part of this Ordinance and notations, references, indications and other details shown therein are as much a part of this ordinance as if they were fully described herein.

ARTICLE 2: POLICY

Whenever sites for schools, parks or other recreational areas are located within an area proposed to be subdivided, in accordance with TITLE III hereof, the Commission may request their dedication for such purposes, or their reservations for a period of two years following the date of approval of the final plat, in order to carry out the policies exhibited in the Public Facilities Plan.

ARTICLE 3: CONSIDERATION BY BOARD

The Board and all School corporations within the jurisdiction of the Commission shall be guided by and give consideration to the general policy and pattern of school and park or recreation development as set forth in the Public Facilities Plan in the authorization, construction, alteration or abandonment, and acceptance of schools, parks or recreation facilities.

ARTICLE 4: CONTINUING AUTHORITY OF COMMISSION

Subsequent to the passage of this Ordinance, the Commission may determine new sites and locations and alter or change existing sites and locations for schools and parks or recreation areas within the jurisdiction of the Commission, and certify to the Board, the amended or additional plan under the same procedure as established for the certification and approval of the Public Facilities Plan.

TITLE V - IMPROVEMENT LOCATION PERMITS

ARTICLE 1: IMPROVEMENT LOCATION PERMITS

Within the jurisdiction of the Commission, no structure or improvement or use of land, may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement or use and its location, conform with the master plan and ordinance of the County, and an Improvement Location Permit for such structure, improvement or use has been issued.

ARTICLE 2: WRITTEN APPLICATION REQUIRED

The Administrative officer of the Commission shall issue an Improvement Location Permit upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the master plan of the County. An IMPROVEMENT Location Permit shall not be valid for a period to exceed one (1) year, unless construction has commenced. If construction has commenced, the time period shall be for one (1) year from the date of beginning of construction.

ARTICLE 3: SITE PLAN AND FEE

Section 1 - SITE PLAN

Every application for an Improvement Location Permit shall be accompanied by a site plan, or development plan, drawn to scale, showing: the legal or site description of the real estate involved; the location and size of all buildings and structures the widths and

length of all entrances and exits to and from said real estate and all adjacent and adjoining roads and highways; and the manner in which the location is to be improved.

Section 2 - FEE

See Chapter 8, Section 8.1

ARTICLE 4: APPEAL

Any decision of the administrative officer of the Commission concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals when the decision in question involves a requirement of the "Zoning Ordinance of Brown County, 1965," or to the Commission when the decision in question involves the requirements of other parts of the master plan, by any person claiming to be adversely affected by such decision.

ARTICLE 5: REVIEW

A decision of the Commission may be reviewed by certiorari procedure as provided for the appeal of zoning cases from the Board of Zoning Appeals.

ARTICLE 6: REMEDIES AND PENALTIES

See Chapter 7, Article 7.4(c)

TITLE VI - AMENDMENT, VALIDITY, REPEAL AND ADOPTION

ARTICLE 1: AMENDMENTS

All amendments to this ordinance shall be in conformance with Sections 37 through Section 40, inclusive, and Section 42 of Chapter 174 of the Acts of the Indiana General Assembly of 1947, and all Acts amendatory thereto.

ARTICLE 2: VALIDITY

If any title, article, section, clause, paragraph, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of proper jurisdiction, such decision shall not affect any other title, article, section, clause, paragraph, provision or portion of this ordinance.

ARTICLE 3: EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its passage.

Passed by the Board of County Commissioners of the County of Brown on the 1st day of May, 1989.

BOARD OF COUNTY COMMISSIONERS

BROWN COUNTY, INDIANA

(signed) Geneva Owens

(signed) Gary Snider

(signed) Jerry Floyd

ATTEST

(signed) Robert Melton

County Auditor