

FLOYD COUNTY RESOLUTION 2003- XV
A RESOLUTION PERTAINING TO CERTAIN AMENDMENTS TO
FLOYD COUNTY ORDINANCE 68-1

WHEREAS, on the 25th day of August, 1968, the Subdivision Control Ordinance of Floyd County, Indiana, being Floyd County Ordinance 68-1, was duly adopted by the Board of Commissioners of the County of Floyd (Board), and has been thereafter modified and amended from time to time; and

WHEREAS, as a further amendment to said ordinance, the Board legislated and imposed a moratorium of 180 days on the consideration by the Floyd County Plan Commission (Commission) of any new subdivision contemplating the use of a package wastewater treatment plant, which moratorium expired on or about the 8th day of April, 2003 (the First Moratorium); and

WHEREAS, thereafter the Board forwarded to the Commission a proposed amendment creating a moratorium on the consideration of all subdivisions, the same to terminate on the earlier of the approval of a revised Subdivision Ordinance or the 1st day of January, 2004 (the Second Moratorium); and

WHEREAS, thereafter the Commission, pursuant to the provisions of IC 36-7-4-607, certified to the Board the proposed Second Moratorium with negative recommendation, the Commission having first conducted public hearings thereon, pursuant to notice; and

WHEREAS, the Board published notice of its intention to further consider the Revised Ordinance, as permitted by the provisions of IC 36-7-4-607, at its regular meeting to be held on the 21st day of October, 2003; and

WHEREAS, following consideration of the proposed amendment to Floyd County Ordinance 68-1 creating the Second Moratorium, public comments thereon, and written materials submitted by interested persons, it is the pleasure of the Board that the same be approved.

NOW THEREFORE,

BE IT RESOLVED, that each of the recitals set forth herein be incorporated by reference and made a part of this resolution.

BE IT FURTHER RESOLVED that paragraph 1 of subsection A, Section II of Floyd County Ordinance 68-1 be amended by the deletion therefrom of the language creating the First

Moratorium, and by the substitution therefor of the following language:

Any provision of the Floyd County Subdivision Control Ordinance (Floyd County Ordinance 68-1) to the contrary, notwithstanding, no application for approval of the subdivision of land shall be accepted by the Commission until the earlier of: (1) the effective date of the anticipated amendment, revision, and/or restatement of Floyd County Ordinance 68-1 and/or Floyd County Ordinance A67-4 (the "Amendments"), or (2) the 1st day of January, 2004, whichever date shall first occur, PROVIDED, this prohibition shall not apply to any such application received and accepted by the Commission prior to the effective date of this amendment, AND PROVIDED, any application received and accepted by the Commission after the effective date of said Amendments shall be considered under the provisions of the Floyd County Subdivision Control Ordinance and/or Floyd County Zoning Ordinance then in effect. The term or phrase "effective date" shall mean and be that date ascertained pursuant to IC 36-7-4-606(g).

BE IT FURTHER RESOLVED, that this amendment shall be in full force and effect on its passage.

SO RESOLVED this 21ST day of Oct., 2003.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John C. Keiser
MEMBER

Mike Mills
MEMBER

Charles A. Freiburger
MEMBER

ATTEST:

Teresa A. Plaiss
FLOYD COUNTY AUDITOR