

**FLOYD COUNTY RESOLUTION 2004- FCR-XXI  
A RESOLUTION APPROVING PROPOSED AMENDMENTS TO  
THE FLOYD COUNTY ZONING ORDINANCE**

**WHEREAS**, on the 5th day of September, 1967, the Board of Commissioners of the County of Floyd duly adopted Ordinance A67-4, being the Floyd County Zoning Ordinance, which ordinance has been amended and modified, from time to time; and

**WHEREAS**, thereafter, the Board of Commissioners of the County of Floyd (Board) desired to further amend said ordinance by the addition thereto of an Article pertaining illicit storm water discharge and an Article pertaining to construction site runoff; and

**WHEREAS**, pursuant to the provisions of IC 36-7-4-607, as the proposed amendments to the zoning ordinance originated with the county executive, same were referred to the Floyd County Plan Commission (Commission) for hearing, consideration, and recommendation prior to any final action thereon; and

**WHEREAS**, on or about the 18<sup>th</sup> day of October, 2004, the Commission, after conducting a public hearing thereon, certified to the Board, with favorable recommendation, each of said Articles, together with a separately considered revision addressing septic tank inspections; and

**WHEREAS**, the Board did, on the 19<sup>th</sup> day of October, 2004, give notice of intention to consider said ordinances at its regular meeting to be held on the 3<sup>rd</sup> day of November, 2004, all as required by the provisions of IC 36-7-4, et seq; and

**WHEREAS**, the Board is desirous of adopting the proposed amendments to Floyd County Ordinance A67-4 entitled, respectively, An Ordinance Regulating the Illicit Discharge of Storm Water and An Ordinance Regulating Construction Site Runoff, and is further desirous of rejecting the proposed amendment to said ordinance establishing a septic tank inspection regime.

**NOW THEREFORE:**

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

**BE IT FURTHER RESOLVED** that Floyd County Ordinance A67-4 be, and the same hereby is, amended by the addition thereto of the Articles entitled, respectively, An Ordinance Regulating the Illicit Discharge of Storm Water and An Ordinance Regulating Construction Site Runoff, as the same were certified by the Floyd County Plan Commission on or about the 18<sup>th</sup> day of October, 2004.

**BE IT FURTHER RESOLVED** that the proposed amendment to Floyd County Ordinance A67-4 creating an inspection regime for septic tanks be, and the same hereby is rejected for the following reasons:

THE FLOYD COUNTY ZONING ORDINANCE  
A RESOLUTION APPROVING PROPOSED AMENDMENTS TO  
FLOYD COUNTY RESOLUTION 2004-1

WHEREAS, on the 15th day of September, 2004, the Board of Commissioners of the County of Floyd did adopt Ordinance 2004-1, being the Floyd County Zoning Ordinance, which ordinance has been amended and modified from time to time and

WHEREAS, the Board of Commissioners of the County of Floyd (Board) desired to further amend said ordinance by the addition thereto of an Article pertaining to the siting and an Article pertaining to construction site traffic and

WHEREAS, pursuant to the provisions of IC 36-4-307, as the proposed amendments to the zoning ordinance originated with the county executive, same were referred to the Floyd County Planning Commission (Commission) for hearing, consideration, and recommendation prior to any final action thereon and

WHEREAS, on or about the 18th day of October, 2004, the Commission after conducting a public hearing thereon, reported to the Board with favorable recommendation, each of said Articles together with a separate considered revision addressing specific staff questions and

WHEREAS, the Board did on the 19th day of October, 2004, give notice of intention to consider and ordinance of its regular meeting to be held on the 2nd day of November, 2004, in accordance with the provisions of IC 36-4-307 and

WHEREAS, the Board is desirous of adopting the proposed amendments to Floyd County Ordinance 2004-1 entitled, respectively, All Ordinance Regarding the Siting of Storm Water and All Ordinance Regarding Construction Site Traffic, and is further desirous of referring the proposed amendments to said ordinance establishing a specific task inspection team;  
NOW THEREFORE

BE IT RESOLVED, that the Board do hereby be incorporated herein as a part of this ordinance

BE IT FURTHER RESOLVED, that Floyd County Ordinance 2004-1, and the same hereby be amended by the addition thereto of the Articles entitled, respectively, All Ordinance Regarding the Siting of Storm Water and All Ordinance Regarding Construction Site Traffic, as the same was certified by the Floyd County Planning Commission on or about the 18th day of October, 2004.

BE IT FURTHER RESOLVED, that the proposed amendments to Floyd County Ordinance 2004-1, creating an inspection regime for specific tasks and the same hereby be referred to the following

1. A question remains as to whether the consideration of this proposal by the Commission conformed in all respects with the provisions of IC 36-7-4, et seq., as the draft was received shortly before the public hearing.

2. The Floyd County Health Department is not presently prepared to undertake its responsibilities as dictated by the proposed amendment.

3. Revisions of the draft to eliminate unnecessary delays in issuing an authorization to sell may well be dictated.

4. As the proposed inspections are not a *required* part of the County's storm water management plan, further consideration and review of the proposals will not jeopardize compliance by Floyd County with existing mandates.

**BE IT FURTHER RESOLVED**, that this resolution be deemed the written statement of this Board setting forth the reasons for the rejection of the certified proposal of the Commission, as contemplated by the provisions of IC 36-7-4-607, with a copy hereof to be forwarded to the Commission for such action as it may deem appropriate.

**SO RESOLVED**, this 3<sup>rd</sup> day of November, 2004.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

John C. Reiser  
Alvin Mills  
Charles A. Freiberg

ATTEST:

Teresa A. Plaiss  
FLOYD COUNTY AUDITOR

1. A decision remains as to whether the consideration of this proposal by the Commission is confirmed in all respects with the provisions of IC 20-7-4-1, as the draft was received shortly before the public hearing.

2. The Floyd County Health Department is not presently prepared to undertake its responsibilities as dictated by the proposed amendment.

3. Revisions of the draft to eliminate unnecessary delays in issuing an authorization to sell may well be desirable.

4. As the proposed amendments are not a separate part of the County's annual financial management plan, further consideration and review of the proposals will not require a separate consideration by Floyd County with existing mandates.

5. It is recommended that the resolution be deemed the written action of the Board of Commissioners for the reasons for the rejection of the certified proposal of the Commission as contained by the provisions of IC 20-7-4-607, with a copy thereof to be forwarded to the Commission for such action as it may deem appropriate.

2004 NOVEMBER 27

BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

*[Handwritten signatures and dates]*

ALBERT  
*[Handwritten signature]*  
FLOYD COUNTY AUDITOR