

FLOYD COUNTY RESOLUTION 2003- ~~X.III~~
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, the Commission is in the process of formulating for consideration by the Board further revisions and amendments to Ordinances A67-4 and 68-1, it being contemplated that the same will be completed by the Commission within the next 45 days; and

WHEREAS, so as to assure that all new subdivisions to be located in the jurisdiction of the Commission are considered for approval under the new rules and regulations being formulated, the Board is desirous of imposing a Second Moratorium in the manner as hereinafter set forth.

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 the Floyd County Auditor forward to the Commission a copy of the proposed amendment to Floyd County Ordinance 68-1, as herein set forth, for public hearing and action as permitted and required by the provisions of IC 36-7-4-607.

SO RESOLVED this 16th day of Sept., 2003.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

John C. Gessert
MEMBER

Mike Mills
MEMBER

Charles A. Freiburger
MEMBER

ATTEST:

Teresa A. Plaiss
FLOYD COUNTY AUDITOR