

The Floyd County Zoning Ordinance of 2006

(Adopted June 24, 2006)

WHEREAS, the Board of Commissioners of the County of Floyd, State of Indiana (the Board) is the legislative body having jurisdiction over Floyd County outside of the corporate limits of the civil cities and towns within Floyd County (the County) [see I. C. 36-7-4- 601(a)], and

WHEREAS, the Board has exclusive authority to adopt a zoning ordinance for the County [see I. C. 36-7-4- 601(a)], and

WHEREAS, a comprehensive plan has already been approved for the County [see I. C. 36-7-4- 601(a)], and

WHEREAS, the Board recognizes the need of the residents of Floyd County for a county zoning ordinance for the purpose of securing adequate light, air, convenience of access, and safety from fire, flood and other danger; for lessening or avoiding congestion in public ways; for promoting the public health, safety, comfort, morals, and convenience, and general welfare; and for otherwise accomplishing the purposes of local planning and zoning [see I. C. 36-7-4- 601(c)], and

WHEREAS, the Floyd County Plan Commission (the Plan Commission) has initiated a proposal for a zoning ordinance, and prepared a proposed zoning ordinance (the proposal) that is consistent with the comprehensive plan which addresses the needs of the residents of Floyd County set forth above [see I. C. 36-7-4- 602(a)(1) and (2)], and

WHEREAS, the Plan Commission and the Board have paid reasonable regard to 1) the comprehensive plan, 2) current conditions and the character of current structures and uses throughout the County and within each district within the County, 3) the most desirable use for which the land throughout the County and within each district within the County, 4) the conservation of property values throughout the County and within each district within the County, and 5) responsible growth and development throughout the County and within each district within the County [see I. C. 36-7-4- 602(a)(3) and I. C. 36-7-4- 603], and

WHEREAS, the Plan Commission has given notices and held a public hearings on the proposed zoning ordinance in the manner required by law [see I. C. 36-7-4- 602(a)4)] and

WHEREAS, the Plan Commission - after inviting and considering public comment on the

proposal - has certified its proposal to the Board with a favorable recommendation [see I. C. 36-7-4- 602(a)(5) and 605], and

WHEREAS, the Board - after also inviting and considering public comment - did initially decide to further consider the proposal, and scheduled the proposal for further hearing at the meeting of the Board this 24th day of June 2006 [see I. C. 36-7-4- 606(b)(2)], and

WHEREAS, the Board did ask the Plan Commission to invite and consider additional public comment in the interim and, if appropriate, to make recommendations to the Board for possible amendments, and

WHEREAS, the Plan Commission did in fact convene and conduct a special meeting, inviting and considering additional public comment, and did thereafter make recommendations to the Board for possible amendments prior to the hearing at the meeting of the Board this date, and

WHEREAS, the proposal, and those recommendations for amendments, were submitted to the Board with a favorable recommendation [see I. C. 36-7-4- 606(c)], and

WHEREAS, notice of the special meeting of the Plan Commission was duly published, and notice of today's hearing at the meeting of the Board was duly published [see I. C. 36-7-4- 606(c)(1 - 4)], and

WHEREAS, the proposal was on file in the Plan Commission's office for public examination for at least 10 days before the hearing at the meeting of the Board this date [see I. C. 36-7-4- 606(d)], and

WHEREAS, the Board - after convening today's meeting and receiving the proposal, and also receiving the Plan Commission's recommendations for possible amendments, and after receiving additional public comment - did consider the proposal, the recommendations for amendments, the additional public comment and the favorable recommendation of the Plan Commission before acting [see I. C. 36-7-4- 605(c)], and

WHEREAS, at the conclusion of the hearing the Board did entertain a motion to a) adopt the proposed zoning ordinance, with the addition of those recommendations received from the Plan Commission, and b) to return the proposed zoning ordinance with those amendments to the plan commission for its consideration pursuant to I. C. 36-7-4- 606(g), c) to lift the previously enacted moratorium upon the filing of a report of approval by the Plan Commission, and d) to review this matter in 5 months, which motion was duly seconded unanimously approved,

IT IS HEREBY ORDAINED AND ESTABLISHED:

- 1) The text and drawings of the proposed Zoning Ordinance for Floyd County certified to Board of Commissioners of Floyd County and proposed for adoption with a favorable recommendation from the Floyd County Plan Commission are hereby ADOPTED with the addition of those recommendations received this date (see copies of text and maps attached).
- 2) The Ordinance text and drawings, the recommendations added by the Board, and notice of the Board's action shall be returned to the Plan Commission for its consideration pursuant to I. C. 36-7-4- 606(g), and for such other action as may be required by law.
- 3) Assuming the Plan Commission approves the Ordinance with the recommendations added by the Board and files its report of approval with the Board, this Ordinance shall stand as passed by the Board as of the date of the filing of the Plan Commission's report of approval pursuant to I. C. 36-7-4-606(g)(1).

IT IS FURTHER ORDAINED AND ESTABLISHED

- 4) The moratorium on the issuance of building permits previously enacted while in the proposed Zoning Ordinance was being considered shall be lifted immediately upon the filing of the Plan Commission's report of approval.

IT IS FURTHER ORDAINED AND ESTABLISHED

- 5) The Board designates that the Floyd County Plan Commission shall exercise jurisdiction with respect to the Floyd County Zoning Ordinance of 2006 throughout all of Floyd County outside the corporate limits of the civil cities and towns within Floyd County pursuant to I. C. 36-7-4- 601(b)(2), and

IT IS FURTHER ORDAINED AND ESTABLISHED

- 6) The text and drawings of the Floyd County Zoning Ordinance of 2006 shall be reviewed by this Board within 5 months.

SO ORDAINED AND ESTABLISHED THIS 24th day of June, 2006.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD

Charles A. Freiburger
Charles A. Freiburger, President

John C. Reisert
John Reisert, Commissioner

Steve A. Bush
Steve Bush, Commissioner

Teresa A. Plaiss
Teresa Plaiss, Auditor