

Floyd County Board of Commissioners
Resolution Pertaining to Text Amendments to the Floyd County Subdivision Control Ordinance

Whereas, the Floyd County Board of Commissioners met on February 2, 2010 on this matter pursuant to IC 36-7-4-607;

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendation of the proposed text amendments listed in Exhibit A (9-0 favorable).


Whereas, the Plan Commission held a public hearing on the matter and heard from both proponents and opponents of the text amendments to the subdivision control ordinance.

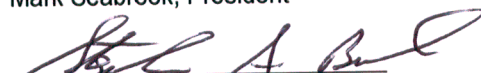
NOW, THEREFORE,

BE IT RESOLVED that Floyd County Subdivision Control Ordinance is amended.

SO RESOLVED this 2ND day of February 2010.

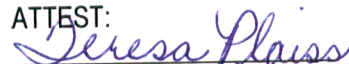
BOARD OF COMMISSIONERS
COUNTY OF FLOYD


Mark Seabrook, President


Stephen A. Bush, Commissioner


Charles Freiberger, Commissioner

ATTEST:


Teresa Plaiss, County Auditor

Subdivision Control Ordinance Changes

Section 3. Validity of Approval

- A. Approvals granted under the terms of this Ordinance shall be valid for a period of time as defined with the timing elements for applications in Indiana State Code 36-7-4-1109.

- D. Any proposed changes dealing with streets, drainage, lots including vacation of lots, easements, and any other physical changes after primary approval must be brought before the plan commission for approval. The proposed changes will require the same public notification process as is required for a primary approval.

Section 4. Development Agreements, Financial Guarantees

- A. All improvements required by the Commission shall be shown on the improvement plans and must be completed within two years from the date that the Development Agreement is signed, with the following exceptions:
 - 1) If sidewalks are to be installed as lots are developed, the designated County Commissioners representative may approve time extensions for sidewalk completion with the submission of an appropriate financial guarantee. Each extension shall be for a maximum of two years, and no more than two such extensions may be granted. In deciding whether to grant the extension, the designated County Commissioners representative shall consider the degree of completion of construction in the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting construction. The designated County Commissioners representative decision to deny an extension may be appealed to the Commission.
 - 2) The designated County Commissioners representative may approve a time extension for installing the final paving course (surface coat) with the submission of an appropriate financial guarantee. The time extension shall be for a maximum of two years, and only one such extension may be granted. In deciding whether to grant the extension, the designated County Commissioners representative shall consider the degree of the completion of the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting the construction. The designated County Commissioners representative decision to deny an extension may be appealed to the Commission.
 - 3) Other extensions of time may be approved by the designated County Commissioners representative with the submission of an appropriate financial guarantee if unusual conditions exist that impedes timely completion. In deciding whether to grant the extension, the designated County Commissioners representative shall consider the degree of the completion of the subdivision, the effect of the extension on property owners in the subdivision, and weather or other conditions affecting the construction. The designated County Commissioners representative decision to deny an extension may be appealed to the Commission.
 - 4) The designated County Commissioners representative may grant extensions

of time if the developer demonstrates to the designated County Commissioners representative satisfaction that there are extenuating circumstances beyond the control of the applicant that necessitates or justifies the extension.

- C. As a condition of the acceptance of improvements and/or release of financial guarantees posted under the terms of this section, the developer shall post with the Commissioners and/or utilities service board financial guarantees ensuring maintenance of the improvements in good repair. These guarantees shall be in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of all improvements as specified in the Development Agreement. The form and length of the guarantee shall be specified in the Development Agreement, but in no case shall the guarantee be for less than one year or more than five years.