

# TOWN OF GREENVILLE

## PLANNING AND ZONING MORATORIUM - 2015-TR-026

RESOLUTION ON MORATORIUM CONCERNING THE PLANNING AND ZONING OF COMMERCIAL PROPERTY WITHIN THE TOWN LIMITS OF THE TOWN OF GREENVILLE

WHEREAS, the Town Council of the Town of Greenville has found an inter-local agreement with Floyd County's Planning and Zoning Office from August 2008 that states that Floyd County Advisory Plan Commission act as the Town of Greenville's municipal planning commission.

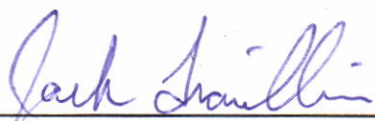
WHEREAS, the Town of Greenville passed Ordinance 2009-R-031 and 2009-R-037 that adopted Floyd County Planning Commission as the Greenville Municipal Planning Commission.

WHEREAS, the Town Council of the Town of Greenville has deemed it necessary to issue a sixty (60) day moratorium for commercial zoning, planning and building permits within the Town limits of the Town of Greenville, Indiana while the Town of Greenville's planning and zoning laws are investigated.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

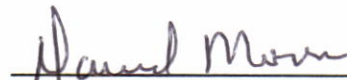
1. With the passage of this moratorium no new commercial building permit applications will be accepted for sixty (60) days while the planning and zoning concerns are investigated.
2. Immediate hold on any and all current application that have been submitted.
3. Notice will be sent to the Town of Greenville's building permit sub-contractor and building inspector.
4. In the case of an emergency, directly contact the President of the Greenville Town Council. The Town Council will then set a special meeting within five (5) business days.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 11<sup>TH</sup> DAY OF MAY, 2015.



JACK TRAVILLIAN  
CLERK/TREASURER

PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA

  
\_\_\_\_\_  
DAVID MOORE

PREPARED BY: GREG REDDEN

**INTER-LOCAL COOPERATION AGREEMENT  
BY AND BETWEEN THE TOWN OF GREENVILLE, INDIANA,  
AND FLOYD COUNTY, INDIANA**

**THIS INTERLOCAL AGREEMENT** made and entered into as of the 11 day of August, 2008, by and between the Town of Greenville, Indiana, (hereinafter referred to as the "Town"), and Floyd County, Indiana (hereinafter referred to as the "County"), political subdivisions of the State of Indiana, under the terms, covenants, conditions, commitments and agreements following, and all pursuant to the provisions of IC 36-1-7, et seq.

**ARTICLE I. PURPOSE**

The purpose of this agreement is to allow the Town of Greenville to establish and implement an advisory plan commission pursuant to I.C. 36-7-4-203. The Town of Greenville designates the Floyd County Advisory Plan Commission as the Town of Greenville's municipal plan commission under the terms of 36-7-4-410. The Town of Greenville also designates the Floyd County Board of Zoning Appeals as having jurisdiction to rule on zoning appeal cases through the adoption of its zoning ordinance.

The Town of Greenville designates the Floyd County Advisory Plan Commission as the Town of Greenville's municipal plan commission under the terms of 36-7-4-410. The Town of Greenville also designates the Floyd County Board of Zoning Appeals as having jurisdiction to rule on zoning appeal cases through the adoption of its zoning ordinance. The Floyd County Planning Commission and the Floyd County Board of Zoning Appeals would review and process applications for building permits and petitions for approvals pursuant to the Greenville Town Comprehensive Plan, Greenville Town Zoning Ordinance and Greenville Town Subdivision Control Ordinance.

**ARTICLE 2. AGENCY**

The Floyd County Advisory Planning Commission and the Floyd County Board of Zoning Appeals would process applications and permits pursuant to the substantive law as described in Article 1 and the rules of procedures, fee schedules, applications and other materials as developed by the parties.

**ARTICLE 3. PROCESS.**

The Town of Greenville shall have the power to deal with all aspects of planning and zoning within its boundaries as it is defined in 36-7-4-500 and 600 series regarding the actions and duties of the legislative body of the municipality. The Town of Greenville shall have an appointment on the Floyd County Planning Commission. The Floyd County Board of Commissioners shall reserve one (1) citizen appointment to the Floyd County Advisory Plan Commission Board under the terms of 36-7-4-208 (5)(B) for a resident of the Town of Greenville. The Town will submit a recommended candidate by Town resolution for this appointment to the Floyd County Board of Commissioners prior to the County taking action on the appointment. All applicable standards set forth in 36-7-4-208 shall remain.

In the case of a vacancy as set forth in the Floyd County Advisory Plan Commission Rules of Procedure, the Town shall submit by Town resolution a candidate to fill the Town's vacancy within sixty (60) days of the date of the vacancy which meet the applicable standards set forth in 36-7-4-208. The Executive Director of the Floyd County Advisory Plan Commission shall notify both the Town of Greenville and the Floyd County Board of Commissioners regarding the vacancy.

If the Town has not submitted a candidate for replacement within sixty (60) days of receipt of notification of vacancy from the Executive Director, the Floyd County Board of Commissioners shall send a certified mail notification that the seat has been vacated by the Town's representative and if a candidate from the Town is not presented to the Floyd County Board of Commissioners within thirty (30) days after receipt of the certified mail notification, the Board of County Commissioners shall take action to fill the vacancy as set forth in standards of 36-7-4-208.

The Town of Greenville shall adopt a Comprehensive Plan, a Zoning Ordinance, and a Subdivision Control Ordinance. The parties shall agree to a fee schedule for services rendered by the Floyd County Advisory Plan Commission and Floyd County Planner's Office, applications, rules of procedure, and all other materials to implement the review process. The intent of this agreement is to provide for planning and zoning enforcement in the Town of Greenville and it be procedurally and substantively managed by the County.

#### **ARTICLE 4: FINANCING AND STAFFING**

The County will be funded by the Town through an agreement of approved fee schedules as developed by the parties. The fee schedules shall be approved by the Town of Greenville and the Floyd County Commissioners. The Floyd County Commissioners shall have input from the Floyd County Planning Commission and the Floyd County Planner concerning the appropriateness of the fees developed for the services provided herein. The approved fee schedule is attached as Exhibit A.

Any legal matters that come before the Floyd County Advisory Plan Commission or litigation that is filed regarding a decision made by the Floyd County Advisory Plan Commission or the Floyd County Board of Zoning Appeals regarding a permit, development petition, and/or an administrative appeals petition, that is within the municipal jurisdiction of the Town of Greenville, shall be handled by the Town's legal counsel and all cost associated with the legal matter or litigation shall be paid by the Town.

#### **ARTICLE 5: ADMINISTRATION**

The administration of this process is defined in Article 3 as to the duties and responsibilities of each entity described herein. The parties understand that this agreement may need to be modified procedurally to adapt for unforeseen circumstances. The parties agree to work in good faith to try to resolve any procedural issues that may arise concerning compliance with this agreement. In addition, neither of these parties shall acquire, hold, or dispose of real or personal property used in this joint undertaking. Further, the parties do not contemplate a separate legal entity or Board be established under this agreement.

#### **ARTICLE 6: DURATION OF AGREEMENT**

This agreement shall remain in full force and effect unless and until modified, amended or terminated by written agreement of the parties; PROVIDED, either party may terminate this agreement upon twelve (12) months prior written notice.

#### **ARTICLE 7: STATUTORY AUTHORITY**

The parties have entered into this agreement with the intent to comply with Indiana Code 36-1-7-3.

GREENVILLE TOWN COUNCIL

Pat Long

Harrell Bandy

Alberto Rodriguez

Ronald Jones

Bob Wright

ATTESTED:

Jeff Griffin  
GREENVILLE CLERK/TREASURER

BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

Stephen A. Bush  
Stephen A. Bush, President

Charles A. Freiberger  
Charles A. Freiberger, Member

D. Mark Seabrook  
D. Mark Seabrook, Member

Attest:

Teresa A. Plaiss  
Teresa A. Plaiss, Auditor

TOWN OF GREENVILLE  
ORDINANCE NO. 2009-R-031

**RESOLUTION CONCERNING THE ADOPTION OF THE FLOYD  
COUNTY PLANNING COMMISSION TO SERVE AS THE MUNICIPAL  
PLAN COMMISSION AS DESCRIBED IN I.C. 36-7-4-410 FOR THE TOWN  
OF GREENVILLE, INDIANA**

WHEREAS, the Town of Greenville, Indiana in the interest of long-range land use and community development within its Corporate Limits;

WHEREAS, the Town of Greenville, Indiana has limited financial resources and is desirous for the creation of a municipal plan commission;

WHEREAS, the Town of Greenville, Indiana and Floyd County has entered into an inter-local agreement in which the County's Advisory Plan Commission will provide expertise and services to the Town of Greenville, Indiana;

WHEREAS, the Town of Greenville, Indiana desires that the Floyd County Plan Commission serve as the Town of Greenville, Indiana municipal plan commission as described in I.C. 36-7-4-410;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

1. Be it resolved that the Town of Greenville hereby designates the Floyd County Advisory Plan Commission as its Municipal Plan Commission.
2. The Town of Greenville shall develop and adopt Zoning Ordinances and Comprehensive Land Use Plan in conjunction with the Floyd County Planner to be applied to the Town of Greenville, Indiana and enforceable by the Floyd County Municipal Plan Commission.
3. The Town of Greenville Council in the interest of the Town of Greenville reserves the right through a Town of Greenville Resolution to terminate this agreement at any future date.

**TOWN OF GREENVILLE  
ORDINANCE NO. 2009-R-031**

**ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE  
8th DAY OF JUNE, 2009.**

**PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA**

  
\_\_\_\_\_  
**TALBOTTE RICHARDSON,**

  
\_\_\_\_\_  
**JACK TRAVILLIAN,  
CLERK/TREASURER**

**PREPARED BY:  
RANDAL JOHNES**

TOWN OF GREENVILLE  
ORDINANCE NO. 2009-R-031

Powers; county-municipal plan commission

Sec. 410. (a) ADVISORY. The legislative body of any municipality located in a county having an advisory plan commission may, by ordinance, designate that county plan commission as the municipal plan commission. A county plan commission so designated has for that municipality all the powers and duties granted, under the advisory planning law, to a municipal plan commission. Any municipality designating a county plan commission as its municipal plan commission may contract annually to pay the county a proportionate part of the expenses that is properly chargeable to the planning service rendered that municipality. The county shall appropriate these payments to the county plan commission in addition to any sums budgeted for planning purposes.

(b) ADVISORY. Whenever a municipality designates a county plan commission as its municipal plan commission under subsection (a), residents of that municipality are eligible to be appointed citizen members of the commission under section 208(a)(5) of this chapter.

As added by Acts 1981, P.L.309, SEC.23. Amended by P.L.192-1984, SEC.10.

TOWN OF GREENVILLE  
ORDINANCE NO. 2009-R-037

**RESOLUTION CONCERNING THE ADOPTION OF THE TOWN OF  
GREENVILLE COMPREHENSIVE PLANNING MAP FOR THE TOWN  
OF GREENVILLE, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana, in interest of planning for development of real property within the Corporate limits of the Town of Greenville developed the Greenville Comprehensive Plan;

WHEREAS, the Town Council for the Town of Greenville and Floyd County has entered into an inter-local agreement in which the County's Advisory Plan Commission will provide expertise and services to the Town of Greenville, Indiana.

WHEREAS, the Town Council for the Town of Greenville adopted Ordinance No. 2009-R-031 on June 8<sup>th</sup>, 2009 adopting the Floyd County Planning Commission to serve as the Municipal Plan Commission.

WHEREAS, the Town Council for the Town of Greenville is required under Ordinance No. 2009-R-031 to provide to the Floyd County Municipal Plan Commission a Comprehensive Land Use Plan enforceable by the Floyd County Municipal Planning Commission.

WHEREAS, the Floyd County Plan Commission acting as the Town of Greenville's Municipal Plan Commission per 36-7-4-410 and conducted a public hearing on this matter pursuant to I.C. 36-7-4-604; and

WHEREAS, the Floyd County Plan Commission heard from both proponents and opponents of the proposed comprehensive plan and voted to give the plan a favourable recommendation by a vote of 9-0.

Floyd County Plan Commission Resolution Pertaining to the Town of Greenville Comprehensive Plan Approval and Certification of Action attached.

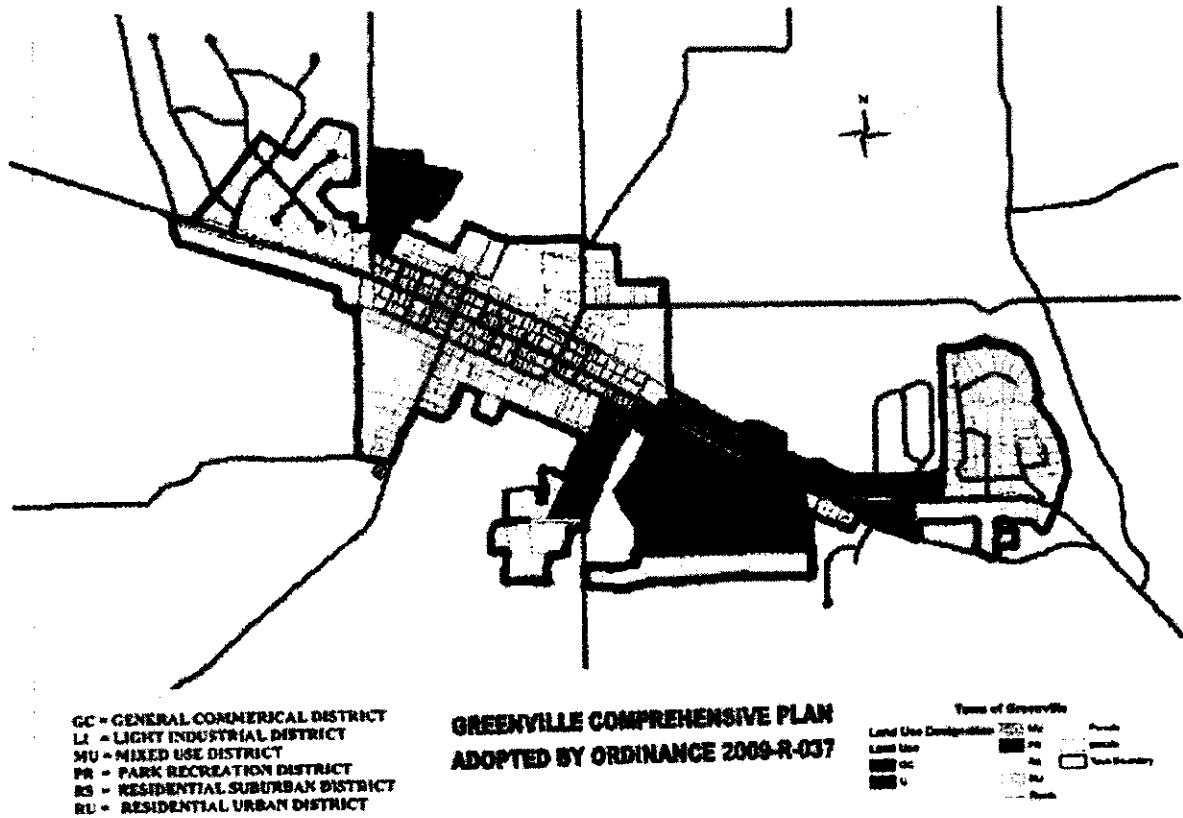


**TOWN OF GREENVILLE  
ORDINANCE NO. 2009-R-037**

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE  
TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:**

**1. The Town Council for the Town of Greenville accepts the recommendation of  
the Floyd County Plan Commission and Comprehensive Land Use Map below;**

**COMPREHENSIVE LAND USE MAP**



TOWN OF GREENVILLE  
ORDINANCE NO. 2009-R-037  
ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE  
12th DAY OF October, 2009.

PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA

  
TALBOTTE RICHARDSON,

  
JACK TRAVILLIAN,  
CLERK/TREASURER

PREPARED BY:  
RANDAL JOHNES

**FLOYD COUNTY PLAN COMMISSION  
RESOLUTION PERTAINING TO TOWN OF GREENVILLE COMPREHENSIVE  
PLAN APPROVAL**

Whereas, the Floyd County Plan Commission acting as the Town of Greenville's Municipal Plan Commission per 36-7-4-410 and conducted a public hearing on this matter pursuant to I.C. 36-7-4-604; and

Whereas, the Floyd County Plan Commission heard from both proponents and opponents of the proposed comprehensive plan and voted to give the proposed plan a favorable recommendation by a vote of 9-0.

NOW, THEREFORE,

BE IT RESOLVED that the Town of Greenville Comprehensive Plan has been recommended and submitted to the Town of Greenville for final disposition.

BE IT FURTHER RESOLVED that the staff of the Floyd County Plan Commission shall forward a certified copy of this resolution to the Town Council of the Town of Greenville for further action which they may desire.

SO RESOLVED this 17 day of August 2009.



FLOYD COUNTY PLAN COMMISSION  
Paul Riggs, President

ATTEST



Linda Barksdale, Executive Director

**Certification of Action**

Comes now the Floyd County Plan Commission, pursuant to IC 36-7-4-507, and hereby certifies that the attached Resolution is a true and accurate copy of the resolution regarding the Town of Greenville Comprehensive Plan as part of its meeting on August 17, 2009. The attached resolution is available for review in the office of the Floyd County Plan Commission and accurately reflects the vote of the Floyd County Plan Commission.

*Linda Barksdale*

**Linda Barksdale, Executive Director  
Floyd County Plan Commission**

AY, AUGUST 6, 2009\*



**NOTICE OF  
PUBLIC HEARING**

The Floyd County Plan Commission acting per 38-7-4-410 as the Town of Greenville's Municipal Plan Commission will hold a public hearing to take comments and to consider action on the Town of Greenville's Comprehensive Plan. The public hearing will take place on Monday, August 17 at 6PM on the third floor assembly room of the City-County Building located at 311 West First Street New Albany, Indiana 47150. Information related to the Comprehensive Plan will be available for review prior to the public hearing as of Friday, August 14, 2009 at the Floyd County City-County Building, Floyd County Planner's Office located on the second floor, Floyd County Commissioner's Office located on the second floor, Floyd County Plan Commission Office located in the basement (B-22) between the hours of 8:00 AM and 4:00 PM. Copies will also be available at the New Albany-Floyd County Library at the reference desk during regular library hours and the Town of Greenville Water Utility Office. Interested citizens are invited to provide comments regarding these issues at the public hearing or by prior written statement. Written statements should be submitted to: Don Lopp, County Planner 311 West First Street Suite 214-A New Albany, Indiana or Linda Berkadele, Plan Commission Director, 311 West First Street Suite B-22 New Albany, Indiana 47150 no later than Friday, August 14, 2009 by 4:00 PM in order to ensure their placement in the record. For additional information concerning the proposed amendments, please contact Don Lopp (812) 948.4110 or Linda Berkadele (812) 948.5440 Monday thru Friday 8:00 AM to 4:00 PM. Persons with disabilities or non-English speaking persons who wish to attend the public hearing and need assistance should contact: Don Lopp (812) 948.4110 or Linda Berkadele (812) 948.5440 before Friday, August 14, 2009. Every effort will be made to make reasonable accommodations to these persons. Floyd County Plan Commission 311 West First Street Suite B-22 New Albany, IN 47150