

ORDINANCE NO. 2023-4

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF MORGAN COUNTY, INDIANA TERMINATING MUNICIPAL EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION

WHEREAS, the Board of Commissioners (“Commissioners”) of Morgan County, Indiana (“County”) is the executive and legislative body of the County; and

WHEREAS, the Commissioners adopted a Zoning Ordinance on October 15, 2001 which became effective on November 10, 2001 and, in conjunction with the Morgan County Council, entered into interlocal agreements (“Agreements”) with the municipalities of Martinsville, Monrovia, Mooresville, and Morgantown (collectively, “Municipalities”) to allow the Municipalities to exercise planning and zoning jurisdiction within the two mile area outside of each of their municipal boundaries (the “Buffer Zone Areas”); and

WHEREAS, Indiana Code 36-7-4-205 (the “Statute”) provides that at its discretion, the county legislative body may terminate a municipal Buffer Zone Area via passage of an ordinance; and

WHEREAS, the Commissioners believe it is in the best interest of the County to terminate the Municipalities’ planning and zoning jurisdiction over their respective Buffer Zone Areas and terminate the Agreements with the Municipalities, in order to allow the County and its Plan Commission to assume the jurisdiction for planning and zoning in the Buffer Zone Areas; and

WHEREAS, on December 1, 2022, a collaborative transition period between the Municipalities and the County began for the purposes of transitioning planning and zoning activity in the Buffer Zone Areas over to the County; and

WHEREAS, on January 9, 2023, the County Plan Commission held a public hearing, considered the rezoning of the Buffer Zone Areas for purposes of the Buffer Zone Areas’ inclusion into the County planning and zoning jurisdiction, and issued a favorable recommendation to the Commissioners for the proposed rezoning; and

WHEREAS, on February 6, 2023, in conjunction with this ordinance, the Commissioners amended the County’s zoning code by adopting Ordinance No. 2023-1 in order to rezone the Buffer Zone Areas and incorporate them as part of the County’s planning and zoning jurisdiction and adopted Resolutions numbered 2023-2-6a, 2023-2-6b, 2023-2-6c & 2023-2-6d to terminate the Agreements.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS
OF MORGAN COUNTY, INDIANA:**

SECTION I

Effective February 7, 2023 (the “Effective Date”), the Commissioners hereby terminate the jurisdiction of the Municipalities over planning and zoning in their respective Buffer Zone Areas

including the authority to issue building permits, inspect buildings, and charge and collect fees for permits and inspections.

SECTION II

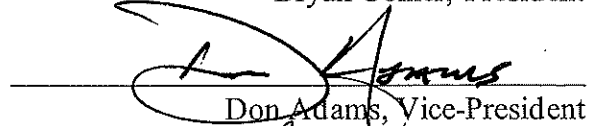
All territory previously within the Municipalities' Buffer Zone Areas shall, as of the Effective Date, be under the planning and zoning jurisdiction of the County and the County Plan Commission. All unincorporated areas within the County shall be under the jurisdiction of the County.

ADOPTED THIS 6th DAY OF FEBRUARY, 2023.

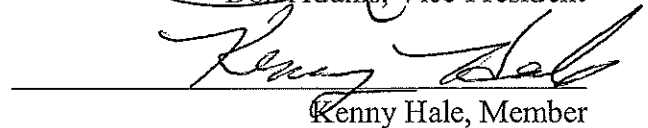
BOARD OF COMMISSIONERS OF
MORGAN COUNTY, INDIANA



Bryan Collier, President

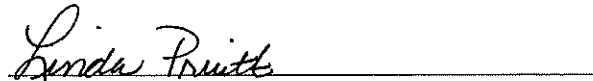


Don Adams, Vice-President



Kenny Hale, Member

ATTEST:


Linda Pruitt, Morgan County Auditor

This instrument was prepared by Rhonda Cook, Cook Government Advisors, LLC, New Palestine, Indiana, 46163.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Rhonda Cook.