

ORDINANCE NO. 68-1

PURPOSE:

The following zoning regulations as set forth are made with regard to a comprehensive Master Plan now being made and its compilation being included in this Ordinance by way of amendment to these regulations in order that adequate light, air, convenience of access, safety from fire, flood and other danger may be secured; that congestion in public streets may be lessened or avoided and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted.

This Ordinance shall be known and may be cited as "The Subdivision Control Ordinance of Floyd County, Indiana".

Section I. Definitions:

For the purpose of these regulations, which shall be known as and may be cited as Floyd County, Indiana Subdivision Regulations, certain words used herein are defined as follows:

A. SUBDIVISION:

The term "subdivision" means the division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural purposes into lots or parcels of ten (10) acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

B. STREETS AND ALLEYS:

The term "street" means a way for vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

1. Arterial streets and highways are those which are used primarily for fast or heavy traffic.

2. Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

3. Minor streets are those which are used primarily for access to the abutting properties.

4. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

5. Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Section II Procedures:

A. PROCEDURE FOR CONDITIONAL APPROVAL OF PRELIMINARY PLAT:

1. A person, hereinafter referred to as the subdivider, desiring approval for subdivision land, shall submit a written application to the County Plan Commission, together with six (6) copies of the proposed plat. The application shall be submitted at least ten days before a regular meeting of the Commission.

2. Within seven (7) days following the regular meeting, the Floyd County Plan Commission Subdivision Committee shall meet to consider the application and the proposed plat, and if the same is not approved, the applicant shall be notified in writing of such action and the reason for such action.

3. If the Floyd County Plan Commission Subdivision Committee tentatively approves the application and the proposed plat, a date shall be set for a public hearing thereon and shall notify all persons and governmental units having a probable interest in the proposed subdivision by publication in a newspaper of general circulation in Floyd County, Indiana, not less than ten days prior to the date fixed for such hearing. The cost and expenses of such publication to be paid by the applicant.

4. At the public hearing, there shall be a review of the preliminary plat and other material submitted for conformity thereof to the subdivision regulations, and negotiations with the subdivider on changes being advisable and the kind and extent of improvements to be made by him. The Floyd County Plan Commission shall, after hearing evidence both for and against said preliminary subdivision plan, act thereon as submitted, or modified, and if approved, the Floyd County Plan Commission shall express its approval as a conditional approval and state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

5. The action of the Floyd County Plan Commission shall be noted on two copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider and the other retained by the Floyd County Plan Commission.

6. Conditional approval of a preliminary plat shall not constitute approval of the final subdivision plat. Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Floyd County Plan Commission and for recording upon fulfillment of the requirements of these regulations and the conditional approval, if any.

B. PROCEDURE FOR APPROVAL OF FINAL PLAT:

1. The Final Plat shall conform substantially to the Preliminary Plat as approved, and, if desired by the Subdivider, it may constitute only that portion of the approved Preliminary Plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

2. Application for approval of the Final Plat shall be submitted in writing to the Floyd County Plan Commission least ten days before a regular meeting of the Commission.

3. The Final Plat and other exhibits required for approval shall be prepared as specified in Section IV and shall be submitted to the Planning Commission within six months after approval of the Preliminary Plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Floyd County Plan Commission.

### Section III Design Standards

#### A. STREETS:

Street right-of-way widths shall be not less than as follows:

<u>Street Type</u>	<u>Right of way width in ft.</u>
Arterial	60
Collector	50
Minor, for row houses and apartments	40
Minor, for other residences	40
Marginal access	40

#### B. ALLEYS:

1. Alleys shall be provided in commercial and industrial subdivisions, except that the Floyd County Plan Commission may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

2. The width of an alley shall be twenty (20) feet.

#### C. EASEMENTS:

1. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

#### D. BLOCKS:

1. The lengths, widths and shapes of blocks shall be determined with due regard to:

a) Provision for adequate building sites suitable to the special needs of the type of use contemplated.

b) Zoning requirements as to lot sizes and dimensions.

c) Needs for convenient access, circulation, control and safety of street traffic.

d) Limitations and opportunities of topography.

2. Block lengths shall not exceed fifteen hundred (1500) feet, or be less than four hundred feet (400).

E. LOTS:

1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Lot dimensions shall conform to the requirements of the Floyd County Zoning Ordinance, however, the Floyd County Plan Commission may upon proper showing by the applicant, approve the subdivision serviced by a sanitary sewer with lots not less than eighty (80) feet wide nor less than nine thousand six hundred (9,600) feet in area.

Section IV. Required Improvements:

A. MONUMENTS:

1. Monuments shall be placed at all block corners, angle points, points of curbs and streets, and at inter-mediate points as shall be required by the County Surveyor. The monuments shall be of such materials, size, and length as may be approved by the County Surveyor.

B. UTILITY AND STREET IMPROVEMENTS:

1. Street improvements shall be provided in each new subdivision in accordance with the standards and requirements as laid down by the Board of Commissioners of Floyd County, Indiana, as they now exist and as they may be amended in the future.

Section V. Plats and Data:

A. PLATS AND DATA FOR CONDITIONAL APPROVAL:

1. The proposed or preliminary subdivision plat shall disclose the following information:

a) Proposed name of the subdivision and the proposed names of all streets.

b) Name of owner and subdivider and the name of the registered surveyor employed.

c) Location by reference to survey section, township and range.

d) The date, the scale and the north point.

e) Location of property line, existing public highway, water, railroad and utility rights-of-way, the names of the owners of adjoining lands and other existing features, including elevations at intervals of two feet.

f) The layout and dimensions of streets, alleys, and all utility easements and proposed lots and blocks.

g) The parcels of land intended to be dedicated for public use, or for use of the property owners in the subdivision.

h) Building setback lines showing dimensions.

i) Location and size of existing sewers, water and gas mains, and lines, if any are accessible to the subdivision.

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j) Approval of the Floyd County Health Department for the installation of individual septic tanks on lots not accessible to sanitary sewers.

k) The proposed plat shall comply with the minimum requirements provided for in the Zoning Ordinance of Floyd County, Indiana.

### B. PLATS AND DATA FOR FINAL APPROVAL:

1. Final Plat shall be submitted to the Commission in the form of an original drawing on linen tracing cloth of the size of 18 inches by 24 inches, and to the scale of one hundred feet to one inch, unless the use of such scale would cause the size of the plat to be in excess of the required dimensions, then, an appropriate scale may be used. In addition to the original drawing, there shall also be submitted to the Commission six blue prints or photostatic copies of the same.

2. The following information shall be disclosed in the final plat.

a) Boundary lines of the subdivision tract and of adjoining properties.

b) An accurate meets and bounds description of the tract.

c) North point, scale and data.

d) The line and curve data of all streets and alleys with their names and widths.

e) Lot lines and dimensions, and lot and block numbers.

f) Location of building setback lines and easements for public utilities and their dimensions.

g) Location and type of all permanent monuments.

h) Restrictions of all types which run with the land.

i) Name of subdivision, names of subdividers.

j) Plan and profile drawing of all streets, sanitary sewers, and storm sewers.

3. The Commission may approve the Final Plat providing one of the following conditions is met and certified by the Building Commissioner:

a) All improvements have been installed in accord with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the Preliminary Plat, or

b) A bond or certified check has been posted, payable to the Board of Floyd County Commissioners, and in an amount, as determined by the Floyd County Plan Commission, sufficient to assure such completion of the improvements and installations in compliance with the plans and specifications, or

c) On condition that building permits will be issued only on those lots which have all improvements and installations completed, or

d) That building permits will be issued only on those lots after a bond or certified check has been posted with the Building Commissioner, said bond or certified check payable to the Board of Floyd County Commissioners, and in an amount, as determined by the Floyd County Plan Commission, sufficient to assure the completion of the improvements and installations in compliance with the plans and specifications up to and including the lot upon which a building permit is desired.

#### Section VI Variances:

##### A. HARDSHIP:

Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the General Community Plan or these regulations.

##### B. LARGE SCALE DEVELOPMENT:

The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgment of the Planning Commission provide adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and the achievement of the plan.

##### C. CONDITIONS:

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Approved at a meeting of the Floyd County Plan Commission held on this 12 day of August, 1968.

C. George Ostris  
President, Floyd County Plan Commission

Lee L. McDarron  
Secretary, Floyd County Plan Commission

This Ordinance shall be in full force and effect the 24th day of August, 1968.

Dated this 24th day of August, 1968.

Board of County Commissioners of Floyd County, Indiana.

Joan E. Kradle

Raymond Libs  
Raymond Libs (Chairman)

Vincent W. Freiburger  
Vincent W. Freiburger

ATTEST:

Ralph Bates  
Ralph Bates, Auditor, Floyd County, Indiana.