

FLOYD COUNTY RESOLUTION 2001-IV  
A RESOLUTION PERTAINING TO CERTAIN AMENDMENTS TO  
FLOYD COUNTY ORDINANCE 68-1

WHEREAS, on the 25th day of August, 1968, the Subdivision Control Ordinance of Floyd County, Indiana, being Floyd County Ordinance 68-1, was duly adopted by the Board of Commissioners of the County of Floyd (Board), which said ordinance has been modified and amended from time to time; and

WHEREAS, on the 28th day of November, 2000, the Floyd County Plan Commission (Commission), pursuant to the provisions of IC 36-7-4-605, certified to the Board certain amendments to Floyd County Ordinance 68-1, the Commission having conducted a public hearing thereon, pursuant to notice, on the 21st day of August, 2000; and

WHEREAS, the Board published notice of its intention to consider the proposed amendments as required by the provisions of IC 36-7-4-607, with a copy of such notice being incorporated herein be reference and made a part hereof; and

WHEREAS, following consideration of the proposed amendments, it was the pleasure of the Board that the amendments as certified be modified and amended in certain particulars, as hereinafter set forth, and returned to the Commission, all as permitted and allowed by the provisions of IC 36-4-7-607.

NOW THEREFORE,

BE IT RESOLVED, that the paragraph of Floyd County Ordinance 68-1 entitled PURPOSE: be amended to read:

PURPOSE:

The following subdivision regulations are ordained and promulgated in order that adequate light, air, convenience of access, and safety from fire, flood, and other dangers 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. The interpretation and application of these regulations shall be guided by these stated purposes as well as by

the general policy and pattern of development for Floyd County, Indiana, as set forth in the 1999 Floyd County Comprehensive Plan, as the same was approved by the Board of Commissioners of the County of Floyd on the 19th day of October, 1999, and as such Plan may be modified and amended from time to time.

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

STATEMENT OF REASONS FOR REJECTION:

The amendment as proposed by the Floyd County Plan Commission fails to adequately identify by title or date of adoption the 1999 Floyd County Comprehensive Plan. The phrase ". . . and its compilation being included in this ordinance by way of amendment . . ." relates to the fact that the Plan had not been completed when the regulations were first promulgated--a matter not presently material. The present reference to the Plan is prompted by IC 36-7-4-504 and the added language reinforces that the purposes set forth should play an important role in the application and interpretation of the regulations.

BE IT FURTHER RESOLVED, that Subsection A of Section 1 of Floyd County Ordinance 68-1 be amended to read as follows:

A. SUBDIVISION:

The term "Subdivision" shall mean, (1) the division of a parcel of land into two or more lots, parcels, tracts, units, or interests for the purpose of transfer of ownership or the improvement and/or development thereof for residential, commercial, or industrial purposes, or (2) the improvement and/or development of one or more lots, tracts, or parcels of land for residential, commercial, or industrial purposes, without a division thereof, if any part or portion of such land is allocated, set aside, or intended to be used as and for streets, utility services or easements, common areas, open space, or otherwise for the common use and/or mutual benefit of the owners, tenants, or occupants of, or those holding interests in, such lots, tracts, or parcels.

As used in these regulations, the term subdivision shall not include the following:

1. The use or division of land for and as a cemetery; or
2. The division of land, by sale, exchange, or otherwise between adjoining property owners, but only if the land transferred will not be further improved.
3. The division of land, by sale, exchange, or otherwise if the use of land transferred is for the installation, operation, or maintenance of public utility services or other public facilities.
4. The division of land, by sale, exchange, or otherwise if the purpose of such division and transfer is the correction of errors in one or more existing legal descriptions, but only if the transferred land will not be further improved.
5. A division of land resulting from the order of any court having jurisdiction and entered in an action for the settlement of an estate, partition, condemnation, or similar proceeding.

STATEMENT OF REASONS FOR REJECTION:

For consistency, the exclusion of cemeteries from the definition of subdivision has been included as a numbered exception. The first definition of "subdivision" has been modified to conform closely with the statutory definition (IC 36-7-1-19); the second definition of "subdivision" has been specifically identified as such; the fact that a division of the land is not required has been emphasized; and, the indicia of this activity have been expanded. The numbered paragraph 1 pertaining to "Road Frontage" lots has been deleted as being confusing and inconsistent with the revised definition of subdivision. Exceptions (a) and (c) have been revised to delete reference to "building sites", as the term is imprecise and not elsewhere defined within the ordinance. Definition (d) has been expanded to include other representative examples.

BE IT FURTHER RESOLVED, that the proposed amendments to Floyd County Ordinance 68-1, as amended in the foregoing particulars, be, and the same hereby is returned to the Floyd County Plan Commission, pursuant to the provisions of IC 36-7-4-607(e), for such action, if any, as it shall deem necessary and appropriate pursuant to the provision of cited statute.

SO RESOLVED THIS 6th day of February, 2001.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

John C. Reiser  
MEMBER

Charles A. Freiburger  
MEMBER

Mike Mills  
MEMBER

ATTEST:

Barbara Silling  
FLOYD COUNTY AUDITOR