

ORDINANCE NO. FCO 2018-14
ORDINANCE AMENDING THE ZONING
ORDINANCE AND MAP OF
FLOYD COUNTY, INDIANA
DECEMBER 12, 2018

WHEREAS, an application (Docket FC-08-18-19) was properly filed with the Floyd County Plan Commission by Thieneman Group, by its authorized member and its attorneys, Young, Lind, Endres & Kraft, by John A. Kraft, for the rezoning from Residential Suburban (RS) to PUD District for a subdivision containing seventy-nine (79) residential lots under the Residential Urban (RU) standards to allow for smaller lots and increased open space with recreational amenities of certain real estate located in the County of Floyd, the legal description of which is more specifically described in Exhibit "A", attached hereto and becoming part of as if the same were set out herein (the "Real Estate"); and

WHEREAS, the time and place of the meeting of the Floyd County Plan Commission was properly noticed and advertised for a meeting to take place on September 17, 2018 at 6:00 p.m. at the Pineview Government Center in New Albany, Indiana; and

WHEREAS, the Plan Commission members present and voting on September 17, 2018 at the hour scheduled and noticed for said meeting, voted unanimously to send the matter to the Floyd County Commissioners with a favorable recommendation; and

WHEREAS, the Real Estate after the adoption of this Ordinance would then be subject to the Development Standards of the Residential Urban (RU) District; and

WHEREAS, since the meeting of the Floyd County Plan Commission on September 17, 2018, the applicant has agreed to a written commitments which would include that the drainage on the real estate would be at 125%;


WHEREAS, the Commissioners of Floyd County, Indiana hereby, after careful consideration and with the inclusions of the applicant agreeing to the written commitment concerning drainage being part of the Plan Commission review of the subdivision plat and secondary review as required under the Floyd County Zoning Ordinance; and

BE IT THEREFORE ORDAINED by the Commissioners of Floyd County, Indiana, that the Zoning Ordinance of Floyd County, Indiana, be, and it is hereby amended and further that the Zoning Map of Floyd County, Indiana, shall hereafter indicate the Real Estate described herein, which is more particularly described in Exhibit "A", attached hereto is hereby rezoned from Residential Suburban (RS) to Planned Unit Development (PUD) with Development Standards of Residential Urban (RU) to allow for seventy-nine (79) lots with increased open space and recreational amenities, with the written commitment from the owner concerning drainage on the project to be at 125%.

Passed and adopted by the Commissioners of Floyd County, Indiana on the 12th day of December, 2018.

FLOYD COUNTY COMMISSIONERS:


D. MARK SEABROOK, President


JOHN SCHELLENBERGER


BILLY STEWART

ATTEST:


SCOTT CLARK, AUDITOR

PAUL PRIMAVERA & ASSOCIATES
Registered Engineers and Land Surveyors

TRACT #1

The following is a legal description prepared this 13th day of December, 2018, of real property part of the Southeast quarter of Section #27, Township 2 South, Range 5 East, Georgetown Township, Floyd County, Indiana, depicted on a survey by Paul Primavera & Associates Job No. 18-13773, prepared by Jason Copperwaite RLS #20200046. Additional survey data was taken from a previous survey by Paul Primavera & Associates Job No. 08-11326, more particularly described as follows:

Commencing at the Southeast corner of the Southeast quarter of said section, thence along the South line of said quarter South 89° 53' 41" West 1523.19 feet to the point of beginning; thence continuing along said South line South 89° 53' 41" West 794.52 feet; thence leaving said South line North 00° 01' 23" West 1141.73 feet; thence North 55° 13' 00" East 723.67 feet to the centerline of Alonzo Smith Road; thence following said centerline as follows: South 39° 06' 47" East 52.14 feet; thence South 43° 48' 56" East 239.70 feet; thence leaving said centerline South 00° 04' 31" East 1339.69 feet to the point of beginning, 25.012 Acres, more or less.

Being part of that property conveyed to Mary E. Sipes in Instrument #2000037550 as recorded in the Office of the Recorder of Floyd County, Indiana.

Subject to the prescriptive rights of way of Alonzo Smith Road and Frank Ott Road and all easements, restrictions, and rights of way of record.