FCO –2026- 06

FLOYD COUNTY BOARD OF COMMISSIONERS
ORDINANCE PERTAINING TO MAP AMENDMENTS TO THE
FLOYD COUNTY ZONING ORDINANCE

WHEREAS, the Floyd County Board of Commissioners met on April 21, 2026, on this matter pursuant to IC 36-7-4-608; and

WHEREAS, the Board received from the Floyd County Plan Commission favorable recommendation on the proposed zoning map amendment from Rural Residential (RR) to Residential Suburban (RS) (Exhibit A – Location Map; Exhibit B - Legal Descriptions; Exhibit C – Plan Commission Action Certification; Exhibit D – Zoning Commitment); and

WHEREAS, the Plan Commission heard from both proponents and opponents of the map amendments to the zoning ordinance in accordance with IC 36-7-4-604.

NOW, THEREFORE, BE IT ORDAINED that the Floyd County Zoning Ordinance Map is amended as indicated on the attached exhibits.

Adopted and passed this 21th day of April 2026.

BOARD OF COMMISSIONERS,
COUNTY OF FLOYD

Al Knable, President

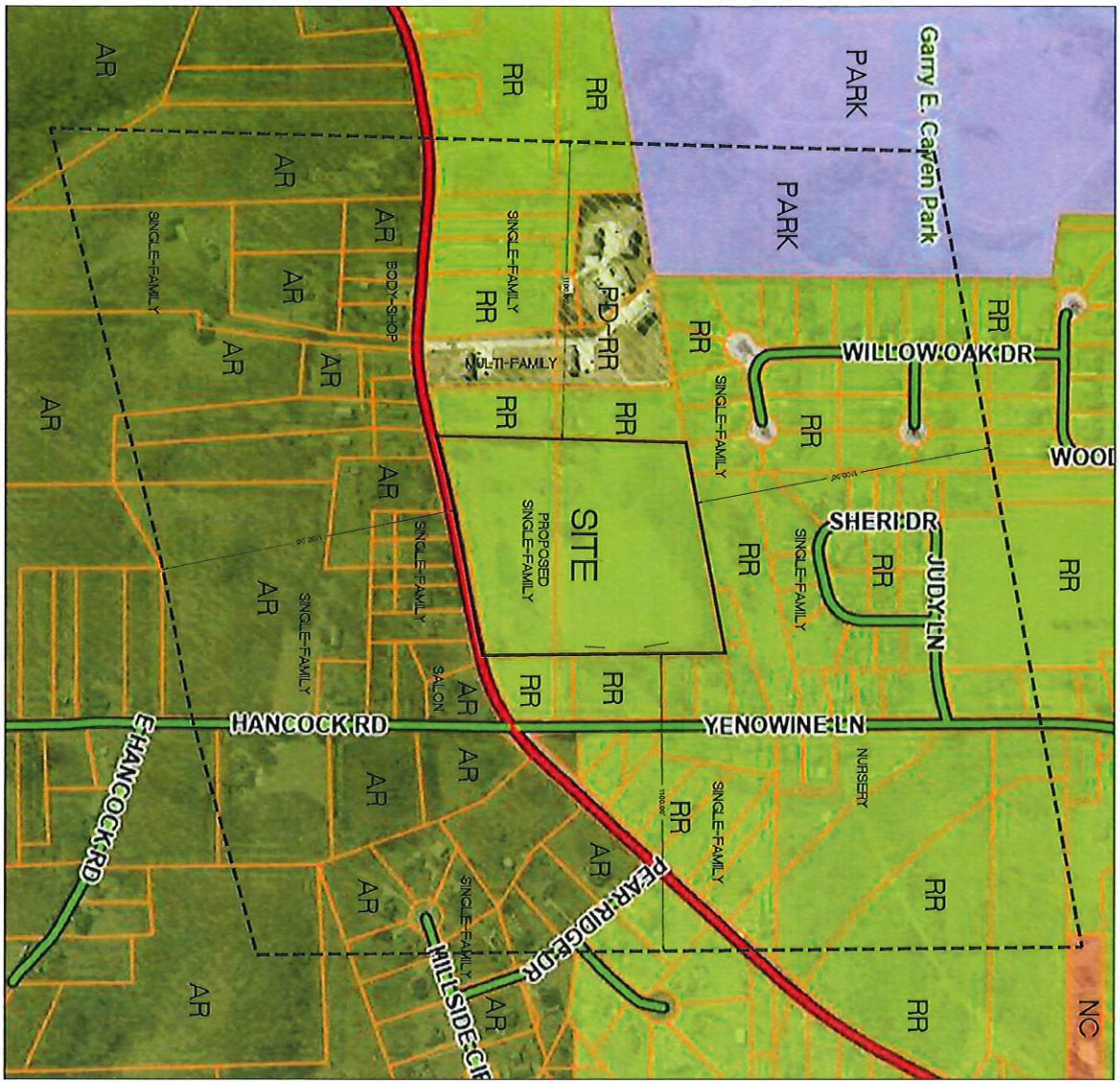
Jason Sharp, Commissioner

Frank Loop, Commissioner

ATTEST:

Diana Topping, County Auditor

Exhibit A: Location Map



County Zone Map

- AR - Agriculture
- RR - Rural Residential
- PD-RR - Planned Development
- RS - Residential Suburban
- PD-RS - Planned Development
- RU - Residential Urban
- MF - Multi-Family
- NC - Neighborhood Commercial
- PD-NC - Planned Development
- HS - Highway Service
- GC - General Commercial
- PD-GC - Planned Development
- PR - Park
- GI - General Industrial
- OB - Office Business
- PU - Plan Unit
- Other Values

NORTH

Revision	Date	Description	By
7:			
6:			
5:			
4:			
3:			
2:			
1:	02-15-2026	REVISED PER PC COMMENTS	

SUBDIVISION
DISCOVERY BUILDERS

LOCATION MAP

PAUL PRIMAVERA & ASSOCIATES
1000 BELL LANE
NEW ALBANY, IN 47150
TEL: (812) 738-4124
FAX: (812) 738-6740

Date: 02-02-2026
Drafted By: EJM
Checked By: JMC
Directory:
File: 25184CONWORKST
Job No.: 25-25184
Drawing No.: EXB

Exhibit B: Legal Description

Parcel: 22-02-01-100-097.000-002

A portion of the Southwest Quarter of Section 2, Township 3, South, Range 5, and Northeast Quarter of Section 11, Township 3, South Range 5 East, further described as follows:

Beginning at an iron pin in the line between Sections 1 and 2, Township 3 South, Range 5 East, 660 feet North of the Southeast corner of said Section 2, thence South 89 degrees 24 minutes West 262.2 feet to a stone, the true place of West, 992.9 feet to an iron pin; thence South 905.1 feet to thence Northeasterly 876.6 feet to the true place of the beginning; thence continuing South 79 degrees, 24 minutes West, 992.9 feet to an iron pin; thence South 905.1 feet to thence Northeasterly along said R/W line 999.1 feet to a stone; thence North 876.6 feet to the true place of beginning containing 20.00 acres, more or less.

Expecting therefrom, however, the 3.74 acres thereof heretofore conveyed to Merrill Dillman and Gail Dillman, husband and wife, by deed dated January 10, 1955, recorded in Deed Record 143 page 296 of the Floyd County, Indiana Records, such 3.47 acres being described as follows, to-wit:

Part of Section 2 and 11, Township 3 South, Range 5 East, Floyd County, Indiana, described as follows:

Beginning at the Northwest corner of Amiel Deuser's 20 acres in the Deed Record 131 page 566; thence running South along Deuser's West line 905.35 to an iron pin in the Northern right of way line of the New Albany and Corydon Turnpike; thence running North 76 ° 20 ° East 175.1 feet to an iron pin; thence running North 448 ° East 899.5 to an iron pin in the North Line of the above said 20 acre tract; thence running South 79° 28° West along said North line 197.3 feet to the place of beginning, containing 3.74 acres.

Exhibit C: Ballot & Certficiation

FLOYD COUNTY PLAN COMMISSION

ZONING MAP AMENDMENT BALLOT

Docket No. FC- 02 - 26 - 05 **Petitioner's Name:** Ernstberger Planning Trust

STATUTORY AUTHORITY: Indiana Code § 36-7-4-608

ORDINANCE AUTHORITY: Floyd County Zoning Ordinance 2006

In reviewing the zoning amendment petition, the Plan Commission and County Commissioners shall pay reasonable regard to the following: (1) The Floyd County Comprehensive Plan and any other applicable, adopted planning studies or reports; (2) The current conditions and the character of current structures and uses in each district; (3) The most desirable use of which the land in each district is adapted; (4) The conservation of property values throughout Floyd County; and (5) Responsible growth and development.

DECISION:

After careful review, the Floyd County Plan Commission finds that:

1. The re-zoning of the subject property (**IS** / IS NOT) consistent with the Floyd County Comprehensive Plan because: the proposed subdivision meets the vision for growth areas by locating development in close proximity to both sanitary sewers and primary arterial transportation corridors while preserving natural features. This is in line with the principles of smart growth by having smaller lots which require less infrastructure per unit for the community to maintain and is in line with the conservation development designs associated with Randal Arendt, author of Rural by Design.

2. The re-zoning of the subject property (**IS** / IS NOT) consistent with the current conditions and the character of current structures and uses in the area because: Other single family residential developments occur just to the north of the site with Sandi Acres and Woodbridge Farm, to the west is Cherry Grove, and to the east is Pear Ridge. Just west of Garry E Cavan Park is another conservation subdivision that was approved in 2024. As a conservation subdivision, this development would intentionally preserve contiguous portions of the existing tree canopy and landscape.

3. The re-zoning of the subject property (**IS** / IS NOT) necessary for the most desirable use of the land because: this development is intended as a conservation subdivision, it will provide an alternative housing option to the county while preserving natural features. The smart growth visions outlined in the comprehensive plan encourages a compact building design, creating a range of housing opportunities and choices, and preservation of open space and natural beauty. Development is encouraged to concentrate in areas with sanitary sewer access and in proximity to primary arterial transportation corridors.

4. The re-zoning of the subject property (**WILL NOT** / WILL) be injurious to the value of other properties in the area because: The conservation subdivision will preserve approximately 42% of the development as usable recreational open space or retained natural features. The constructed homes are intended to be built to a housing price comparable to other newly constructed homes in the area.

5. The re-zoning of the subject property (**WILL** / WILL NOT) support responsible growth and development in the area because: the proposed re-zoning follows smart growth principles and is consistent with County Planning documents and nearby land uses such as Gary E Cavan Park, the Edwardsville Gateway District, and residential uses. Adequate infrastructure is available nearby and can be brought to the properties.

Upon careful review, the Floyd County Plan Commission hereby makes a(n) (FAVORABLE/ UNFAVORABLE / NO) recommendation on the Petitioner's Zoning Amendment Application at the meeting held on the 9th day of March, 2026.

A favorable recommendation is made based on the following written commitments:

1. This approval is contingent upon the approval of the proposed Conservation Subdivision.
2. Building Material - No more than 100s.f. of vinyl per house
3.
4.
5.
6.
7.
8.
9.
10.

Commission Members in Favor:

Larry Bibelhauser
Charles Welch
Frank Loop
DM Brazzle

Commission Members Opposed:

July 22, 2013

Authority: Floyd County Zoning Ordinance 2006

CERTIFICATION OF ACTION

Comes now the Floyd County Plan Commission pursuant to I.C. 36-7-4-608, and hereby certifies that the attached Recommendation on Zoning Amendment is a true and accurate copy of the Recommendation as made at its regularly scheduled meeting on the 9th day of March, 2026. The Ballot accurately reflects the vote of the Floyd County Plan Commission on the Recommendation.

Date: 3/10/2026

Nicholas Creevy, Executive Plan Director
Floyd County Plan Commission

Exhibit D: Zoning Commitment

Cross Reference: **Instr. 201605196**

Key No.: **22-02-01-100-097.000-002**

ZONING COMMITMENT
(*Docket No. FC-02-26-05*)

This **ZONING COMMITMENT** (this "Commitment") is made by **GREGORY L. ERNSTBERGER, AS TRUSTEE OF THE ERNSTBERGER PLANNING TRUST**, having a mailing address at 1118 Rostrevor Circle, Louisville, KY, 40205 ("Owner"), effective as of the 7th day of April, 2026 (the "Effective Date").

RECITALS

A. By quitclaim deed dated February 27, 2016, recorded on April 20, 2016, as Instrument 201605196 in the Office of the Recorder of Floyd County, Indiana, the Owner acquired fee simple title to certain real property located at 6060 State Road 62, Georgetown, Indiana 47122, currently identified as Parcel No. 22-02-01-100-097.000-002, and more particularly described on **Exhibit A** attached hereto and incorporated herein (the "Property").

B. By petition for zoning map amendment, Owner requested Floyd County, Indiana (the "County") rezone the Property from "Rural Residential District (RR)" to "Residential Suburban (RS)" with a "Conservation Subdivision" overlay (the "Rezone").

C. Following notice and publication in accordance with Indiana law, on March 9, 2026, the County's Plan Commission held a public hearing on the Rezone (Plan Commission Docket No. FC-02-26-05), subsequent to which the Plan Commission voted to forward the application to the Floyd County Commissioners (the "Commissioners"), with a favorable recommendation conditioned on the Owner recording a written commitment concerning the building materials to be utilized for structures erected on the Property, in accordance with I.C. § 36-7-4-1015, providing that the residential structures erected on the Property shall utilize not more than one hundred square feet (100 sq. ft.) of vinyl siding on the exterior (such condition requiring the written commitment being hereinafter referred to as the "Condition").

NOW, THEREFORE, in consideration of the foregoing recitals, and in satisfaction of the required Condition to the Rezone imposed by the Plan Commission, the Owner now tenders this Commitment in accordance with the provisions of I.C. § 36-7-4-1015(a)(1), and hereby makes the following commitments concerning the use and development of the Property:

1. **Commitment Regarding Building Materials.** Owner hereby commits as follows: Residential structures erected on the Property shall utilize not more than one hundred square feet (100 sq. ft.) of vinyl siding on the exterior.

2. **Recordation of Commitment.** The Owner shall record this Commitment in the Office of the Recorder of Floyd County, Indiana promptly after its acceptance by the Plan Commission staff.

3. **Commitment Runs with Property.** After this Commitment is recorded, it shall be binding on any subsequent owner(s) or any other person(s) who acquire any interest in the Property. This Commitment shall run with the Property and be binding on the Owner and its successors and assigns.

4. **Modification or Termination.** This Commitment may be modified or terminated by a decision of the Plan Commission, or the Legislative Body if made as part of a rezoning proposal, made at a public hearing after notice of the public hearing has been provided under the rules of the Plan Commission in accordance with the provisions of I.C. § 36-7-4-1015(b)(5). If, during the time a rezoning proposal is being considered by the legislative body under the 600 or 1500 series of Indiana Code 36-7-4, the Owner, or its successors or assigns, seeks to modify this Commitment, and the effect of the modification is to make this Commitment less stringent, the modified Commitment shall be referred to the Plan Commission for further review in accordance with I.C. § 36-7-4-1015(b)(8). The Plan Commission shall, not later than forty-five (45) days after referral of the modified commitment, ratify the modified commitment, or certify a recommendation to the legislative body that the Commitment be further modified. After considering the recommendation of the Plan Commission, the legislative body shall then make the final decision on the terms of the modified Commitment in accordance with I.C. § 36-7-4-1015(b)(8).

5. **No Binding Effect of Commitment on Subsequent Zoning Proposals.** Allowing this Commitment to be made does not obligate the Plan Commission or the Commissioners, as applicable, to adopt, approve, or favorably recommend any proposal or application to which this Commitment relates.

6. **Enforcement of Commitment; Defenses Barred.** An action to enforce this Commitment may be brought in the Circuit or Superior courts of Floyd County by (i) the Plan Commission, (ii) the Commissioners, or (iii) any person who is entitled to enforce a commitment under the rules of the Plan Commission in force at the time this Commitment is made. A person bringing an action to enforce this Commitment may request mandatory or prohibitory injunctive relief through the granting of a temporary restraining order, preliminary injunction, or permanent injunction. If an action to enforce this Commitment is successful, the respondent shall bear the costs of the action. A change of venue from the county may not be granted in such an action. In an action to enforce this Commitment, it is not a defense that (a) no consideration was given for the Commitment; (b) the Commitment does not benefit any designated parcel of property; (c) the document setting forth this Commitment lacks a seal; (d) there is no privity of estate; (e) there is not privity of contract; or (f) there is no proof of damages.

IN WITNESS WHEREOF, this Commitment is hereby voluntarily made and tendered by the Owner, by its undersigned duly authorized representative, as of the date affixed hereinbelow.

OWNER:

GREGORY L. ERNSTBERGER, AS TRUSTEE OF THE ERNSTBERGER PLANNING TRUST

STATE OF INDIANA)
)
COUNTY OF Floyd)

Personally appeared before me, a Notary Public in and for said County and State, GREGORY L. ERNSTBERGER, AS TRUSTEE OF THE ERNSTBERGER PLANNING TRUST, executed the foregoing instrument for the purposes therein contained on behalf of said trust.

WITNESS my hand, at office, this 7th day of April, 2026.

ALEXIS G PEARCE
Notary Public, State of Indiana
Floyd County
Commission Number NP0767634
My Commission Expires
December 17, 2033

NOTARY PUBLIC
Print: Alexis Pearce
Notary ID: NP0767634
Resident of Floyd County, IN
My Commission Expires: 12/17/33

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. Jacob B. Vissing

This instrument prepared without the benefit of title examination by:
Jacob B. Vissing
FBT GIBBONS LLP
400 West Market Street, Suite 3200
Louisville, Kentucky 40202
(502)589-5400

0157581.0789072 4925-0915-9320v1

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF PROPERTY BEING PART OF SOUTHEAST QUARTER OF SECTION 2 AND PART OF THE NORTHEAST QUARTER OF SECTION 11 BOTH IN TOWNSHIP 3 SOUTH, RANGE 5 EAST, GEORGETOWN TOWNSHIP, FLOYD COUNTY, INDIANA, PREPARED BY CHRISTOPHER HOWELL, PS #20600006, OF BLANKENBEKER & ASSOCIATES, DEPICTED ON A PLAT OF SURVEY, JOB #25-25184, DATED 12/05/2025, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2,
THENCE N 0° 01' 15 E 655.45 FEET TO A STEEL SOUNDING IN THE MIDDLE OF YENOWINE LANE;
THENCE S 79° 18' 36" W 263.56 FEET TO A 5/8" STEEL PIN WITH A YELLOW PLASTIC CAP STAMPED "PRIMAVERA & BLANKENBEKER #3" AT THE POINT OF BEGINNING (THIS TYPE OF MONUMENT HEREINAFTER REFERRED TO AS A STEEL PIN AND CAP);
THENCE S 0° 32' 53" E 905.64 FEET TO A TWO INCH MAGNETIC NAIL WITH A 1-1/4" DIAMETER BRASS TAG STAMPED "PRIMAVERA BLANKENBEKER #3 IN THE CENTER OF STATE ROAD 62 (THIS TYPE OF MONUMENT HEREINAFTER REFERRED TO AS A TAGGED MAGNETIC NAIL);
THENCE ALONG THE CENTER OF STATE ROAD 62 THE FOLLOWING FIVE (5) CALLS,
S 74° 33' 44" W 11.70 FEET;
S 77° 37' 42" W 87.50 FEET;
S 79° 18' 50" W 243.21 FEET;
S 78° 29' 08" W 307.50 FEET;
S 75° 26' 07" W 180.40 FEET TO A TAGGED MAGNETIC NAIL;
THENCE N 1° 27' 54" E 932.53 FEET TO A STEEL PIN AND CAP;
THENCE N 79° 18' 36" E 792.91 FEET TO THE POINT OF BEGINNING;

CONTAINING 16.682 ACRES, MORE OR LESS.

BEING SUBJECT TO THE PRESCRIPTIVE RIGHT OF STATE ROAD 62 AND ALL EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

Being the same property described in that certain quitclaim deed dated February 27, 2016, recorded on April 20, 2016, as Instrument 201605196 in the Office of the Recorder of Floyd County, Indiana.

Parcel No.: 22-02-01-100-097.000-002