Floyd County Plan Commission
Minutes

The regular meeting of the Floyd County Plan Commission was held on September 8, 2025 at 7:00 pm at the following address:

Pineview Government Center
2524 Corydon Pike
New Albany, IN 47150

PLEDGE OF ALLEGIENCE

ROLL CALL

Present: Gina Anderson, Larry Bibelhauser, Chris Welch, John Brinkworth, Bruce Morris, Frank Loop, Victor Unruh, Haley James
Absent: Jeremy Shumate, Jim Freiberger
Other: Rick Fox, Nick Creevy, Raymond Dibaya, Gabbrielle Adams

MINUTES

Minutes from the August 11, 2025 Meeting

Motion: Approve
Moved by: Frank Loop
Seconded by: Chris Welch
Motion passed unanimously.

OLD BUSINESS

Agenda Item 1 – FC-07-25-15 – Zoning Ordinance Amendment - The following Zoning Ordinance Amendments are being proposed for recommendation to the Floyd County Commissioners:

Proposed Zoning Ordinance Amendments – Amendment 22

1. Amendment to incorporate language and standards pertaining to Accessory Dwelling Units to the Floyd County Zoning Ordinance:
   Add a definition of "Accessory Dwelling Units" to Section 2.01 Definitions
   Add a subsection under Section 5.04 "Accessory Use/Structures" with language outlining standards for Accessory Dwelling Units

2. Amendment to incorporate language and standards pertaining to Food Trucks to the Floyd County Zoning Ordinance:
   Add a definition of "Food Trucks" to Section 2.01 Definitions
   Include "Food Trucks" in the Land Use Matrix under Commercial: Food Sales/Services
   Add standards for "Food Trucks" to Section 10.01 Miscellaneous Development Standards

Raymond Dibaya- Floyd County Planner. Presented a power point presentation of the zoning ordinance and went over the different sections and the purpose of the ordinance. There are no ADU and food truck standards for the community. We want standards and guidelines for both ADU's and food trucks. Went over the ADU standards that are being suggested. A. an Accessory Dwelling Unit is considered an Accessory Structure/Use and shall comply with all development standards for subject zoning district. B. an Accessory Dwelling Unit shall meet the Accessory Structure/Use standards for its applicable zoning district. C. an Accessory Dwelling Unit shall be permitted only in association with and on the same lot as the primary structure and must be consistent with the character and aesthetic of the primary structure. D. an Accessory Dwelling Unit is not allowed on a lot prior to a primary structure being constructed. E. an Accessory Dwelling Unit shall be secondary to the primary structure in height and square footage. F. No mobile home or manufactured home may be used as an Accessory Dwelling Unit. G. Only one Accessory Dwelling Unit is permitted per parcel. H. The primary structure an Accessory Dwelling Unit is located on must be owner-occupied. I. an Accessory Dwelling Unit must connect to public water and sewer or septic. J. an Accessory Dwelling Unit must include a separate entrance, sleeping area, dining area, and bathroom facility as the primary structure. K. Home Occupations are not permitted in an Accessory Dwelling Unit. L. an Accessory Dwelling Unit intended to be used as a Short-term Rental shall receive approval as a Conditional Use.

Nick Creevy- those are the standards we looked through and thought would be appropriate for accessory dwelling units. We do have these come up frequently and asked about frequently and when they come to the BZA, we are often are approving them with conditions. So we are trying to develop some standards so that people would not be required to come in and get special approvals if we are going to be approving them consistently with certain conditions anyways. This is what we developed and wanted feedback and your thoughts. Do we want to these standards at all, do we want them to continue to come through for special exceptions [development standards variance], if not, which standards are appropriate, do we want more or something else? We have this in all residential districts but I would consider only in AR and RR where the property sizes are larger, might be a reasonable restriction and if they wanted to do something in and RS or RU, they would have to come in and get approval. We are looking for feedback. Ultimately, what we're probably going to do is have Staff request to withdrawal this recommendation and pocket it for the unified development code.

Chris Welch- on K, Home Occupations are not permitted in an Accessory Dwelling Unit. So no occupation of business can be ran out of that dwelling but it can out of the personal home.

Nick Creevy- correct.

Mr. Unruh- Larry and I are both on the BZA and we just had one come through in the meeting prior to this. All of them I have been involved in for the past ten years, we've approved them all. I think Staff has identified the things that we add to the stipulation. I think they've done a great job identifying the issues are.

Mr. Creevy- it would be by-right if they meet these standards.

Mr. Bibelhauser- based on what we've done in the past, the very first part of it, it says 'one or more persons'. It always seems to be for a mother or father-in-law or somebody like that, I don't you want 6 people living in an ADU, I'm thinking it should say one or two persons.

Mr. Creevy- I think it gets difficult, what about a mother and a baby. It gets difficult and I think that's where the idea is to limit the space, how much they can have, what's in it.

Mr. Bibelhauser- it don't say anything about square footage here.

Mr. Unruh- it's got to be smaller than the primary

Ms. Anderson- there are two different verbiages for the same thing and it should be the same verbiage. In the definition you use subordinate in size, location, and function but on E you say it shall be secondary to the primary. You're trying to say the same thing twice and I think you need to use the same verbiage and be consistent.

Mr. Lopp- has concerns about later down the road when people want to split and sell property.

Mr. Bibelhauser- on the one we approved tonight, we told them they can't subdivide it off.

Mr. Creevy- you are hitting on one of the issues that we identify. When we approve these for a specific individual and then that individual goes but the structure is still there, how will they reasonably use it, how do we handle that.

Mr. Lopp- that's one concern and the other is septic. You are tapping in…

Mr. Bibelhauser- well the one we had tonight, we told them they have to get approval from the Health Department.

Mr. Lopp- so when you build a place, they say how many bathrooms and how many people live there, then they tell you what kind of septic you're going to have. Years go by and we don't even know what their septic looks like but now we're saying "yeah, go ahead, tap into that". That's counter productive to me.

Mr. Creevy- the health department will still have to approve the additional dwelling unit. We have that it must connect to sewer or septic. You are right, that when they make their initial approval, it's based on the number of bedrooms but they can add additional, a lot of septics have more capacity than what they are initially built with. That would be a requirement that they are on an adequate septic system.

Mr. Unruh- every one that comes up before us, like the guy tonight said "I can't even think about putting my mother-in-law in a nursing home". They give us the story, which is true, they all have the same story and when we approve it, we talk about the same things. And what happens when that person dies and it becomes empty? Probably without us knowing, they're going to rent it, they're probably going to find someone to rent it to, hopefully it's a relative but there's no guarantee it is. I don't know how you police it so you have to say we are never approving one, that's the only way to control it, I don't know any other way you could. If you stipulate that when person leaves and if anyone else other than the original intended person that we should be notified, whoa, I don't that's a thought.

Mr. Lopp- I make the point that you said you approved 10 or 12 and I want to go by the addresses and see what's going on. I'd like to see the structures they put up. You don't have to go very far and there's a bunch of mini homes sitting in back yards, a little bigger than a playhouse.

Mr. Unruh- I don't know how you police it unless you put a condition that if it's no longer occupied by the original intended person than you need additional approval.

Mr. Fox- that would not be something the County wants to get involved in policing.

Mr. Lopp- I'm talking about if stipulations were put on there and people didn't abide by the stipulations, I don't know what happens.

Mr. Creevy- if someone complained, we would investigate it and write a notice of violation if there are any, so yes we would get involved in policing which we don't want to do.

Mr. Unruh- the only other way to do that is if you say every year they send something to the County that is structure is being occupied for the intended use. At some point they are either lying or not sending it in and we have a checklist and call them to ask why they didn't send it in.

Mr. Lopp- how are we taxing that? Is it two houses or one?

Mr. Creevy- the Assessor goes out, I don't know how they assess it.

Mr. Unruh- it's a secondary structure, like a garage. Again, every time we approve one, it's always a hardship situation. Don't want to go to a nursing home, no room in the house. I asked the question tonight if they're putting in an elevator, at least he had the right answer and intent.

Mr. Morris- what size lots are these going on now?

Mr. Creevy- that one was 2 acres, which is our standard AR lot, our largest lot standard. Typically they are in AR and RR, which are larger lots and out of the way.

Mr. Morris- would you look at acreage versus the size of the building, would you do a percentage of the main structure to the secondary structure? Would that simplify it more?

Mr. Creevy- if you are concerned, you would want a minimum square footage, 950 is our minimum. You definitely want it subordinate to the primary structure because you basically get into multi-family if they are the built the same.

Mr. Unruh- the one tonight was in Foxhill Estates, be behind the front of the home, it's going to be a nice structure. There is living space above the garage space. There is a purpose for it.

Mr. Loop- I get it.

Mr. Unruh- sitting in my seat, you either have to take a hardcore 'we're never going to approve one', which I don't know if anyone agrees with that but if you do approve one, they've come up with some guidelines. We are being asked to add to it.

Mr. Creevy- or edit it.

Mr. Welch- at least you get a start.

Mr. Creevy- one of the key things, the use of the property is not substantially different by adding an accessory dwelling unit. It's still residential single family, you could have a secondary but it would be subordinate so it would be one or two other people living in it. You can have the same problem with five people living in a single room single family house, with people coming and going. That same issue…

Mr. Loop- I know where those addresses are.

Mr. Creevy- that same issue is a concern with ADU's as well as single family houses.

Mr. Unruh- Rick, my question for you, if some people have to sign an affidavit stating the intent of the use, most people are honest, at least in their mind they've signed something saying they won't use for anything other than the intent.

Ms. Anderson- what do you do when the property owner vacates and sells it?

Mr. Unruh- then he has to answer it and it goes with the deed.

Mr. Welch- can they subdivide it at that point?

Mr. Creevy- they could only subdivide if it met the standards of a normal lot.

Mr. Bibelhauser- if they are tying into the septic system, they are going to have a problem.

Mr. Creevy- you're right. They could try

Mr. Loop- are we considering this to make it easier on the County or are we considering this because the BZA doesn't want to make the decision? Why don't we just keep it the way it is?

Mr. Creevy- we can but the thought was if we are approving these repeatedly with basically the same standards, why are we asking people to pay $300.00, have a public hearing, do the whole thing if it's basically a…

Mr. Loop- well he said they've only done six of them in ten years so I don't know that it's worth…

Mr. Creevy- I would say that's an under estimation. It's not overly burdensome to Staff but it's kind of a rubber stamp when they come through where if it's for this, this, and this, these are the conditions and it gets approved. Why are we asking property owners to pay this extra and go through the process if it's going to be approved anyway.

Mr. Unruh- I would feel much better if they signed an affidavit. I would feel more comfortable with that than what we're doing now.

Mr. Creevy- when the time comes, whatever provisions we come up with, will come to the Commissioner's for their decision on it as well.

Mr. Welch- at least it gives the guideline and reference to an index

Mr. Creevy- staff is neither for nor against this. This comes up and it's for you all to decide.

Mr. Welch- I think it's needed.

Mr. Brinkworth- I like it.

Ms. Anderson- how are emergency personnel going to distinguish house A or house B in an emergency situation.

Ms. Adams- we can give separate structures separate addresses.

Mr. Brinkworth- just to play devil's advocate on the for side of ADU's. I see more ADU's in the City on smaller lots, with people trying to offset rentals. I think it's great. Affordable housing, you can do this. Out in the County, I see where it might not be looked at that way, where you are actually doing it for in-laws and not necessarily for rentals. I think there is a good safeguard in there, letter H, it has to be owner occupied. Most real estate investors who want to slap an ADU, they can't do it because they don't live there. I think that's a good safeguard.

Mr. Loop- that's a good point, I appreciate that.

Mr. Fox- down the road, it seems like letting the cards fall as it may, in terms of not policing that. It puts a strain on government having to police and going to court has court cost and all that sorts associated with it, it's a drain on local government. I see that every time we pass something and we have to police it.

Mr. Unruh- yep.

Mr. Welch- so Rick, are you saying don't have guidelines?

Mr. Fox- no, this is perfectly fine but the affidavit part, don't do that. It was a great purpose when it was done, now let the new owners take care of it. There is a market out there families that are looking for that same thing. If you get someone that rents it, let them do it. It's difficult to police and a waste of government money. Let the property owners make the decision.

Mr. Welch- it's their property too.

Mr. Unruh- do you think this should be put into Staff…

Mr. Welch- I think so. At least the public has guidelines. Floyd County is already tough enough to get things approved.

Mr. Unruh- by straw vote, it don't mean anything. How many thinks it should stay with the BZA? Or passed on?

Mr. Welch- I think the guidelines should be passed on.

Mr. Brinkworth- I like the guidelines but I think Frank makes some good points on the septic.

Mr. Unruh- that's taken care of in here.

Mr. Loop- let's say I have five acres and I want to put two ADU's…

Mr. Dibaya- you can only have one

Mr. Loop- why not?

Ms. Anderson- it says so in here, it says only one.

Mr. Dibaya- under item G.

Mr. Welch- do you remember one on Buck Creek Road? Clay?

Mr. Unruh- we did a barn in front of the house on Buck Creek Road.

Mr. Bibelhauser- there is nothing in here right now that says it has to be a relative and I don't know if that's what we are wanting. Should it say that the person has to be a relative of the property owner?

Mr. Dibaya- if we don't have an affidavit then it's kinda hard to police. How do we enforce if they are relatives or not?

Mr. Unruh- take it a step further, maybe not an affidavit, but have it on the permit and they sign it.

Mr. Creevy- I think that's one of the issue that we have, restricting the use to relatives is a short term thing. That building is going to be there for years and years.

Mr. Welch- it is called an accessory dwelling unit so if you have guests…

Mr. Dibaya- it could be a son, someone called about their son coming back from university and the son wanted his own living quarters so if we're saying the mother-in-law or widow, it's going to be hard to be able to police that if we say it can only be these kinds of family members.

Mr. Loop- if someone calls you tells you their kid is coming back from college and they don't want to live at home, they need to get their own place and a job.

Mr. Bibelhauser- on H, I understand it's supposed to be primary structure, owner occupied but I don't think it's very clear the way it's written. I would rewrite that a little bit, the primary structure where the accessory structure unit is located must be owner occupied. I would reword that so it's a little more clear. Then on item I, where it's got sewer and septic tank, I would add that requires Floyd County Health Department approval. And item J, since it's a separate structure I think it's redundant to say separate entrance. At one time you said it could be attached but you probably need to remove the word 'entrance' off of J.

Mr. Creevy- it was mentioned a couple of times, I think we want to add some language about the driveway. I think we want a single driveway, we don't want additional drives being added for these.

Mr. Loop- and we decided the primary residence has to be owner occupied?

Mr. Creevy- yes

Mr. Loop- so don't have a bunch of people coming in and just buy a house and build another one next to it.

Mr. Creevy- yes

Mr. Loop- I'm a little more comfortable than the last time we met.

Mr. Welch- well you've got more exposure…

Mr. Loop- of those that don't follow the rules.

Mr. Welch- yes, thank you.

Mr. Creevy- so we have some edits to make. Do we want to table this for revision and bring it back for recommendation or would you prefer if pull back and update it with the UDO update.

Mr. Loop- what is that?

Mr. Creevy- Unified Development Ordinance. We are putting the Subdivision Control Ordinance and the Zoning Ordinance together. With Ray here we have actually been able to progress that again. He had a timeline last meeting.

Mr. Bibelhauser- with as few of these that we have, I would say just put it in with the big change and not make it a separate thing.

Mr. Loop- and that comes before the Commissioners anyhow

Mr. Creevy- yes

Mr. Loop- I'd just do that then

Mr. Creevy- so with that, Staff is going to request that we withdraw that.

Mr. Bibelhauser- I make a motion to withdraw accessory dwelling unit standards.

Motion: Withdraw ADU request
Moved by: Larry Bibelhauser
Seconded by: Frank Loop
Motion passed unanimously.

Mr. Dibaya- went over the definitions of food trucks. Food Trucks are self-propelled, fully licensed motor vehicle or moveable trailer designed and equipped to prepare, cook, serve, or sell food and/or beverages to the public. A food truck may not be permanently affixed to any location or connected to permanent water, sewer or electrical systems. This Food Truck standards section applies to the following districts: NC, GC, HS, OB, and GI. Item A, food trucks must comply with applicable State and Local food safety guidelines and regulations as well as applicable Indiana State Codes regulating mobile food establishments. Item B, food trucks must be located on a lot with an established structure or use. Item C, food trucks shall not be parked overnight at the site or location from which they operate unless

fully screened from view of the right-of-way or in a completely enclosed building. Item D, food trucks must have access to and from the lot which they will be located via a driveway which must be paved. Item E, food trucks must remain operable and mobile at all times and shall not be permanently connected to utilities, foundations, or other structures. Item F, food trucks must not block driveways, fire lanes, sidewalks, or accessible parking spaces. Item G, food truck lighting must be shielded and facing downward. Item H, food trucks shall not operate in any right-of-way. Item I, food trucks operating as part of a County-permitted event are exempt from the above standards but must still meet all local and States food safety guidelines and regulations, as well as all applicable Indiana Code.

Mr. Unruh- the only I would like to add, somewhere it needs to be understandable for the public getting to and from the truck. So they don't put a truck in a parking lot and people are crossing a lane of traffic. They need to put something for safety measures, maybe cones of designated walkway.

Mr. Loop- well they need Commissioners approval to make changes to County or State roads.

Mr. Unruh- no, I don't mean that. I'm saying in a parking lot. Take Highlander Point, you have the main drive through there and you put a food truck and someone walks out in front of a car to get to the truck. It's not a crosswalk.

Ms. Anderson- it's a parking lot and parking lots don't all have crosswalks.

Mr. Unruh- all I'm saying is it needs to be taken in consideration.

Mr. Welch- give me example.

Mr. Dibaya- like a gas station, they park there and people walk up.

Mr. Unruh- just put they need to take in consideration the safety for pedestrian traffic getting to and from it.

Mr. Creevy- the idea of putting together language for food trucks, we've had a couple of different folks that wanted food trucks on vacant lots. We denied them. The realization came that if a food truck was operating anywhere else and parked in a parking lot, do we want to prohibit them from being there. The way we were looking at it is that is a separate use and you have to have a Special Exception for that to prevent them from being on a vacate lot. So we didn't want to prohibit food trucks in the County, we just don't want them using a vacate lot as a place of operation because is doesn't have the necessary parking or amenities to accommodate that. So the idea was how do we put standards together that will allow food trucks to operate in a safe way in the County without them having to get special permits, Special Exceptions, and if it's a situation where they would need that, if they come to a vacate lot.

Ms. Anderson- I think in our definition, we need more to say this is for whatever. When I look at this and you say we are only doing this in NC, GC, HS, OB, and GI, we are prohibiting them from doing business at graduation parties and such that are on public property.

Mr. Creevy- no, these are all commercial districts that these apply to. We have no standards for residential districts.

Ms. Anderson- but looking at this as a lay person, it reads that you're telling me I can only operate my food truck in these districts and I can't do private rentals in a subdivision.

Mr. Creevy- well if it's on someone's private residence they can but not if it's on the street. You can come in and get a temporary use permit.

Mr. Unruh- its private property.

Mr. Welch- so then they don't have to have a permit on private property.

Mr. Creevy- yeah

Mr. Welch- but commercial they do?

Mr. Creevy- they would need a temporary use permit.

Mr. Welch- if they leave it overnight, it has to be fully screened from the right of way.

Mr. Creevy- the idea behind that is a non-permanent use of the site. You cannot park your truck on someone's commercial lot and just leave it there full time.

Mr. Loop- does Greenville has its own planning and zoning?

Mr. Creevy- we are their planning and zoning, we contract with them.

Mr. Loop- because that trailer has not moved in two years, the food truck trailer that sits at the old mini mart.

Mr. Creevy- that would be something that we could regulate given this provision.

Mr. Loop- but right now, we can't?

Mr. Creevy- right now, we would not be able to.

Mr. Unruh- on C, you got to put a max in there or is it covered someplace else? It says no overnight parking unless screened. How many days can they leave it there if it's screened?

Mr. Creevy- if it's fully screened then there is no issue. But if it's screened, it's like having it in a garage. I think we were looking at not creating the situation where a truck is parked permanently and becomes an eyesore. We want brick and mortar restaurants and we don't want food trucks to replace those.

Mr. Brinkworth- so if they are parked there for several days, could they come to you for a special use permit for a few days?

Mr. Creevy- yes, we have Temporary Use permits that are for special events and they are approved at staff level.

Mr. Welch- Dock Seafood parks at the old First Savings Bank in Floyds Knobs. So those are commercial properties, right?

Mr. Loop- you need some place for people to stop and park.

Mr. Creevy- that's the idea of permanet structure, you'll have parking..

Mr. Welch- so all they have to do is get a temporary use

Mr. Creevy- they don't need anything. This eliminates permitting. We don't want to do a bunch or permitting, we want people to be able to operate and know what they're doing without having to contact us and get permits all the time.

Mr. Bibelhauser- so a permit is not required?

Mr. Creevy- just the Health Department as a food vendor.

Mr. Bibelhauser- so the whole purpose of this is if I have a food truck and park it for three days, then you can come out and say you're in violation and have to move.

Mr. Creevy- right. If they leave it there overnight. If they come and go every day, no problem. Most of them don't want to leave it overnight.

Mr. Bibelhauser- they have to dump all their stuff.

Mr. Dibaya- one of the Indiana Administrative codes requires them to dump at a commissary nightly.

Ms. Anderson- so I contradicts F. If trucks must not block driveways, fire lanes, sidewalks or parking but then it's a County event so it's fine. We should hold ourselves to the highest standards.

Mr. Dibaya- you can already do those things in F in general but with I, it's stating you still have to meet local..

Ms. Anderson- no it says you are exempt from the above standards

Mr. Unruh- she's right.

Mr. Dibaya- but must still meet all local and States food safety guidelines and regulations, as well as all applicable Indiana Code. So if the code is stating you can't block.

Ms. Anderson- but it says exempt from the above standards and an above standard is F.

Mr. Dibaya- I can reword it to say it must still meet the standards outlined in F.

Mr. Creevy- Item I would be for a block party or an official event where we close down a right of way or a sidewalk.

Ms. Anderson- need to be more specific on that.

Mr. Loop- I make a motion to withdraw.

Motion: Withdraw food trucks
Moved by: Frank Loop
Seconded by: Chris Welch
Motion passed unanimously.

Motion: Adjourn
Moved by: Frank Loop
Seconded by: Chris Welch
Motion passed unanimously.

Adopted this 10th day of November, 2025

Chairperson

Attest