

Bond Case Briefs

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ZONING - INDIANA

Floyd County v. City of New Albany

Court of Appeals of Indiana - January 16, 2014 - N.E.2d - 2014 WL 172546

City brought declaratory judgment action against county, seeking declaratory judgment as to whether city had zoning jurisdiction over an unincorporated area outside city limits. The Circuit Court granted summary judgment to city. County appealed and city cross-appealed.

The Court of Appeals held that:

- Statutory procedure for a municipality to exercise territorial jurisdiction over an area within two miles of municipal boundary in a county with a population of less than 95,000 and a comprehensive plan, rather than procedure for same that was generally applicable in a county that has a comprehensive plan, applied to determination of whether city located in county of less than 95,000 could exercise zoning jurisdiction over particular area, and
- City's provision of sanitary sewer services and building code inspection and enforcement services to area constituted provision of "municipal services," as would support city's exercise of zoning jurisdiction over area.