

ORIGINAL

ORDINANCE NO. 2022-024

**BEING AN ORDINANCE TO AMEND TEXT OF THE
DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE
REGARDING MINOR CLARIFICATIONS AND CORRECTIONS.**

WHEREAS, the State enabling act for planning and zoning empowers the Board of Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to said ordinances as deemed necessary from time to time; and

WHEREAS, the State enabling act also provides for amendments to the Comprehensive Zoning Ordinances to further promote the health, safety and general welfare; and

WHEREAS, the current provisions require updating or clarification regarding visibility at intersections; uses in the BL Limited Business Zone, BV Variety Business Zone, and IP Industrial Park Zone; performance standards in the IL Limited Industrial Zone and the IP Industrial Park Zone; height of parking lot buffer; height of overall signs and pole signs; number of on-premise signs; name on clustered use signs; and prohibited tree species; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing and, after consideration of the proposed amendments during the hearing, hereby forwards a favorable recommendation (6-0, 3 absent) regarding said amendments to the County Commissioners of Delaware County, Indiana as required by law; and

WHEREAS, the Board of Commissioners of Delaware County, Indiana has given reasonable regard to the Comprehensive Plan, current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Delaware County, Indiana that the text of the Delaware County Comprehensive Zoning Ordinance shall be amended, changed and supplemented as follows:

Section 1. Article IX GENERAL PROVISIONS, Section 11 VISIBILITY AT INTERSECTIONS shall be amended by inserting a new sentence “For Commercial Developments, see Article XXX Section 5.” at the end of the existing paragraph.

Section 2. That Article XIX BL LIMITED BUSINESS ZONE, Section 1 PERMITTED USES, shall be supplemented to include:

16. Mini Warehouses/Enclosed Storage

Section 3. That Article XXI BV VARIETY BUSINESS ZONE, Section 1 PERMITTED USES, shall be supplemented to include:

22. Outdoor storage of boats and RVs

Section 4. That Article XXIII IL LIMITED INDUSTRIAL ZONE, Section 8 PERFORMANCE STANDARDS, E HEIGHT shall be amended to replace the word “provided” with “added to the adjacent setback(s)” so that the last sentence reads as follows:

For each foot of height in excess of twenty-five (25) feet, one (1) additional foot shall be *added to the adjacent setback(s)*.

Section 5. That Article XXV IP INDUSTRIAL PARK ZONE shall be amended by inserting the following provisions:

Section 4 PERMITTED USES

Uses permitted in all Business and Industrial Zones

Section 5 PERFORMANCE STANDARDS

The same performance standards set forth in Article XXIII, Section 8, shall apply to the IP Industrial Park Zone in addition to any applicable plat restrictions.

Section 6. That Article XXX PERFORMANCE STANDARDS, Section 2 PARKING AND LOADING, Subsection C 1. shall be amended to correct the number “four (4)” to “five (5)” to read as follows:

1. Off-street parking facilities shall be opaquely screened from any Residence Zone, or any one or two family dwelling, with a suitable buffer or fence not less than *five (5)* feet in height.

Section 7. That Article XXX PERFORMANCE STANDARDS, Section 3 SIGNS AND OUTDOOR ADVERTISING, Subsection B 8. shall be amended to correct the height from “sixty (60)” to “forty-five (45)” and insert language concerning signs on taller buildings to read as follows:

8. Overall Height: Notwithstanding the provisions of the Ordinance, no sign shall at any point be over *forty-five (45) feet* in height above grade level *unless the sign is located*

on a building that has a maximum permitted building height greater than forty-five (45) feet.

Section 8. That Article XXX PERFORMANCE STANDARDS, Section 3 SIGNS AND OUTDOOR ADVERTISING, Subsection B 11. shall be amended to clarify the location of the permitted signs by deleting the term “per street frontage” from the formula and replacing that term with “shall be permitted on each separate street frontage” to read as follows:

11. Total Number of On-Premise Signs per Property: The total number of on-premise signs for a property having a commercial or industrial use located thereon shall be based on the following formula: Two (2) on-premise signs *shall be permitted on each separate street frontage*. However, where there are multiple uses on a single property, each occupant thereon is permitted a maximum of two (2) on-premise signs.

Section 9. That Article XXX PERFORMANCE STANDARDS, Section 3 SIGNS AND OUTDOOR ADVERTISING, Subsection E 3.b. shall amend the fourth sentence to correct maximum height of a pole sign from sixty (60) feet to forty-five (45) to read as follows:

3. Pole Sign:
 - b. ... No pole sign shall be erected in excess of *forty-five (45)* feet in vertical height or three hundred (300) square feet in area per side. ...

Section 10. That Article XXX PERFORMANCE STANDARDS, Section 3 SIGNS AND OUTDOOR ADVERTISING, Subsection E 8.a. shall be amended to include the word “named” to read as follows:

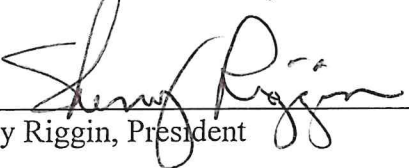
8. Clustered Use Sign:
 - a. Definition: A sign, which identifies by name two or more uses located in a single integrated *named* commercial or industrial development or subdivision. Such signs are designated for identification and locational purposes rather than advertising purposes.

Section 11. That Article XXX PERFORMANCE STANDARDS, Section 5 DEVELOPMENT STANDARDS, Subsection B 5. i. 1) shall amend the fourth sentence to include the word “invasive”, insert the phrase, “and plants included on the Indiana Invasive Species Council’s list of invasive plants, and to minimize redundancy by removing the trees listed in the sentence that are included on the invasive species list to read as follows:

- 1) ... To provide for easier and more cost efficient maintenance, the following trees, which are *invasive*, prone to disease, excessive breakage, and/or other problems, shall not be used and/or planted as a part of any required landscape plan: acer negundo, box elder; acer saccharinum, silver maple; and populus deltoides, cottonwood; *and plants included on the Indiana Invasive Species Council's list of invasive plants.*

Section 12. That this Ordinance to amend is hereby passed by a vote of _____ to _____ by the Board of Commissioners, Delaware County, Indiana this 17 day of October, 2022.

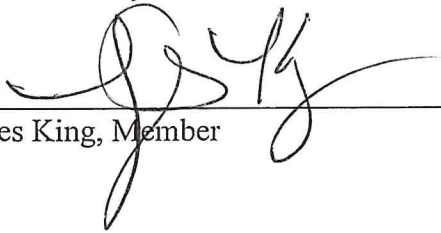
**DELAWARE COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**



Sherry Riggan, President

absent

Shannon Henry, Vice President



James King, Member

ATTEST:



Steven G. Craycraft, Auditor

**REPORT TO THE BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, INDIANA**

October 11th, 2022

To the Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Commissioners:

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on AN ORDINANCE TO AMEND THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE REGARDING MINOR CLARIFICATIONS AND CORRECTIONS.

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission is charged, by state statute, with the preparation of amendments to the zoning ordinance in order to maintain a viable updated ordinance dealing with planning and zoning and said Commission has reviewed, revised and adapted certain standards for Delaware County, Indiana.


WHEREAS, the said Plan Commission initiated a public hearing and, following discussion and the public hearing, a motion was made, seconded and approved to forward a favorable recommendation for the proposed amendment as attached with revisions.

WHEREAS, the said Plan Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development.

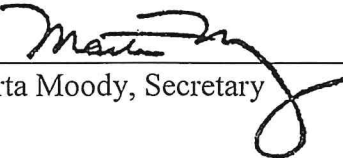
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS** (6-0; 3 absent) the proposed amendment to the Delaware County Comprehensive Zoning Ordinance regarding minor clarifications and corrections as more accurately set forth in the attached Ordinance to Amend.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Allen Wiseley, President



Marta Moody, Secretary