

2011-024

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

July 8th, 2011

ORIGINAL

To the Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:

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 YARDS & STREET WIDENINGS.

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.

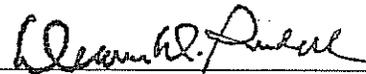
WHEREAS, the said Plan Commission initiated a public hearing and, following discussion and the public hearing, a motion was made, seconded and approved to forward a favorable recommendation for the proposed amendment.

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.

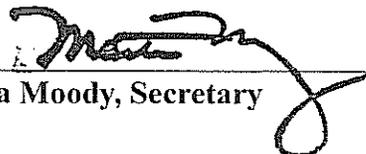
NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS** (7-0) the proposed amendment to the Delaware County Comprehensive Zoning Ordinance regarding yards & street widenings as more accurately set forth in the attached Ordinance to Amend.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

BY:



Deane Rundell, President



Marta Moody, Secretary

**BEING AN ORDINANCE TO AMEND
THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE
REGARDING YARDS & STREET WIDENINGS**

WHEREAS, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to the said ordinance as the need arises; 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, there is a need to clarify an existing provision that was intended to protect, and has been interpreted as protecting, the zoning compliance of yards affected by street widening; and

WHEREAS, language contained in the parking and loading section of the ordinance clarifies this protection and the same should be added to the general provision regarding yards affected by widening; and

WHEREAS, the Board of County 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 County Commissioners of Delaware County, Indiana, that the text of the Delaware County Comprehensive Zoning Ordinance, heretofore adopted on the 11th day of December, 1973, be amended, changed and supplemented as follows:

Section 1. That Article IX, Section 7, YARDS AFFECTED BY STREET WIDENING, of the Delaware County Comprehensive Zoning Ordinance shall be amended by changing the section title to "YARDS AFFECTED BY PUBLIC WORKS" and inserting the following sentence: "Whenever any setback, greenbelt and/or landscaped area, provided to meet the requirements of this Ordinance, is removed by a public works project (i.e. road widening), the property from which the setback, greenbelt and/or landscaped area has been removed shall still be considered in compliance with this Ordinance."

Section 2. That this Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Delaware County, Indiana, and such publication as may be required by law.

Section 3. That this Ordinance is adopted this 1 day of August, 2011.

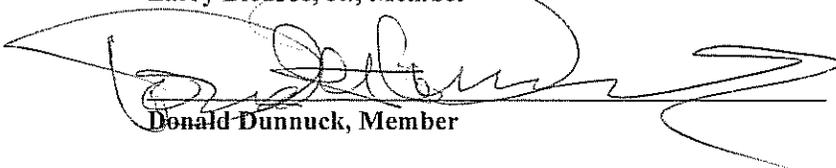
**BOARD OF COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**



Todd Donati, President

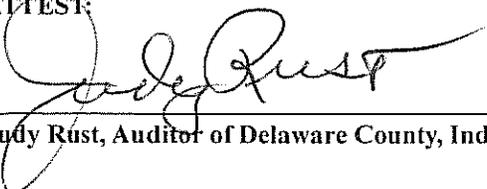
absent

Larry Bledsoe, Jr., Member



Donald Dunnuck, Member

ATTEST:



Judy Rust, Auditor of Delaware County, Indiana