

2019.007

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

February 12th, 2019

**To the Honorable:**

Board of County Commissioners of Delaware County, Indiana

**ORIGINAL**

**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 FEES AND FILINGS.

**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; and

**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; and

**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** (5-0; 4 absent) the proposed amendment to the Delaware County Comprehensive Zoning Ordinance regarding fees and filings as more accurately set forth in the attached Ordinance to Amend.

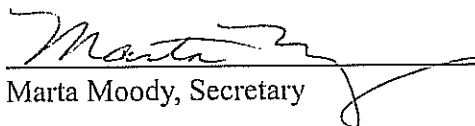
**DATED,** this 12th day of February, 2019.

**DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION**

BY:



Shannon Henry, President



Marta Moody, Secretary

ORDINANCE NO. 2019-007

**BEING AN ORDINANCE TO AMEND THE TEXT OF  
THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE  
REGARDING FEES AND FILINGS**

**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**, there is currently only one newspaper of general circulation in Delaware County; and

**WHEREAS**, the Delaware-Muncie Metropolitan Plan Commission (DMMPC) acknowledges that changes at the local newspaper have resulted in difficulties concerning the publication of public notice and that it will be more reliable to have the DMMPC to cause the notice of public hearing to be published in the newspaper and bear the expense involved in doing so; and

**WHEREAS**, the DMMPC acknowledges that in order to bear the expense of the public notice it is appropriate adjust the fee schedule; and

**WHEREAS**, the DMMPC recommends removing the filing fee schedule from the Ordinances and establish a uniform schedule of fees by resolution in order to allow adjustments to the fee schedule as needed; 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.** That Article XXXII ADMINISTRATION, Section 1 General shall be recodified with the existing text placed under subsection A PURPOSE and amended to include a new subsection that will read as follows:

**B FILING FEES**

The Plan Commission shall establish a schedule of fees for the filing of matters that come before the MPC, BZA, and any other matter that have to be processed through the DMMPC in order to carry out the provisions of this ordinance.

**Section 2.** That Article XXXII ADMINISTRATION, Section 3 ADMINISTRATIVE ZONING OFFICER subsection G 1. APPLICATION FEES shall be removed and the section recodified. Text to be removed:

1. APPLICATION FEES

Applicants filing for changes in zoning, appeals and/or review of shopping center plans shall be required to pay a filing fee in accordance with the following schedule:

Changes in Zoning \$100.00

Appeals from Decision of Zoning Administrator \$100.00

Appeals for a Variance \$100.00

Appeals for Special Use to allow Mineral Extractions, Salvage yards, Refuse Disposal Sites, and Planned Unit Developments \$100.00

Appeals for Special Use other than those listed above \$100.00

Review of Shopping Center Plans \$200.00

**Section 3.** That Article XXXII ADMINISTRATION, Section 4 METROPOLITAN PLAN COMMISSION subsection C FILING shall be amended to read as follows:

Any persons seeking a change in zone shall make application for such change with the Delaware-Muncie Metropolitan Plan Commission in forms prepared for the purpose. The Commission may set the number of copies to be submitted and shall adjust each and every application to its regular schedule. The Commission shall hold a public hearing on the proposed change in zone or amendment, giving public notice in at least ~~two (2) newspapers~~ *one (1) newspaper* of general circulation in Delaware County. The notice shall state the date and time of the hearing; the description of the change; and the exact location of the property involved. The notice shall appear in the ~~newspapers~~ *newspaper* at least ten (10) days prior to the date of the public hearing. ~~The proponent of a zone change shall cause the notice of public hearing to be published in the newspapers and shall bear the expense involved in so doing. He~~ *The proponent* shall also submit a complete list of all surrounding property owners within a three hundred (300) foot radius of the property with the necessary postage to cause the mailing of notices to such owners, except where a three hundred (300) feet radius would include only the immediately abutting properties, irrespective of public ways, the owners of the properties adjoining the immediately abutting properties, in an east, west, north and south direction, shall also be notified.

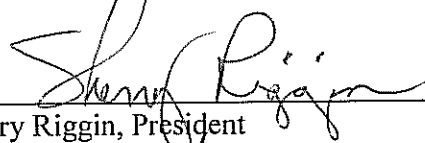
**Section 4.** That Article XXXII ADMINISTRATION, Section 5 METROPOLITAN BOARD OF ZONING APPEALS subsection C HEARINGS shall be amended so that the first paragraph shall read as follows:

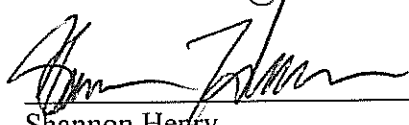
All appeals shall be subject to public hearing. Prior to any public hearing an appeal shall be filed with the board in forms supplied by it and in full compliance with established schedules and procedures. The Board shall give notice of the hearing in at least ~~two (2) newspapers~~ *one (1) newspaper* of general circulation in the County of Delaware, Indiana, at least ten (10) days in advance of the hearing. ~~The appellant shall cause the notice of public hearing to be published as required and shall bear the expense involved in so doing.~~ *The appellant* shall submit a complete list of all surrounding property owners within a three hundred (300) foot radius of the property with the necessary postage to satisfy the mailing of notices to such owners and, where a three hundred (300) feet radius would include only the immediately abutting properties, irrespective of public ways, the owners of the properties adjoining the immediately abutting properties, in an east, west, north and south direction, shall also be notified.

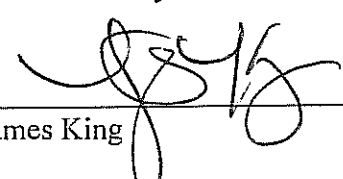
**Section 5.** That this Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Delaware County, Indiana, and such publication as may be required by law.

**Section 6.** That this Ordinance is adopted this 19 day of February 2019.

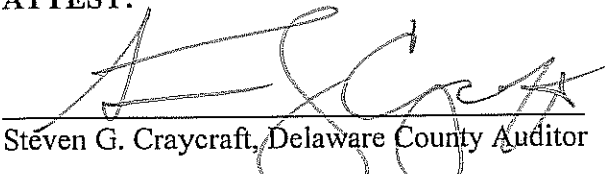
**DELAWARE COUNTY COMMISSIONERS  
DELAWARE COUNTY, INDIANA**

  
\_\_\_\_\_  
Sherry Riggins, President

  
\_\_\_\_\_  
Shannon Henry

  
\_\_\_\_\_  
James King

**ATTEST:**

  
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Steven G. Craycraft, Delaware County Auditor