

ORIGINAL

**BEING AN ORDINANCE TO AMEND THE TEXT OF
THE SUBDIVISION ORDINANCE OF DELAWARE COUNTY, INDIANA REGARDING
PROCEDURES FOR MINOR PLATS, NOTICE AND MINOR TRANSFERS OF PROPERTY**

WHEREAS, the State enabling act for planning and zoning empowers the Board of Commissioners of Delaware County, Indiana to adopt a Subdivision Control 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 further promote the public health, safety and general welfare; and

WHEREAS, the current provisions require updating or clarification; 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 (5-0; 4 absent) regarding said amendment to the County Commissioners of Delaware County, Indiana, all 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 Subdivision Control Ordinance shall be amended, changed and supplemented as follows:

Section 1. That Article XVIII DEFINITIONS of the Subdivision Ordinance of Delaware County, Indiana, shall be amended and supplemented by inserting the following sentence at the end of Section 28. SUBDIVISION, Subsection A.: "The sale or exchange of small parcels of land to or between adjoining property owners or the sale or exchange of a part or parts of adjoining lots within a platted subdivision, where such sales or exchanges do not create additional lots or building sites, shall not be considered a subdivision for the purpose of this Ordinance."

Section 2. That Article XIV PROCEDURE, Section 2. PRELIMINARY PLAN, Subsection F of the Subdivision Ordinance of Delaware County, Indiana, shall be amended by deleting the phrase "in at least one (1) newspaper of local circulation at least fifteen (15) days prior to the date of the hearing" and replacing it with the phrase "in accordance with state law".


Section 3. That Article XIV PROCEDURE shall be amended and supplemented by adding a Section 4 at the end as follows:

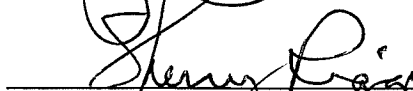
SECTION 4. MINOR PLATS

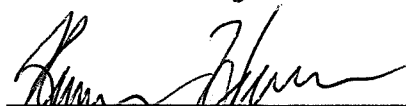
- A. The Commission's Plat Committee, in addition to approving final plats and replats, may grant primary approval of a subdivision of land that:
1. Does not involve the opening of a new public way;
 2. Does not create more than four (4) lots;
 3. Complies in all applicable respects with this Subdivision Ordinance; and
 4. Complies in all applicable respects with the Delaware County Comprehensive Zoning Ordinance.
- B. The petitioner shall refer to the application packet to determine the format and number of copies to be filed with the Plan Commission Office. The filing fee shall be the same as for a final plat.
- C. The Plat Committee may approve the minor plat; approve the minor plat with conditions and/or modifications; deny the minor plat; or continue the minor plat. If denied, the petitioner may appeal to the Plan Commission under established schedules.
- D. A public hearing before the Plat Committee is not required. Within five (5) days after primary approval of a minor plat, the Plan Commission Office shall provide for due notice to adjoining property owners, as interested parties, by mailing notice of the approval and of their right to appeal. An interested party may appeal the Plat Committee approval to the Plan Commission by filing a Notice of Appeal with the Plan Commission Office not more than five (5) days after the Plan Commission Office has mailed a copy of the Plat Committee's action to the interested party.
- E. If no appeal is filed, and the minor plat has met all conditions of approval, the Plan Commission staff shall give an administrative secondary approval to the minor plat, affix the signatures of the Commission's President and Secretary, and forward signed copies to the petitioner for recording.

Section 4. That this Ordinance to amend is hereby passed by a vote of 3 to 0 by the Board of Commissioners, Delaware County, Indiana this 5 day of February, 2018.


**DELAWARE COUNTY COMMISSIONERS
DELAWARE COUNTY, INDIANA**


James King, President


Sherry Riffin, Vice President


Shannon Henry, Member

ATTEST:


Steven G. Craycraft, Delaware County Auditor