

ORIGINAL

ORDINANCE NO. 2020-009

**BEING AN ORDINANCE TO AMEND
THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE
REGARDING FAMILY CEMETERIES AND AGRITOURISM**

WHEREAS, the State enabling act for planning and zoning empowers the Board of County Commissioners of Delaware County, Indiana, as the legislative body, to adopt zoning ordinances and the State enabling act also provides for amendments to a zoning ordinance from time to time as deemed necessary to further promote the health, safety and general welfare; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing for consideration of the proposed amendment and, on motion duly made, seconded and unanimously approved, forwards a favorable recommendation regarding said amendment to the County, all as required by law; 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 the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

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

Section 1. That ARTICLE XII F FARMING ZONE, Section 1 PERMITTED USES, Item 9 shall be supplemented and amended by adding the phrase “except for family cemeteries where there shall be no minimum area requirement” so that Item 9 will read as follows:

9. Mausoleums and cemeteries. No building shall be closer than two hundred (200) feet to any residence, school, church, hospital or institution for human care. The site for a cemetery shall be not less than ten (10) acres in area except for non-commercial family cemeteries where there shall be no minimum area requirement.

Section 2. That ARTICLE XII F FARMING ZONE, Section 1 PERMITTED USES, shall be supplemented and amended by adding two new permitted uses as follows:

19. Educational tours and field trips.

20. Temporary seasonal agritourism operations, such as but not limited to corn mazes/crop art, U-pick/cut-your own Christmas tree/pumpkin patch type operations, and hay rides, when registered

with the Board of Commissioners of Delaware County, Indiana, subject to any standards imposed by such registration and providing designated off-road parking areas.

Section 3. That ARTICLE XXXIII DEFINITIONS, Section 2 TERMS AND MEANING shall be supplemented and amended, with appropriate recodification, by alphabetically inserting a new definition as follows:

13. Agritourism: Any income-generating activity conducted on a working farm or ranch for the enjoyment and education of visitors related to the promotion of the working agricultural operation that directly supports the agricultural use of the property. It includes the interpretation of natural, cultural, historic, and environmental assets of the land and the people working on it. Agritourism does not include weddings or other commercial events that are not related to the promotion of the working agricultural operation.

Section 4. That this Ordinance shall be in full force and effect from and after its adoption and such publication as required by law.

Section 5. This Ordinance is adopted this 20 day of July, 2020.

**BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA**

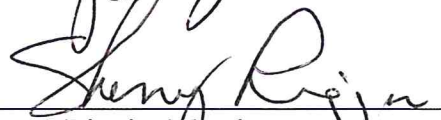
BY:



Shannon Henry, President




James King, Member



Sherry Riggan, Member

ATTEST:



Steven G. Craycraft, Auditor
Delaware County, Indiana

Donna Patterson
Auditor Deputy