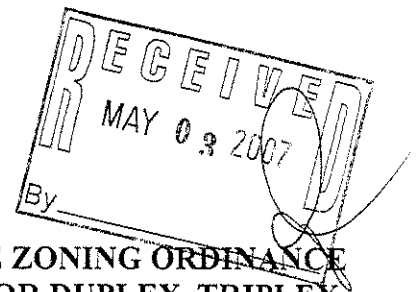


ORIGINAL

ORDINANCE NO. 2007-010



**BEING AN ORDINANCE TO AMEND
THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE
REGARDING NEW ZONE CATEGORIES OF R-2A AND R-4A FOR DUPLEX, TRIPLEX
AND QUADRIplex DEVELOPMENTS**

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 ordinance as deemed necessary from time to time; and

WHEREAS, the current residential zone categories were established in 1973 and included only one category for all non-single family development so that a duplex and an apartment complex would fall into the same category with no recognition of the differences between the non-single family uses in terms of character, density and impact to the area; and

WHEREAS, a new residential zone was added to the City of Muncie Comprehensive Zoning Ordinance, for similar reasons, to create a category for duplexes and triplexes, separate from higher density multi-family development; and

WHEREAS, the Comprehensive Plan promotes higher density development in order to preserve farmland and open space while still protecting existing single-family neighborhoods which could be achieved through the use of specific zones for 2, 3 and 4 family structures as opposed to a single zone that does not limit the number of dwelling units per parcel; and

WHEREAS, the Delaware-Muncie Metropolitan Plan Commission has held a public hearing with due notice as required by law, and returned a favorable recommendation to incorporate an R-2A Residence Zone and an R-4A Residence Zone into the Delaware County Comprehensive Zoning Ordinance; 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 the 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, heretofore adopted on the 11th day of December, 1973, be amended, changed and supplemented to create three new zone categories as follows:

Section 1. That a new Article XIV-A shall be inserted following Article XIV, as follows:

ARTICLE XIV-A R-2A RESIDENCE ZONE

ARTICLE XIV-A

Section 1 USAGE PROVISIONS

A PERMITTED USES

No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for the following uses:

1. Single-family dwellings.
2. Duplexes intended for two single families to reside in the same structure with separate entrances.
3. Buildings or structures owned, leased or used by a municipal, township, county, State or Federal government.
4. Religious institutions.
5. Public schools, colleges, universities, nursery schools, child care facilities when licensed through the State as home day care, all subject to the standards contained in this ordinance.
6. Outdoor advertising as regulated in this Ordinance.
7. Temporary buildings used during the construction of homes in a subdivision, including storage or lumber and building materials for a period not to exceed the duration of such construction.

B SPECIAL USES

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures set forth in Article XXXI, Section 2 (A), and subject to the meeting the standards set forth in Article XXXI as specified herein.

1. Country clubs; golf courses; driving tees; miniature golf when part of a country club, all when located at least two hundred (200) feet from a residence and provided they comply with the standards set forth in Article XXXI, Section 2 (B).
2. Hospitals provided that no building or structure shall be located less than two hundred (200) feet from a residence, school, or church and that the premises upon which they are built shall be not less than ten (10) acres in area, and provided they comply with the standards set forth in Article XXI, Section 2 (B).
3. Charitable institutions; private clubs, all provided they comply with the standards set forth in Article XXXI, Section 2 (B).
4. Mausoleums and cemeteries, provided that no building shall be closer than two hundred (200) feet from a residence, school, church, hospital or institution for human care and that the site shall be not less than ten (10) acres in area, and provided they comply with the standards set forth in Article XXXI, Section 2 (B).
5. Home occupations, provided they comply with the standards set forth in Article XXXI, Section 8.
6. Planned Unit Development (PUD).

ARTICLE XIV-A

Section 2 LOT WIDTH AND AREA

The width of a lot shall be not less than one hundred (100) feet at the building lines. The area of a lot shall be not less than fifteen thousand (15,000) square feet, exclusive of rights-of-way. Whenever public sewer and water facilities are not available to a lot and no unit sanitary sewer is available, the width of a lot shall be not less than one hundred (150) feet and the area not less than twenty-five thousand (25,000) square feet, exclusive of rights-of-way. In areas not served by public or other approved community water and/or sewage facilities, the minimum lot areas required by these regulations shall be increased to include any additional area deemed necessary by the State or County Boards of Health to insure safe water supply and/or adequate sewage disposal.

ARTICLE XIV-A

Section 3 FRONT YARD

There shall be a front yard of not less than thirty (30) feet in depth measured from the right-of-way line to the front of the building.

ARTICLE XIV-A

Section 4 SIDE YARD

There shall be two (2) side yards, each not less than ten (10) feet in width measured at right angles to the side lot line.

ARTICLE XIV-A

Section 5 REAR YARD

There shall be a rear yard of thirty (30) feet in depth measured at right angles to the rear lot line.

ARTICLE XIV-A

Section 6 HEIGHT

No building or structure shall exceed two and one-half (2 ½) stories or thirty (30) feet in height.

ARTICLE XIV-A

Section 7 MINIMUM FLOOR AREA

The minimum floor area of any dwelling shall be not less than seven hundred fifty (750) square feet, exclusive of garages, carports, open porches and breezeways.

Section 2. That a new Article XVI-A shall be inserted following Article XVI, as follows:

ARTICLE XVI-A R-4A RESIDENCE ZONE

ARTICLE XVI-A

Section 1 USAGE PROVISIONS

A PERMITTED USES

No building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained except for the following uses:

1. Single-family dwellings.
2. Duplexes, triplexes, and quadriplexes intended for two, three and four family dwelling units, respectively, with separate entrances for each, provided that each unit is serviced by public sewer and water facilities.
3. Buildings or structures owned, leased or used by municipal, township, County, State or Federal governments.
4. Religious institutions.
5. Public schools, colleges, universities, nursery schools, child care facilities when licensed through the State as home day care, all subject to the standards contained in this ordinance.
6. Outdoor advertising as regulated in this Ordinance.
7. Temporary buildings used during the construction of homes in subdivisions, including storage of lumber and building materials for a period not to exceed the duration of such construction. No storage of any construction materials shall occur in the open. No building or structure used for storage of lumber and building materials shall be closer to any residence than one hundred (100) feet.

B SPECIAL USES

The following uses shall be allowed when approved by the Delaware-Muncie Metropolitan Board of Zoning Appeals under the established procedures set forth in Article XXXI, Section 2(A), and subject to meeting the standards set forth in Article XXXI as specified herein:

1. Country clubs; golf courses; driving tees; miniature golf when part of a country club, all when located at least two hundred (200) feet from a residence and provided they comply with the standards set forth in Article XXXI, Section 2 (B).
2. Hospitals provided that no building or structure shall be located less than two hundred (200) feet from a residence, school, or church and that the premises upon which they are built shall be not less than ten (10) acres in area, and provided they comply with the standards set forth in Article XXXI, Section 2 (B).
3. Charitable institutions; private clubs, all provided they comply with the standards set forth in Article XXXI, Section 2 (B).
4. Mausoleums and cemeteries, provided that no building shall be closer than two hundred (200) feet from a residence, school, church, hospital or institution for human care and that the site shall be not less than ten (10) acres in area, and provided they comply with the standards set forth in Article XXXI, Section 8.
5. Home occupations, provided they comply with the standards set forth in Article XXXI, Section 8.

7. Planned Unit Development (PUD)

ARTICLE XVI-A

Section 2 LOT WIDTH AND AREA

The width of a lot shall be not less than one hundred (100) feet measured at the building line. The area of a lot shall be on a per dwelling unit basis as follows:

USE	WIDTH	AREA
1 unit	100'	6,250
2 units	100'	11,000
3 units	100'	15,000
4 units	100'	18,000

ARTICLE XVI-A

Section 3 FRONT YARD

There shall be a front yard of not less than twenty five (25) feet in depth measured from the right-of-way line to the front wall of the building.

ARTICLE XVI-A

Section 4 SIDE YARD

There shall be two (2) side yards, each not less than fifteen (15) feet in width measured at right angles to the side lot line.

ARTICLE XVI-A

Section 5 REAR YARD

There shall be a rear yard of thirty (30) feet in depth measured at right angles to the rear lot line.

ARTICLE XVI-A

Section 6 HEIGHT

No building or structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height.

ARTICLE XVI-A

Section 7 MINIMUM FLOOR AREA

The minimum floor area of any dwelling shall be not less than seven hundred twenty (720) square feet, exclusive of porches, garages, carports and breezeways.

Section 3. That Article IX, Section 3 YARDS: LOT COVERAGE should be supplemented by including the R-2A and R-4A Zones as follows:

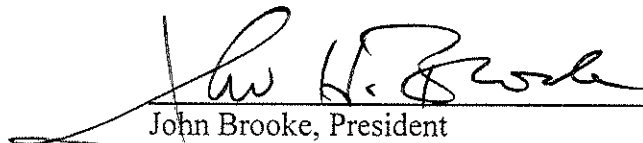
R-1, R-2 and R-2A Residence Zones – 35% lot coverage
R-3, R-4 and R-4A Residence Zone – 40% lot coverage
R-5 Residence Zone – 50% lot coverage

APPLICABILITY. The Development Standards contained in this Section shall apply to all development other than one-and-two family residential and agricultural use. No new building or be placed every 50 feet.

Section 8. That this Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of Delaware County, Indiana, and such publication as required by law.

Section 9. That this Ordinance to amend is hereby passed by a vote of ___ to ___ by the Board of Commissioners, Delaware County, Indiana, this 21 day of May, 2007.

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



John Brooke, President

Tom Bennington, Member



Larry Bledsoe, Member

ATTEST:



Judy Rust, Delaware County Auditor