

ORIGINAL

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

DATE: June 5, 2009

To the Honorable:

Board of County Commissioners of Delaware County, Indiana

Dear Board Members:

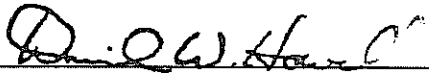
The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on AN ORDINANCE TO AMEND THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE REGARDING ESSENTIAL SERVICES & PUBLIC UTILITIES.

WHEREAS, the 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 the jurisdiction; and responsible growth and development.


NOW, THEREFORE, the Delaware-Muncie Metropolitan Plan Commission **FAVORABLY RECOMMENDED (7-0)** the proposed Ordinance to Amend.

**DELAWARE-MUNCIE METROPOLITAN
PLAN COMMISSION**

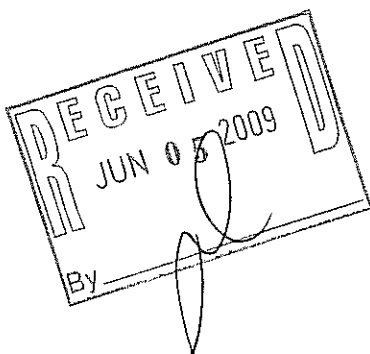
BY:



President



Secretary



ORDINANCE NO. 2009- 026

**BEING AN ORDINANCE TO AMEND
THE TEXT OF THE DELAWARE COUNTY COMPREHENSIVE ZONING ORDINANCE
REGARDING ESSENTIAL SERVICES & PUBLIC UTILITIES**

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 said ordinance as deemed necessary from time to time; and

WHEREAS, the State enabling act also provides for amendments to the comprehensive zoning ordinance 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 with due notice as required by law, for consideration of proposed amendments and favorably recommends (7-0) said amendments to the Board of Commissioners of Delaware County, Indiana.

WHEREAS, the Board of Commissioners 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 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 as follows:

Section 1. That Article XXVI-A, Section 10, ESSENTIAL SERVICES of the Delaware County Comprehensive Zoning Ordinance shall be amended by deleting the phrase “but not including building and/or public utility substations” following the words “transmission facilities” so that the amended provision shall read as follows:

ARTICLE XXVI-A ESSENTIAL SERVICES

Section 10

The provision of this Recreation and Conservation Zone shall not be construed to limit or interfere with the construction, installation or maintenance of public utility transmission facilities. Underground use is encouraged; overhead use is discouraged.

Section 2. That Article IX, Section 6, PUBLIC UTILITIES of the Delaware County Comprehensive Zoning Ordinance be amended by deleting the existing text which reads as follows: “The provisions of this Ordinance shall not be construed to limit or interfere with the construction, installation and maintenance of public utility transmission facilities.”, and by inserting the following new provisions:

ARTICLE IX PUBLIC UTILITIES

Section 6

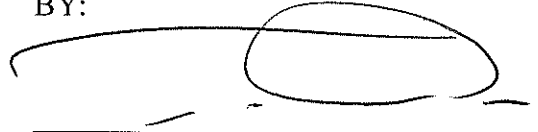
The provisions of this Ordinance shall not be construed to limit or interfere with the construction, installation and maintenance of public utility transmission facilities subject to the following:

1. Aboveground utility structures shall be located at least ten (10) feet from a fire hydrant, shall not adversely impact the line of sight for any driveway, shall be placed in compliance with the provisions for visibility at intersections, and shall not interfere with another utility's access to, maintenance of or operation of its facilities.
2. For aboveground utility structures greater than three (3) feet in height and nine (9) cubic feet in volume, where practical and useful to ameliorate the aesthetic impact of the utility structure the City or County may require that the utility company screen the utility structure with plantings, landscaping materials, fences, walls or any combination of these methods. Screening, if required, must be equally effective in all seasons. Screening shall not be required in the F Farming Zone.

All enclosed utility buildings shall comply with the Development Standards set forth in Article XXX and the setbacks contained in the underlying zone.

Section 3. That this Ordinance is adopted this 15 day of JUNE, 2009

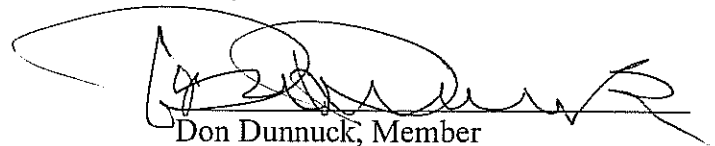
BOARD OF COMMISSIONERS
DELAWARE COUNTY, INDIANA
BY:



Todd Donati, President

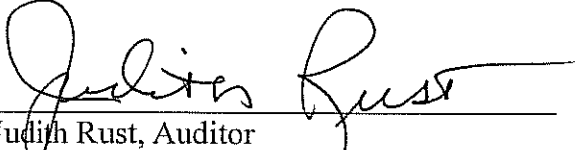


Larry W. Bledsoe, Jr., Vice President



Don Dunnuck, Member

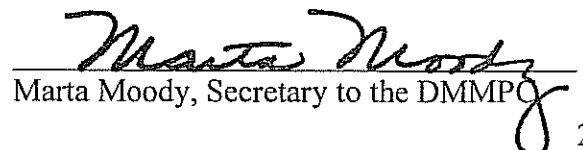
ATTEST:



Judith Rust, Auditor
Delaware County, Indiana

Presented us in regular session this 4th day of June, 2009 and by us favorably recommended (7-0) this 4th day of June, 2009.

DELAWARE-MUNCIE
METROPOLITAN PLAN COMMISSION



Marta Moody, Secretary to the DMMP