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RESOLUTION: 2023 – R – 11 ORDINANCE: UDO – 84 AN ORDINANCE AMENDING THE DEKALB COUNTY UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, The General Assembly of the State of Indiana granted powers to the counties to adopt unified development ordinances for their jurisdiction according to IC 36-7-4-600 series; and

WHEREAS, The County of DeKalb, Indiana adopted the DeKalb County Unified Development Ordinance which became effective on January 1, 2009, and has had subsequent amendments to the DeKalb County Unified Development Ordinance; and

WHEREAS, The General Assembly of the State of Indiana granted powers to counties to amend the text of an adopted unified development ordinance according to IC 36-7-4-602 (b), and Section 9.05 of the DeKalb County Unified Development Ordinance allows for the amendment of said Ordinance; and

WHEREAS, The DeKalb County Plan Commission held a public hearing on June 21,2023, on the proposed textual amendments to the DeKalb County Unified Development Ordinance regarding revisions to:

Article 2, Section 2.03: A1 District Intent, Permitted Uses & Special Exception Uses;

Article 2, Section 2.04: A1 District Development Standards;

Article 2, Section 2.06: A2 District Development Standards;

Article 6, 6.01: Subdivision Introduction, Design Standards Overview;

Article 6, 6.02: Subdivision Introduction, Prerequisite Zoning;

Article 6, 6.03: Conservation Agriculture Subdivision Intent;

6.04: Conservation Agriculture Subdivision Features;

6.05: Conservation Agriculture Subdivision Standards and Effects on Development Standards;

Article 6, 6.06: Minor Subdivision Intent;

6.07: Minor Subdivision Features;

6.08: Minor Subdivision Standards and Effects on Development Standards;

and all other related sections, if applicable;

WHEREAS, The DeKalb County Plan Commission did send a <u>favorable</u> recommendation for the text amendments to the DeKalb County Board of Commissioners; and

WHEREAS, The DeKalb County Board of Commissioners believes there is merit in amending the Ordinance, in order to promote the public health, safety, comfort, morals, convenience and general welfare of the community; now therefore, be it

ORDAINED by the DeKalb County Board of Commissioners of DeKalb County, Indiana, as follows:

SECTION 1: That the DeKalb County Unified Development Ordinance be amended according to the amendments, as follows:



Conservation Agricultural (A1) District



2.03 A1 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A1 (Conservation Agricultural) District is intended to be used as follows:

Use Type and Intensity
agricultural operations

Application of Zoning District existing agricultural land

Development Standards

recognize the need for strict development standards to maximize protection of agricultural practices

Appropriate Adjacent Zoning Districts

 OP, A1, A2, A3, A4, RE, R1, R2, R3, M1, M2, IN, AP1, AP2, and AP3

Plan Commission

- should use this zoning district for existing developments
- strive to protect these areas from residential, commercial, and industrial encroachment

Board of Zoning Appeals

 aggressively protect the integrity of these agricultural areas

Permitted Uses

Accessory Permitted Uses

home based business

Agricultural Permitted Uses

agricultural crop production

- confined feeding operation up to two (2) times Indiana Department of Environmental Management CAFO numbers
- · orchard
- · raising of farm animals
- · sale of agricultural product
- · storage buildings: agricultural
- · storage of agricultural product
- tree farm

Industrial Permitted Uses

· telecommunication facility

Residential Permitted Uses

- · child care, home
- dwelling, manufactured home
- dwelling, single family
- farmstead
- storage buildings: private, nonaccessory

PROPOSED VIS

Special Exception Uses

Accessory Special Exception Uses dependent housing

Agricultural Special Exception Uses stable, commercial

Commercial Special Exception Uses

· wind energy system

Industrial Special Exception Uses
• gravel/sand processing

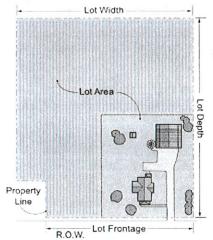
Residential Special Exception Uses

- · dwelling, manufactured home
- dwelling, single family
- · fair housing facility (small)

Article

Conservation Agricultural (A1) District

2.04 A1 District Development Standards



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Minimum Lot Area:

- 2 net acres (not including any dedicated rights-of-way and recorded easements)
- 1 acre if connected to municipal sanitary sewer

Minimum Lot Width:

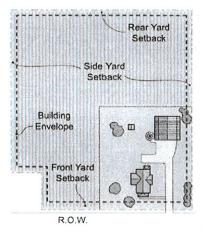
· 160 feet

Minimum Lot Frontage:

120 feet

<u>OR</u>

 40 feet if the lot or lots are designed to conserve land used for agricultural crop production



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Minimum Front Yard Setback:

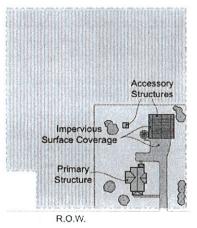
 50 feet for primary and accessory structures

Minimum Side Yard Setback:

- 30 feet for primary structures
- 10 feet for accessory structures

Minimum Rear Yard Setback:

- 30 feet for primary structures
- 10 feet for accessory structures



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Maximum Impervious Surface Coverage:

· 15% of the lot area

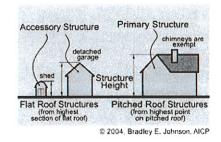
Minimum Dwelling Size:

• 1,200 square feet

Maximum Primary Structures:

· One

PROPOSED AMENDMENTS



Maximum Structure Height:

- · 40 feet for the primary structure
- 30 feet for accessory structure

Accessory Structure (AS) AS-01 Page 5-4	Parking (PK) • PK-04 Page 5-30	Vision Clearance (VC) • VC-01 Page 5-56
Entrance and Drive (ED) • ED-01 Page 5-7	Public Improvement (PI)	
Environmental (EN) • EN-01 Page 5-9	Recreational Pond (RP) RP-01 Page 5-41	
Fences and Walls (FW) FW-01Page 5-10	Setback (SB) • SB-01 Page 5-42	
Floor Area (FA) • FA-01Page 5-15	Sewer and Water (SW) SW-01 Page 5-43	
Height (HT) • HT-01 Page 5-16	Sign (SI) • SI-01 Page 5-46	
Home Based Bus. (HO) HO-01Page 5-17	SI-02 Page 5-47 Special Exception Use (SE)	
Landscaping (LA) • LA-01 Page 5-20	SE-01 Page 5-49 Structure Quantity (SQ)	
Lighting (LT) • LT-01 Page 5-24	• SQ-01Page 5-50 Temporary Uses (TU)	
Lot (LO) • LO-01 Page 5-27	• TU-01 Page 5-54 • TU-02 Page 5-54	

2.05 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent

The A2 (Agricultural) District is intended to be used as follows:

Use Type and Intensity

 agriculture operations, ag-businesses (year-round), and year-round sales of produce and products

Application of Zoning District

existing agricultural land

Development Standards

 recognize the need for reasonable development standards to maximize protection of agricultural practices

Appropriate Adjacent Zoning Districts

OP, A1, A2, A3, A4, RE, R1, R2, R3, M1,
 M2, IN, C1, I1, I2, I3, AP1, AP2, and AP3

Plan Commission

 should use this zoning district for existing agricultural areas and carefully for new residential development

Board of Zoning Appeals

 allow a special exception when it does not adversely affect adjacent properties

Permitted Uses

Accessory Permitted Uses

· home based business

Agricultural Permitted Uses

agricultural crop production

 confined feeding operation - up to two (2) times Indiana Department of Environmental Management CAFO

· orchard

raising of farm animals

· stroage buildings: agricultural

storage of agricultural product

· tree farm

Industrial Permitted Uses

• telecommunication facility

Institutional Permitted Uses

· police, fire or rescue station

Residential Permitted Uses

· child care, home

dwelling, manufactured home

· dwelling, single-family

· fair housing facility (small)

farmstead

 storage buildings: private, nonaccessory

> PROPOSED AMENDMENTS

Special Exception Uses

Accessory Special Exception Uses

· artificial lake (10 or more acres)

· dependent housing

home enterprise

· home workshop

Agricultural Special Exception Uses

sale of agricultural product

stable, commercial

Commercial Special Exception Uses

· camp ground

· day care, adult

· day care, child

· kennel (small)

Industrial Special Exception Uses

composting facility

· gravel/sand processing

Institutional Special Exception Uses

· airport, private

· cemetery/mausoleum

peer counciling center (non-profit)

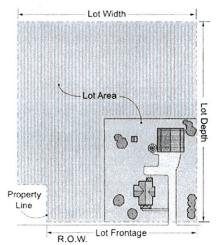
Residential Special Exception Uses

· bed and breakfast

Agricultural (A2) District

Article

2.06 A2 District Development Standards



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Minimum Lot Area:

- · 2 net acres (not including any dedicated rights-of-way and recorded easements)
- · 1 acre if connected to municipal sanitary

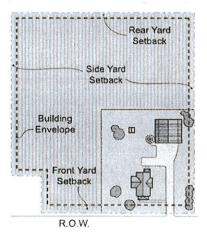
Minimum Lot Width:

· 160 feet

Minimum Lot Frontage:

• 120 feet

· 40 feet if the lot or lots are designed to conserve land used for agricultural crop production



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Minimum Front Yard Setback:

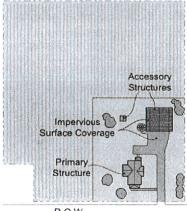
 50 feet for primary and accessory structures

Minimum Side Yard Setback:

- · 30 feet for primary structures
- · 10 feet for accessory structures

Minimum Rear Yard Setback: •30 feet for primary structures

· 10 feet for accessory structures



R.O.W.

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Maximum Impervious Surface Coverage:

· 20% of the lot area

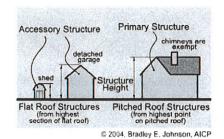
Minimum Dwelling Size:

1,200 square feet

Maximum Primary Structures:

· One

PROPOSED AMENDMENTS



Maximum Structure Height:

- · 40 feet for the primary structure
- · 30 feet for accessory structure

Accessory Structure (AS) AS-01 Page 5-4	Outdoor Storage (OS) OS-01Page 5-28	Temporary Uses (TU) • TU-01 Page 5-54
Entrance and Drive (ED) • ED-01 Page 5-7	Parking (PK) • PK-04 Page 5-31	• TU-02 Page 5-54 Vision Clearance (VC)
Environmental (EN) • EN-01 Page 5-9	Public Improvement (PI) PI-01 Page 5-40	• VC-01 Page 5-56
Fences and Walls (FW) FW-01Page 5-10	RP-01 Page 5-41	
Floor Area (FA) • FA-01Page 5-15	Setback (SB) SB-01 Page 5-42	
Height (HT) • HT-01 Page 5-16	Sewer and Water (SW) SW-01 Page 5-43	
Home Based Bus. (HO) • HO-01Page 5-17	Sign (SI) • SI-01 Page 5-46	
Landscaping (LA) • LA-01Page 5-20	SI-02Page 5-47 Special Exception Use (SE)	
Lighting (LT) • LT-01 Page 5-24	• SE-01 Page 5-49 Structure Quantity (SQ)	
Lot (LO) • LO-01 Page 5-27	• SQ-01 Page 5-50	

Subdivision Introduction

PROPOSED AMENDMENTS



6.01 Design Standards Overview

The below table provides an overview of the major design standards that apply to each type of subdivision. The second table identifies the effect on development standards.

Subdivision Overv	riew							
	Conservation Agriculture Subdivision	Minor Subdivision	Conventional Subdivision	Conservation Subdivision	Traditional Subdivision	Strip Commercial	Commercial District Subdivision	Industrial Park Subdivision
	CA	MN	CV	CS	TD	SC	CM	IP
Minimum Pre- Development Area	N/A	N/A	2 acres	20 acres	40 acres	2 acres	2 acres	2 acres
Maximum Pre- Development Site Area	N/A	N/A	N/A	N/A	200 acres	N/A	N/A	N/A
Maximum Lot Splits from Parent Tract	1 if existing farmstead or 2 if vacant land	3	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Perimeter Landscaping	N/A	N/A	30 feet	50 feet	20 fett	10 feet	10 feet	30 feet
Minimum Open Space	N/A	N/A	15%	35%	15%	8%	10%	12%
Minimum Block Length	N/A	N/A	200 feet	200 feet	200 feet	200 feet	200 feet	200 feet
Maximum Block Length	N/A	N/A	1,320 feet	1,760 feet	1,056 feet	1,000 feet	N/A	1,320 feet
Minimum Cul-de-sac Length	<u>N/A</u>	N/A	150 feet	100 feet	Not Permitted	Not Permitted	Not Permitted	100 feet
Maximum Cul-de- sac Length	N/A	N/A	500 feet	1,000 feet	Not Permitted	Not Permitted	Not Permitted	660 feet
Internal Street Sidewalks	N/A	N/A	Required; 2-Sided	Required. 1- Sided/Optional 2-Sided	Required; 2-Sided	Required; 1- Sided/Optional 2-Sided	Required, 1- Sided/Optional 2-Sided	Required; 1-Sided/ Optional 2-Sided
Perimeter Street Sidewalks/Paths	N/A	When Required	When Required	When Required	When Required	When Required	When Required	When Required
Minimum Right-of-Way on Internal Streets	N/A	N/A	60 feet	54 feet on Main Streets/44 feet on Secondary Streets	56 feet with one parking lane/62 feet with 2 parking lanes	50 feet for pub- lic streets/34 feet for private streets	50 feet for pub- lie streets/34 feet for private streets	60 feet
Maximum Design Speed	N/A	N/A	35 MPH	35 MPH	30 MPH	35 MPH	35 MPH	40 MPH
Minimum Road Width	N/A	N/A	28 feet	22 feet	30 feet	24 feet	24 feet	26 feet
On-Street Parking	N/A	N/A	Required; 1- Sided/ Optional 2-Sided	Not Permitted	Required; 1-Sided/ Optional 2-Sided	Not Permitted	Not Permitted	Not Per- mitted
Minimum Tree Plot Width	N/A	5 feet	5 feet	5 feet	7 feet Residen- tial Areas/0 feet Commercial	5 feet	5 feet	5 feet
Minimum Sidewalk	N/A	4 feet	4 feet	4 feet	5 feet	4 feet	4 feet	4 feet

Subdivision Introduction (continued) AMENDMENTS



Effect on Develop	ment Star	ndards							
	0 0		Conventional Subdivision	Conservation Subdivision	Traditional Subdivision	Strip Commercial	Commercial District Subdivision	Industrial Park Subdivision	
	<u>CA</u>	MN	CV	CS	TD	SC	CM	IP	
Lot Sizes	None	None	None	Reduction of 25%	Reduction of 50-70%	None	None	None	
Front Yard Setbacks	None	None	None	None	Reduction of 75-100%	None	None	None	
Side Yard Setbacks	None	None	None	Reduction of 25%	Reduction of 50% of 5 feet; whichever is greater	None	None	None	
Density	None	None	None	Increase by 10%	Increase by 50%	None	None	None	

6.02 Prerequisite Zoning

The below table identifies the prerequisite zoning necessary to apply for each type of subdivision.

Effect on Devel	opment Stand	ards						r Ar Yuri
	Conservation Agriculture Subdivision	Minor Subdivision	Conventional Subdivision	Consrvation Subdivision	Traditional Subdivision	Strip Commercial	Commercial District Subdivision	Industrial Park Subdivision
	CA	MN	CV	CS	TD	SC	CM	IP
OP		X					and sections (A	AND ALLEYS
Al	X	×						
A2		X						
A3		X						
A4		X						1 3 - 3 - 4 - 4 - 4 - 4 - 4 - 4 - 4 - 4 -
RE		X	X	X				
R1		X	X	X	X		10000000000000000000000000000000000000	180.344
R2		X	X	X	X			
R3		X	X		X			
MI		X	X		X			
M2		X			X			
MP		X						
IN		X			X		X	7 CALL PRI 4 SEL
CI		X		Į	X	Х	X	
C2		X			X	X	X	
C3		X				X	X	
C4		X				X	X	
- 11		X						X
I2		X						X
13		X						X
HI		X					1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	X
API		X						
AP2		X						
AP3		X				X	X	Х

Conservation Agriculture Subdivision (CA)

6.03 Conservation Agriculture Subdivision Intent

The Conservation Agricuture type of subdivision is intended to provide a development option with the following features:

Land Use:

· As per the Unified Development Ordinance

Price Range:

N/A

Open Space:

Blocks:

· N/A

Pedestrian Network: · Sidewalks or side path along perimeter roads when required by Plan

Commission

Vehicular Network

· Assure connectivity to land behind frontage lots

· Assure separation of driveways

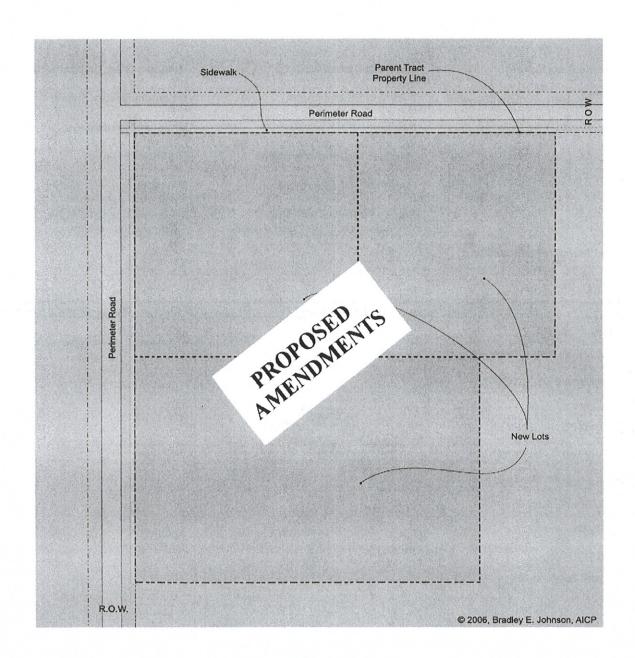
Drainage Network:

Drainage improvements as required by Drainage Board

Site Feature Preservation:

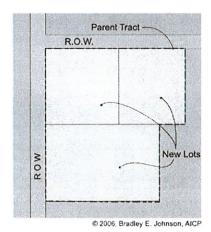
· Strive to save existing tree stands

6.04 Conservation Agriculture Subdivision Features



Conservation Agriculture Subdivision (CA)

6.05 Conservation Agriculture Subdivision Standards and Effect on Development Standards



Prerequisite Base Zoning:

. A1

Minimum Pre-Development Site Area:

· N/

Maximum Pre-Development Site Area:

N/A

Other Parent Tract Restriction:

 Maximum of 1 total lot if farmstead exists OR 2 total lots (including residual parent tract land) may be generated from any single parent tract

Retention Pond Location:

· N/A

Minimum Perimeter Landscaping:

• N/A

Minimum Open Space:

· N/A

Minimum Block Length:

· N/A

Maximum Block Length:

· N//

Minimum Cul-de-sac Length:

· N/A

Maximum Cul-de-sac Length:

· N/A

Sidewalks/Perimeter Paths:

When required by Plan Commission

Minimum ROW on Internal Streets:

N/A

Maximum Design Speed:

· N/A

Minimum Road Width:

N/A

On-Street Parking:

N/A

Minimum Tree Plot Width:

5 feet when applicable

Minimum Sidewalk Width:

· 4 feet when applicable

Additional Design Standards that Apply

Covenant Standards (CE)

• CE-01..... Page 7-13

Dedication of Public Improv. Standards (DD)

DD-01 Page 7-17

Development Name Standards (DN)

• DN-01 Page 7-21

Easement Standards (EA)

• EA-01..... Pagè 7-22

Erosion Control Standards (EC)
EC-01......Page 7-24

Lot Establishment Standards (LT)

• LT-01...... Page 7-25

Monument and Marker Standards (MM)

MM-01..... Page 7-28

Pedestrian Network Standards (PN)

• PN-01..... Page 7-32

Prerequisite Standards (PQ) PQ-01 Page 7-38

Utility Standards (UT)

• UT-02..... Page 7-50

Warning Siren Standards (WS)
WS-01.....Page 7-52

PROPOSED AMENDMENTS

Effect on Development Standards

Front Yard Setback

· All zoning district development standards apply.

Minor Subdivision (MN)

6.06 Minor Subdivision Intent

The Minor type of subdivision is intended to provide a development option with the following features:

As per the Unified Development Ordinance

Price Range:

N/A

Open Space:

· N/A

Blocks:

· N/A

Pedestrian Network:

 Sidewalks or side path along perimeter roads when required by Plan Commission

Vehicular Network

· Assure connectivity to land behind frontage lots

· Assure separation of driveways

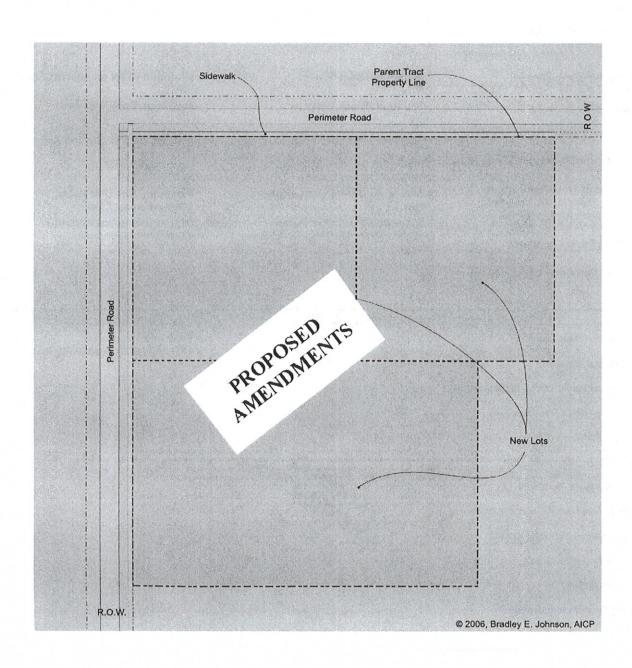
Drainage Network:

• Drainage improvements as required by Drainage Board

Site Feature Preservation:

· Strive to save existing tree stands

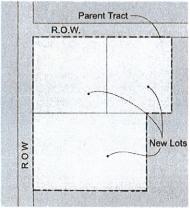
6.07 Minor Subdivision Features



Minor Subdivision (MN)



6.08 Minor Subdivision Standards and Effect on Development Standards



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Prerequisite Base Zoning:

OP, A1, A2, A3, A4, RE, R1, R2, R3, M1, M2, MP, IN, C1, C2, C3, C4, I1, I2, I3, HI, AP1, AP2 and AP3

Minimum Pre-Development Site Area:

Maximum Pre-Development Site Area:

Other Parent Tract Restriction:

 Maximum of 4 total lots (including) residual parent tract land) may be generated from any single parent tract

Retention Pond Location:

N/A

Minimum Perimeter Landscaping:

• N/A

Minimum Open Space:

N/A

Minimum Block Length:

N/A

Maximum Block Length:

• N/A

Minimum Cul-de-sac Length:

N/A

Maximum Cul-de-sac Length:

• N/A

Sidewalks/Perimeter Paths:

· When required by Plan Commission

Minimum ROW on Internal Streets:

· N/A

Maximum Design Speed:

· N/A

Minimum Road Width:

· N/A

On-Street Parking:

N/A

Minimum Tree Plot Width:

5 feet when applicable

Minimum Sidewalk Width:

4 feet when applicable

Additional Design Standards that Apply

Common Area Standards (CN) CN-01 Page 7-7

Covenant Standards (CE) CE-01..... Page 7-13

Dedication of Public Improv. Standards (DD)

DD-01 Page 7-17

Development Name Standards (DN)

DN-01 Page 7-21

Easement Standards (EA)

EA-01..... Page 7-22

Erosion Control Standards (EC) EC-01..... Page 7-24

Lot Establishment Standards (LT)

LT-01..... Page 7-25

Monument and Marker Standards (MM)

MM-01..... Page 7-28

Pedestrian Network Standards (PN)

PN-01..... Page 7-32 Prerequisite Standards (PQ)

PQ-01 Page 7-38

Utility Standards (UT) UT-02......Page 7-50

Warning Siren Standards (WS)

WS-01..... Page 7-52

Effect on Development Standards

Front Yard Setback

All zoning district development standards apply.

SECTION 2: That this amendment be in full force and effect upon its passage by the DeKalb County Board of Commissioners.

The DeKalb County Commissioners have	voted to V	adopt (a	as certified) or	reject th	e proposal.
DULY PASSED AND RESOLVED this _	174	_ day of _	July	2023.	4
(A) & Horting			0		
William L. Hartman, President					
Michael V. Watson, Vice President					
Todd R. Sanderson, Vice President					
Attest, Susan M. Sleeper, Auditor					

Prepared by: Chris Gaumer "I affirm under the penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."

For color copies of this recorded document, please contact DeKalb County Plan Commission: 260-925-1923