

RESOLUTION: 2022-R- 9
ORDINANCE: UDO - 79
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 July 5, 2022, on the proposed textual amendments to the DeKalb County Unified Development Ordinance regarding Article 5: Development Standards: Dependent Housing and Article 11: Definitions: Dependent Housing and all other related sections, if applicable;

WHEREAS, The DeKalb County Plan Commission did send a favorable 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:

ORDINANCE SECTION: Article 5: Development Standards
Article 11: Definitions

PROPOSED TEXT CHANGE:

Article 11: Definitions:

11.02 Defined Words

The following terms shall have the following meanings:

Dependent Housing: A second residence on a single parcel or lot, typically a mobile home or similar structure without a permanent foundation that may be capable of being conveniently moved off the property, used for a property owner's aged, disabled and/or dependent relative or similar. The dependent housing is incidental to the primary residence on a parcel or lot which is only placed on said parcel or lot during the



occupancy of said dependent. See Development Standards for additional information. A special exception is needed for approval of the dependent housing in the specified zoning district.

5.09 DH-01: Dependent Housing: General

This Dependent Housing Standard section applies to the following Zoning Districts or districts approved for Dependent Housing:

A1, A2, RE, R1, R2, R3


The following dependent housing standards apply:

- A. An application for a Special Exception for Dependent Housing, as defined, shall be filed with the DeKalb County Board of Zoning Appeals.
- B. A letter addressed to the DeKalb County Board of Zoning Appeals shall be submitted with the Special Exception Application from the doctor of which the dependent housing is for explaining the need for the dependent to live in close proximity to the property owner.
- C. Dependent Housing is deemed temporary:
 - 1. Initial approval shall be given by the Board of Zoning Appeals and shall not exceed five (5) years.
 - 2. If an extension is needed, it may be approved by the Zoning Administrator. A new doctor's letter for the extension is required. If there is a dispute, it shall be referred to the BZA.
 - 3. The Zoning Administrator has the right to request information of said dependent at any time for compliance with the UDO. If the dependency no longer exists the Zoning Administrator shall require the property owner to have the dependent residence removed from the real estate.
- D. Dependent Housing shall meet all setbacks standards for Primary Structures.

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

DULY PASSED AND RESOLVED this 18th day of July 2022.


William L. Hartman, President


Michael V. Watson, Vice President


Todd R. Sanderson, Vice President


Attest, Susan 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."

**A DEKALB COUNTY PLAN COMMISSION
CERTIFICATION OF A PROPOSED TEXTUAL AMENDMENT TO THE
UNIFIED DEVELOPMENT ORDINANCE TO THE
DEKALB COUNTY COMMISSIONERS**

Section 5.09 DH-01: Dependent Housing; General and its definition

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

WHEREAS, DeKalb County adopted the DeKalb County Unified Development Ordinance which became effective on January 1, 2009; and

WHEREAS, The General Assembly of the State of Indiana granted powers to counties to amend the text of an adopted zoning 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, in accordance with law, held a public hearing on July 5, 2022 and did consider the textual amendments to Section 5.09 DH-01: Dependent Housing; General and its definition in the DeKalb County Unified Development Ordinance; and now, therefore be it

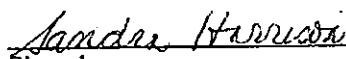
RESOLVED, That in accordance with IC 36-7-4-605, the DeKalb County Plan Commission certifies with a ☒ favorable, ☐ unfavorable, ☐ no recommendation for the attached text amendment(s) to the County Commissioners of DeKalb County, Indiana.

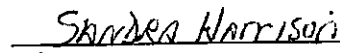
Certified this 5th day of July 2022.

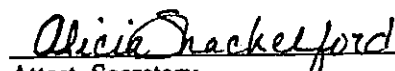
DEKALB COUNTY PLAN COMMISSION

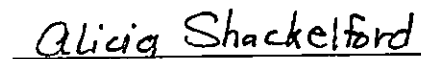

Signed
DeKalb County Plan Commission Official


Print


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DeKalb County Plan Commission Official


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Attest, Secretary
DeKalb County Plan Commission


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