

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

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AGENDA

DeKalb County Plan Commission

Commissioners Court – 2nd Floor DeKalb County Court House

Wednesday, May 17, 2023

8:00 AM

1. Roll call
2. Pledge of Allegiance
3. Approval of Minutes: April 19, 2023
4. Consideration of Claims: April 2023

Office Supplies	\$30.84
Ben Davis Brakes/Rotors	\$435.60
Lassus Fuel	\$402.06
Verizon	\$76.62
Community St. Bank Checks	\$31.48
Kruse & Kruse 1 st Quarter Legal Fees	\$2,477.71
Westwood Car Wash	\$5.00
<u>Payroll</u>	<u>\$20,738.89</u>
TOTAL:	\$24,198.20

5. Old Business: None
6. New Business:
 - Discussion of Unified Development Ordinance amendments:
 - Section 2.03-2.04: Conservation Agricultural (A1) District Uses & Development Standards
 - Section 2.05-2.06: Agricultural (A2) District Uses & Development Standards
 - Section 6.01-6.02: Subdivision Design Standards
 - Addition of Conservation Agriculture Subdivision
 - Revision to Minor Subdivision
 - Discussion of Rules of Procedure amendments:
 - Addition of Electronic Mail Correspondence (1.5)
 - Addition of Confidentiality (3.1)
 - Addition to Order & Courtesy (4.8)
 - Addition of Prayer to Agenda (4.9)
 - Addition of Ordinance Review Committee & Technical Review Committee (9.3 & 9.4)
 - Addition of Livestreaming (Article 10) - HB1167: Livestreaming of meetings (July 1, 2025 start)
 - Remove fees from UDO & Add as Article 11

- And various other minor revisions
- Discussion of electronic attendance of meetings: IE: Zoom, Teams, etc.
 - IC 15-14-1.5-3.5
- 7. Reports from Officers, Committees, Staff or Town/City Liaisons
- 8. Comments from Public in Attendance
- 9. Adjournment

Next Meeting: June 21, 2023

If you cannot attend, please contact Andrea Noll:
Anoll@co.dekalb.in.us | (260) 925-1923

***PLEASE ENTER THROUGH THE NORTH DOOR OF
COURTHOUSE LOCATED ON SEVENTH STREET.**

****No cellphones, tablets, laptops or weapons permitted.**

MINUTES
DEKALB COUNTY PLAN COMMISSION
Wednesday April 19, 2023

The Regular Meeting of the DeKalb County Plan Commission was called to order at 8:30 a.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan.

ROLL CALL:

Members Present: Angie Holt, Frank Pulver, Bill Van Wye, Mike Watson, Jerry Yoder, Jason Carnahan, Elysia Rodgers, Sandy Harrison, and Suzanne Davis

Members Absent: Glenn Crawford

Staff Present: Plan Commission Attorney Andrew Kruse, Director/Zoning Administrator Chris Gaumer, and Secretary Andrea Noll

Community Representatives Present: None

Public in Attendance: Meredith Reith, Erin Reith, Andrew Provines, Josh Ayers, and Ryan Hoover

Jason Carnahan led The Pledge of Allegiance.

APPROVAL OF MINUTES:

Mike Watson moved to approve the February 15, 2023 meeting minutes. Seconded by Sandy Harrison. None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Jason Carnahan inquired about a motion to approve February 2023 and March 2023 claims, totaling \$43,436.92. Sandy Harrison motioned to approve with a second from Suzanne Davis.

None Opposed. Motion carried.

OLD BUSINESS:

None.

NEW BUSINESS:

- Discussion of Unified Development Ordinance:
 - CSES Overlay: Landscape Buffer Requirement (Section 3.13 H(c)(1)(a) & (b))
 - Section 1.14: Establishment of Standard Zoning Districts
 - Section 2.03: Conservation Agricultural (A2) District Uses
 - Section 6.01: Subdivision Design Standards
- Discussion of current policies & Rules of Procedure
 - Remove fees from UDO & move to an appendix of Rules of Procedure
 - Confidentiality Agreements
 - HB1167: Livestreaming of meetings (July 1, 2023 start)

Chris Gaumer initiated a discussion between the board members about re-visiting the Unified Development Ordinance that was adopted in January 2009. Mr. Gaumer explained that he wasn't proposing any changes at this time, but was inquiring about the board's thoughts and opinions or if there was any room for improvement in the UDO as a whole.

Mr. Gaumer brought up the concerns about issuing waivers and the landscape requirements from the Plan Commission solar meeting back in February. He then invited questions, comments, and/or discussion from board members.

Mike Watson stated that he encourages further discussion and thought that the Plan Commission should be keeping a "running list" of troubling spots in the UDO as we go. Also, he suggested that the UDO should be reviewed and updated every few years. Mr. Watson felt that the way they left off with the

landscape buffer was sloppy and left “up in the air” to say we will give waivers out to anybody who wants one. Mr. Watson felt that the portions of the current wording in the CSES Overlay basically leave the decision-making [for landscape buffers] to the Plan Commission, which isn’t fair to them.

Angie Holt asked Mike Watson if this was something the commissioners were currently working on/discussing amongst each other.

Mr. Watson replied that he is proposing that the Plan Commission have a discussion and make a recommendation (or not) for a text amendment. He stated that the discussion needs to start with the Plan Commission because they’re the ones who are “on the hook” for determining who gets a waiver and who doesn’t.

Jason Carnahan shared his opinion that there was a plan to do “this and this” but when it came down to decision making time, it was left to the Plan Commission.

Mr. Watson responded that the other commissioners were “ready to be done with all of the solar talk” but didn’t want to leave it undetermined at that stage.

Andrew Provines approached the podium to say that he agreed with Mr. Watson, that the Plan Commission is “on the hook” for giving/not giving a waiver in regards to the new solar ordinance. Mr. Provines then referred to what Chris Gaumer had said when talking about the ordinance in general. Mr. Provines stated that he has read through the ordinance a number of times and there are some places where the definition is specifically stated, but then there are also places with either the incorrect definition, a missing definition, references to the incorrect sections, and/or no references at all. Mr. Provines made a list of things to be reviewed and would e-mail that list to Mr. Gaumer.

Mr. Gaumer stated that he also has a list of places in the UDO to be reviewed. He said that he would like to get back to having somewhat regular meetings for discussing UDO changes, then deciding on approving those changes (or not) in a Plan Commission public hearing.

As far as the solar landscape buffer issue, Mr. Gaumer offered that he would propose to remove it from the setbacks but leaving it up in the Visual Buffer-Landscape Requirement [the Plan Commission *can* require buffering and additional landscaping requirements during that development plan].

Mr. Gaumer would like to have an ordinance that does not leave it up to interpretation. This particular thing doesn’t, except when it was stated that the solar companies could request a waiver and it can be approved. Mr. Gaumer thinks that if we aren’t going to require it, then it needs to be completely taken out of the UDO.

Ms. Holt inquired about berms and what exactly the Plan Commission is requiring from the Solar companies.

Mr. Gaumer said that’s what is difficult, and one thing the Plan Commission doesn’t see, is the amount of review time it takes to make sure an application is complete. No information comes to the Plan Commission until an application is complete (development plan approval, making sure they meet every standard within the overlay district, meeting the development plan standards, meeting their zoning district, etc.).

Mike Watson referred back to the commissioners meeting when they approved the text amendments. Commissioner Sanderson said to waive the landscape buffers indefinitely.

Jason Carnahan added that it was a “blanket waiver.”

Mr. Watson added that he was fine with a blanket waiver, but that it needs to be covered in the UDO, not handled on a case-by-case basis.

Mr. Carnahan agreed, and said that they didn’t spend all that time on the topic, just to hand out waivers on it. The ordinance needs to clearly state what the Plan Commission position is.

Bill Van Wye shared that he had a conversation with a board member in a different county who told him that the solar landscape buffers required by their ordinance is ruining their top soil. Those solar companies were pulling all of the topsoil and putting it in the form of buffers, which made the land worth less than it previously had been before the solar equipment was installed. Mr. Van Wye was concerned with the value of the land after the solar companies no longer use that specific parcel of land.

Angie Holt clarified that Mr. Van Wye was referring to berms.

Mike Watson stated his opinion that the berm issue was dead and that he didn't believe the surveyor would approve anything with any substantial berms because of the drainage issues. Mr. Watson conveyed that Glenn Crawford (DeKalb County Surveyor) had some very big concerns in regards to landscape berms.

Jason Carnahan explained that he and Chris Gaumer were concerned with where that dirt is going to come from. If they (the solar companies) just grate top soil together to make a berm, (the land) will never be the same again.

Mr. Watson added that you couldn't possibly haul such a large amount of dirt to the designated site.

Mr. Carnahan wondered if they were going to dig "borrow pits" on the back of the property.

Mr. Gaumer established his concern that the landscape buffer currently requires berms and landscaping on top of those berms, which also changes how the site is laid out. If Mr. Gaumer tells the solar company to have landscape buffers and then the Plan Commission grants a waiver, that's going to change the site plan. Then, it will have to come back to the Plan Commission because the site plan had to be revised. This would create a domino effect, because they would have to revise their drainage plan, soil erosion control plan, etc.

Angie Holt asked what the waivers were again and wondered what Commissioner Sanderson had referenced regarding the waivers.

Mr. Gaumer verified that the landscape buffer with the non-participating property owners is for the setback. He reiterated that it's not removing the landscape buffer requirement, the waiver would be for the setback to be reduced. For example, if a non-participating landowner has solar on 3 sides of their parcel of land, and the solar-utilized land has an 800-foot setback; if you reduce that to 400 feet, you're still required to have a buffer.

Andrew Kruse supported Mr. Gaumer that anything less than 600 feet, requires to have a buffer.

Mr. Watson advised that Commissioner Sanderson's comment/suggestion during the Commissioners meeting was to just give everyone a waiver; to give the waivers automatically for landscape buffers, period. Mr. Watson concluded that the issues with the landscape buffers were his biggest concern.

Suzanne Davis inquired if there were any long-term issues to the farm land if there are trees or shrubbery put in as a buffer (ignoring the berms for now).

Mr. Gaumer responded that there are a couple of different routes with that. Prior to these changes, the decommissioning plan for these solar projects was discussed; and if we need to include getting the landscape buffers removed as part of that plan. We needed the money from the bond to be there to remove the landscape buffers. If we had to initiate the bond, it would be up to the county and the property owner to leave the buffer or remove it.

Bill Van Wye added that the decision to leave or remove the landscape buffer should be an option of the property owner, and that decision should be included in the contract between the property owner and the solar companies. Mr. Van Wye discussed the advantages and disadvantages of planting trees.

Mr. Gaumer concluded that whether it stays or it goes is a non-issue, except for in the decommissioning plan. We just need to make sure that the removal of it is included in that plan.

Andrew Kruse inquired about making a row of one hundred trees for the landscape buffers, then after the removal of that particular row, the land being usable for farming later on, assuming that they're hauling in the dirt from somewhere else to create the buffers.

Mr. Van Wye explained that they would have to completely remove the tree stumps in order for that land to be usable later on for farming. They would use a dozer to dig around the stump, then push them over and fill in that hole; Mr. Van Wye advised that it would be just like clearing a woods. He stated that the crops planted within the first 25 feet of a field are only half as good as the rest of the field, because of environmental factors.

Mike Watson stated that it was his understanding that there are also decommissioning agreements with every individual participating property owner, that he would assume would cover some of that language. He added that the decommissioning agreement that the Plan Commission negotiates would be the master agreement which would contain the bond and dictate the amount of that bond.

Jerry Yoder suggested that the Plan Commission recommend each one of these development plans have a borrow pit on each one of their sites. He also offered that they find an area that would be suitable for a pond or a small lake, to get that borrow from, to build those with.

Chris Gaumer indicated that they would probably have to. If the Plan Commission is going to leave the landscape buffer in there, then he thinks that they would have to have some sort of borrow pit. He added that it would be up to the surveyor's office and the drainage board.

Jason Carnahan emphasized what Bill Van Wye was explaining and that the Plan Commission would be contradicting themselves if they require a berm and also say that the ground is going to go back to what it was before the development project. He added that those two things do not coexist, and if the Plan Commission does require a berm, the land will never go back to what it was; and if it's going to go back, it cannot have a berm.

Mr. Yoder disagreed that you could take a berm out just like you could take trees out.

Mr. Carnahan inserted that it was possible, but all the top soil would be scraped off and then move the berm dirt back to the borrow pit.

Mr. Watson stated that berms wreak havoc on drainage and that they were never a good idea.

Mr. Yoder asserted that at least they wouldn't be stripping top soil.

Mr. Van Wye agreed that Mr. Yoder had a good idea.

Mr. Carnahan reiterated that if they're going to require a berm to go in, then the decommissioning plan has to require it to go back the way it started.

Mr. Watson discussed the details of the decommissioning agreement.

Mr. Gaumer cited that the details of the decommissioning requirements are in the UDO, adding that it would be an agreement between the County Commissioners and the Plan Commission. He affirmed that the Plan Commission are the ones who have the ultimate enforcement if we would have to decommission the project. The Plan Commission has the power to pull that bond to get the money, but it is something that gets reviewed by all parties.

Mr. Gaumer concluded that they could come back next month and have more discussion on this, but the ultimate question that he has, is do they want to require the landscape buffers at the 600 ft or lower levels and allow the waivers to happen, or do they want to remove it?

Mr. Carnahan shared his concerns about being expected to approve waivers.

Angie Holt suggested that the Plan Commission have discussions with the commissioners so that there is better communication between everyone involved in the decision-making process and so that they are all on the same page.

Mr. Gaumer stated that was what his next step would go; to get a better understanding of where the Plan Commission members are at. Then, before it goes to the commissioners (unlike a re-zone or text amendment), have a discussion with the commissioners and find out where their reasoning behind their statements and decisions are on all of these standards.

Mr. Carnahan added that it would be nice to get input from Glenn Crawford, especially if we're talking about berms.

Mr. Watson indicated that's what helped to change his mind; after several discussions with the surveyor about what the berms would actually do to the drainage and how possible it would be to work with that. Mr. Gaumer stated that we've seen it on a single-family house project, what 10-foot-tall berms do to the neighboring property owner and how that affects their drainage, etc. He suggested that they invite Todd and Bill (the other two commissioners) to have these discussions with us. Mike Watson agreed that it wouldn't be a bad idea. He added more context in regards to a statement made by Todd, about the landscape buffers in relation to the setback requirements—and just giving everyone a waiver. Mr. Watson stated that was bad legislation. Chris Gaumer explained that he just didn't want the Plan Commission to be confused as to how to move forward, and that was where some of the rest of these discussions are going to go too. He concluded that it would be good to bring in additional people into this discussion.

Mr. Gaumer introduced the next topic of reviewing and possibly updating the A1 and A2 zoning districts in the UDO. He explained what the current standards are for adding residential into those districts. Mr. Gaumer also explained the current standards for allowing subdivisions of land and inquired about revisions by the Plan Commission.

Mr. Gaumer invited a discussion on keeping A1 & A2 or removing A1, if it's mirroring an existing district, there's really no need to have two districts that are basically the same thing.

Andrew Kruse inquired about the amount of land in each of those districts.

Mr. Gaumer replied that he wasn't sure of an exact acreage, but that the majority would be zoned in A1 and A2 districts.

Bill Van Wye inquired about how other surrounding counties handle how to stop a subdivision from being on farm ground, and keep it as farm ground.

Mr. Gaumer explained how DeKalb County currently handles those scenarios.

Sandy Harrison suggested putting into effect an agricultural preservation.

Jason Carnahan inserted that the question in discussion was if we should revert the A1 zoning district back to what it was originally defined, or should we eliminate A1 and make it all A2. He explained that A2 already allows for what was just said, but A1 did not. Then, they amended A1 to let it essentially become A2.

Mrs. Harrison added that if they want DeKalb County to be agricultural, then it should be agricultural.

Mr. Carnahan agreed and established that he has always been an advocate of returning A1 back to what it was defined as originally, and possibly making more of A1.

Mr. Gaumer added that if someone meets every standard of our subdivision ordinance, then the Plan Commission cannot deny them if they are in the A1 or A2 district. If it's in your UDO that these are the standards, you can't make up a standard just to be able to deny a subdivision.

Angie Holt inquired about how long ago that came about.

Ryan Hoover approached the podium from the public audience to mention that there's a lot of land out there that is both A1 and A2.

Mr. Gaumer explained that he's probably correct and that there are multiple parcels that are zoned in two districts. He added that our ordinance states that if the majority of the parcel is located in one district vs the other, then that's what that parcel is considered zoned as.

Mr. Van Wye asked what the Plan Commission will do moving forward, then made his own suggestions of or committees.

Mr. Gaumer stated that he has no problem creating sub-committees to have them bring to the Plan Commission and that he just doesn't have any current petitions to bring forward to the Plan Commission dockets.

Mr. Kruse concluded that these topics of discussion will take either this meeting or another meeting where we publicly notify that we're going to have this discussion, and then someone makes a motion.

Mr. Gaumer explained that the Plan Commission would task him with getting the public hearing process started, to amend the UDO.

Mr. Carnahan inquired how to strike amendment one.

Mr. Gaumer clarified that what the Plan Commission would do is have an amendment to strike all of the conservation and agriculture districts or he would have to go back and redline the ordinance to reflect what it was.

Andrew Kruse suggested to make a list of changes that are administrative or technical and are more non-controversial, that could be approved separate from other controversial issues that might take longer to get approved.

Angie Holt admitted that she needs help understanding the difference between A1 and A2. Chris Gaumer explained special exception uses and what exactly they would need to strike in the UDO. Jerry Yoder discussed the pros and cons and examples of pipe stems with the board.

Mike Watson explained that the Plan Commission could use Planned Unit Developments (PUD's). Mr. Gaumer explained PUD's to the board. Then, he insisted on the board members to study their UDO and see if there are any changes that need to be made.

Jason Carnahan inquired how they get the feel of the whole board while using the productivity of a sub-committee so that we can keep moving forward. Mr. Gaumer responded that a sub-committee would meet to discuss details of a proposal that they would bring to the Plan Commission to vote on. Mr. Yoder voiced that he was not in favor of creating a new committee. Mr. Carnahan clarified that Mr. Yoder is suggesting that he and Mr. Gaumer get together and draft something to present to the Plan Commission at the next meeting.

Mike Watson stated that he agrees with Mr. Gaumer that they all need to do a "deep dive" into the UDO. He expressed that the decisions being made henceforth need to be well thought out and that they need to consider long-term planning in making those decisions. Mr. Watson suggested that they need to talk about the possibility for unintended consequences, as well as the future success of DeKalb County.

Frank Pulver stated that cleaning up A1 and A2 should be a priority and that it shouldn't be too difficult. Mr. Pulver also threw in the idea to combine the two districts. Bill Van Wye disagreed and said that the two should be kept separate. Mr. Gaumer advised that there should be more discussion either from a sub-committee or the Plan Commission before he makes any amendments and further explained the importance of both A1 and A2. He concluded that if they're going to have their A1 district, then let's make it what it should be; the conservation of agricultural land.

Mr. Gaumer stated that his final thoughts on this topic were that a committee for an entire UDO is difficult, because you're creating a 400+ page document to submit to the Plan Commission for a vote in hopes that the Plan Commission members fully understand. Mr. Carnahan agreed that they need to look into the UDO deeper, but first they need to look at the few "shallow things" that maybe need addressed and would be taken care of quicker than the deeper dive. Mr. Van Wye advised that they have another Plan Commission discussion meeting to go over A1 and A2, so that they have everyone's input. Then, possibly create a sub-committee to approach the deeper dive into the UDO which might help to speed up the process. He cited that with nicer weather coming, the board members who are also farmers won't have as much time to meet for discussions every month. Mr. Gaumer stated that he will look into the surrounding counties to see if they have an A1 and/or A2 district.

Mr. Van Wye mentioned that we need to get our zoning districts set up appropriately so that Allen County can't push through into the southern part of our county.

Mr. Gaumer added that they need to look into the south corridor of the county on CR 427 and decide what we want it to look like.

Mr. Watson reiterated his point about not just fixing immediate problems; that we need to look at more long-term solutions. He also stated his opinion that our Comprehensive Plan is not a master plan, it's only a snapshot of 2017 and has no relevance today.

Mr. Gaumer added that he will be adding to the rewrite of the Comprehensive Plan to his 2025 Budget and hope to have a new Comprehensive Plan adopted in 2027.

Mr. Gaumer introduced another topic of removing fees from the UDO and moving them to an appendix in the Rules of Procedure, to let the Plan Commission dictate what the fees are instead of the County Commissioners.

He then shared another topic that has come up about confidentiality or non-disclosure agreements for the Plan Commission members.

Finally, Mr. Gaumer advised that starting in July, we will have to start live-streaming our meetings and explained what that would look like. Also, he suggested adding a Code of Conduct for the live-stream meetings.

Mike Watson agreed with Chris Gaumer about adopting a Code of Conduct to the live-streamed meetings and that the City of Auburn's Plan Commission has a good one. He also suggested adopting the requirements for appearing via Zoom meetings. Mr. Gaumer mentioned that he would take a look at the commissioners' code of conduct and Auburn's.

Angie Holt stated that she likes the transparency of the live-streamed meetings. She inquired about confidentiality agreements within the rest of the county.

Mr. Gaumer shared an example of the confidentiality agreement of a different county.

Mr. Watson added that every single development that's ever been done, has components that need to be confidential until they reach a certain point in the process when they're official.

Andrew Kruse advised from a legal standpoint, that he would want to look at the language of it. If other counties are using it successfully, that's at least a sign that it might work fine.

Mr. Gaumer agreed that it would be a good idea to look up any case law there has been on that issue.

Mrs. Holt inquired if there were any confidentiality agreements currently utilized within the county and she verified that the fees in the UDO are currently approved by the commissioners.

Jerry Yoder asked to have a prayer before every meeting be added into the rules and procedures. The board then discussed it.

Mr. Kruse advised the pros and cons and a legal standpoint of saying a prayer at a public meeting.

REPORTS FROM OFFICERS, COMMITTEES, STAFF OR TOWN/CITY LIAISONS:

Mike Watson updated the board about the City of Auburn.

Sandy Harrison reported updates about Hamilton and Waterloo.

Frank Pulver reported an update about the City of Garrett.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

None.

ADJOURNMENT:

Mike Watson motioned to adjourn the meeting, seconded by Bill Van Wye.
Jason Carnahan adjourned the meeting at 10:04 a.m.

President – Jason Carnahan

Secretary – Andrea Noll

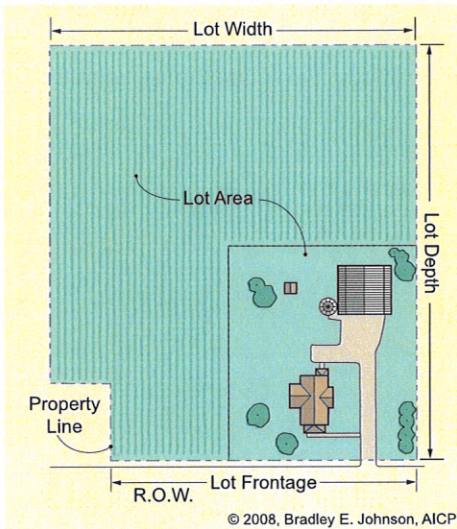
Conservation Agricultural (A1) District

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

District Intent	Permitted Uses	Special Exception Uses
<p>The A1 (Conservation Agricultural) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • agricultural operations <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing agricultural land <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for strict development standards to maximize protection of agricultural practices <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, A3, A4, RE, R1, R2, R3, M1, M2, IN, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for existing developments • strive to protect these areas from residential, commercial, and industrial encroachment <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • aggressively protect the integrity of these agricultural areas 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • 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 <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • child care, home • dwelling, manufactured home • dwelling, single family • farmstead • storage buildings: private, non-accessory <p>PROPOSED AMENDMENTS</p>	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • dependent housing <p>Agricultural Special Exception Uses</p> <ul style="list-style-type: none"> • stable, commercial <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • wind energy system <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • gravel/sand processing <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • dwelling, manufactured home • dwelling, single family • fair housing facility (small)

Conservation Agricultural (A1) District

2.04 A1 District Development Standards



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:

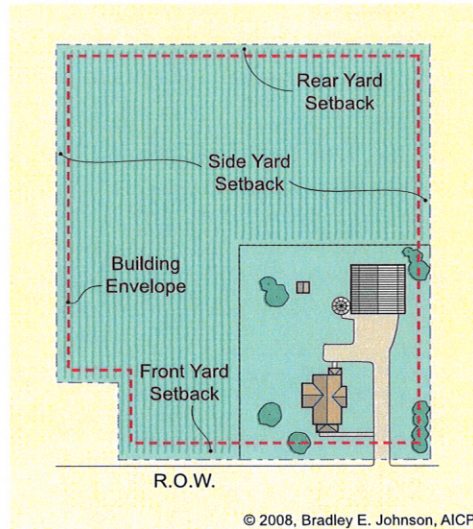
- 160 feet

Minimum Lot Frontage:

- 120 feet

OR

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



Minimum Front Yard Setback:

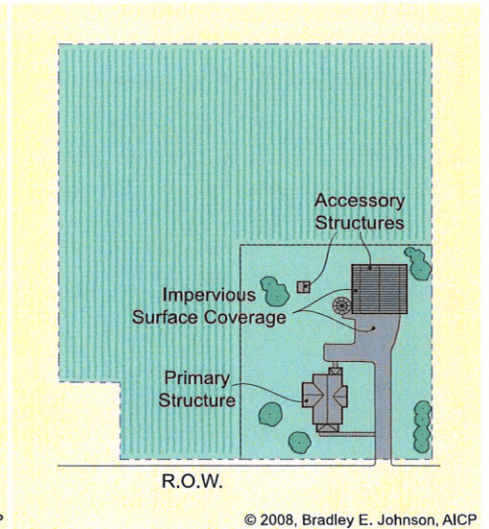
- 50 feet for primary and accessory structures

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



Maximum Impervious Surface Coverage:

- 15% of the lot area

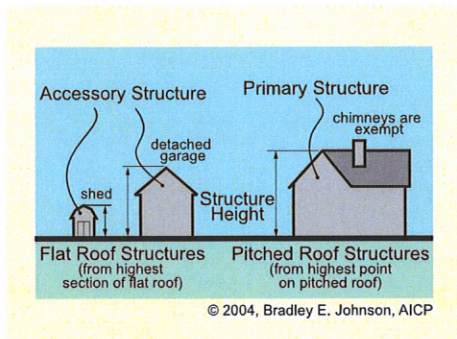
Minimum Dwelling Size:

- 1,200 square feet

Maximum Primary Structures:

- One

**PROPOSED
AMENDMENTS**



Maximum Structure Height:

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

Additional Development Standards that Apply

Accessory Structure (AS)	Parking (PK)	Vision Clearance (VC)
• AS-01 Page 5-4	• PK-04 Page 5-30	• VC-01 Page 5-56
Entrance and Drive (ED)	Public Improvement (PI)	
• ED-01 Page 5-7	• PI-01 Page 5-40	
Environmental (EN)	Recreational Pond (RP)	
• EN-01 Page 5-9	• RP-01 Page 5-41	
Fences and Walls (FW)	Setback (SB)	
• FW-01 Page 5-10	• SB-01 Page 5-42	
Floor Area (FA)	Sewer and Water (SW)	
• FA-01 Page 5-15	• SW-01 Page 5-43	
Height (HT)	Sign (SI)	
• HT-01 Page 5-16	• SI-01 Page 5-46	
Home Based Bus. (HO)	• SI-02 Page 5-47	
• HO-01 Page 5-17	Special Exception Use (SE)	
Landscaping (LA)	• SE-01 Page 5-49	
• LA-01 Page 5-20	Structure Quantity (SQ)	
Lighting (LT)	• SQ-01 Page 5-50	
• LT-01 Page 5-24	Temporary Uses (TU)	
Lot (LO)	• TU-01 Page 5-54	
• LO-01 Page 5-27	• TU-02 Page 5-54	

Agricultural (A2) District

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 numbers
- orchard
- raising of farm animals
- storage 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, non-accessory

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 counseling center (non-profit)

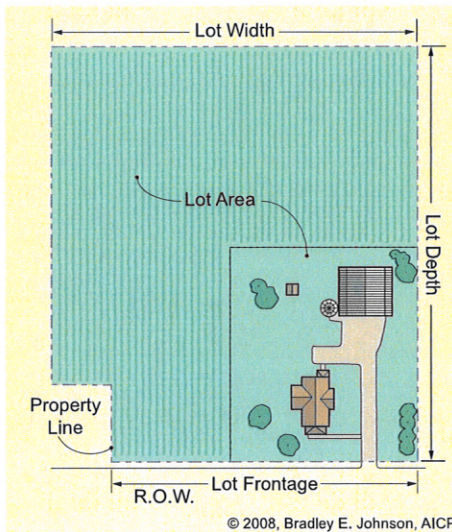
Residential Special Exception Uses

- bed and breakfast

**PROPOSED
AMENDMENTS**

Agricultural (A2) District

2.06 A2 District Development Standards



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:

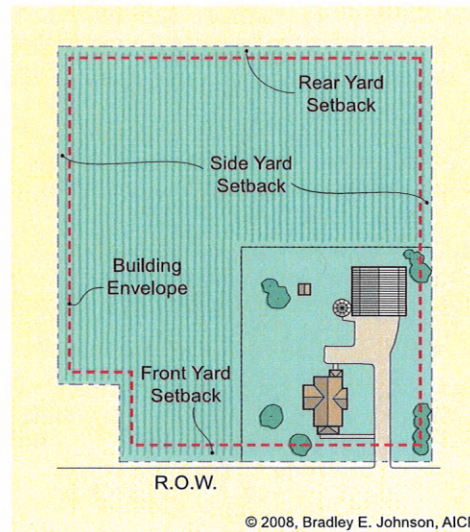
- 160 feet

Minimum Lot Frontage:

- 120 feet

OR

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



Minimum Front Yard Setback:

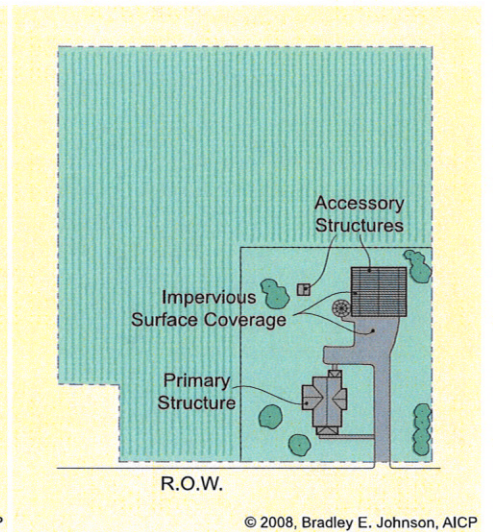
- 50 feet for primary and accessory structures

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



Maximum Impervious Surface Coverage:

- 20% of the lot area

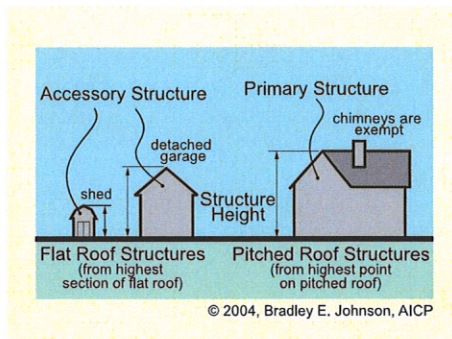
Minimum Dwelling Size:

- 1,200 square feet

Maximum Primary Structures:

- One

**PROPOSED
AMENDMENTS**



Maximum Structure Height:

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

Additional Development Standards that Apply

- Accessory Structure (AS)**
 - AS-01 Page 5-4
- Entrance and Drive (ED)**
 - ED-01 Page 5-7
- Environmental (EN)**
 - EN-01 Page 5-9
- Fences and Walls (FW)**
 - FW-01 Page 5-10
- Floor Area (FA)**
 - FA-01 Page 5-15
- Height (HT)**
 - HT-01 Page 5-16
- Home Based Bus. (HO)**
 - HO-01 Page 5-17
- Landscaping (LA)**
 - LA-01 Page 5-20
- Lighting (LT)**
 - LT-01 Page 5-24
- Lot (LO)**
 - LO-01 Page 5-27

- Outdoor Storage (OS)**
 - OS-01 Page 5-28
- Parking (PK)**
 - PK-04 Page 5-31
- Public Improvement (PI)**
 - PI-01 Page 5-40
- Recreational Pond (RP)**
 - RP-01 Page 5-41
- Setback (SB)**
 - SB-01 Page 5-42
- Sewer and Water (SW)**
 - SW-01 Page 5-43
- Sign (SI)**
 - SI-01 Page 5-46
 - SI-02 Page 5-47
- Special Exception Use (SE)**
 - SE-01 Page 5-49
- Structure Quantity (SQ)**
 - SQ-01 Page 5-50

- Temporary Uses (TU)**
 - TU-01 Page 5-54
 - TU-02 Page 5-54
- Vision Clearance (VC)**
 - VC-01 Page 5-56

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 Overview								
	Conservation Agriculture Subdivision	Minor Subdivision	Conventional Subdivision	Conservation Subdivision	Traditional Subdivision	Strip Commercial	Commercial District Subdivision	Industrial Park Subdivision
		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 feet	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	N/A	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 public streets/34 feet for private streets	50 feet for public 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 Permitted
Minimum Tree Plot Width	N/A	5 feet	5 feet	5 feet	7 feet Residential 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

Effect on Development Standards								
	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
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 Development Standards								
	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
OP		X						
A1	X	X						
A2		X						
A3		X						
A4		X						
RE		X	X	X				
R1		X	X	X	X			
R2		X	X	X	X			
R3		X	X		X			
M1		X	X		X			
M2		X			X			
MP		X						
IN		X			X		X	
C1		X			X	X	X	
C2		X			X	X	X	
C3		X				X	X	
C4		X				X	X	
I1		X						X
I2		X						X
I3		X						X
H1		X						X
AP1		X						
AP2		X						
AP3		X				X	X	X

Conservation Agriculture Subdivision (CA)

6.03 Conservation Agriculture Subdivision Intent

The Conservation Agriculture 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:

- 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

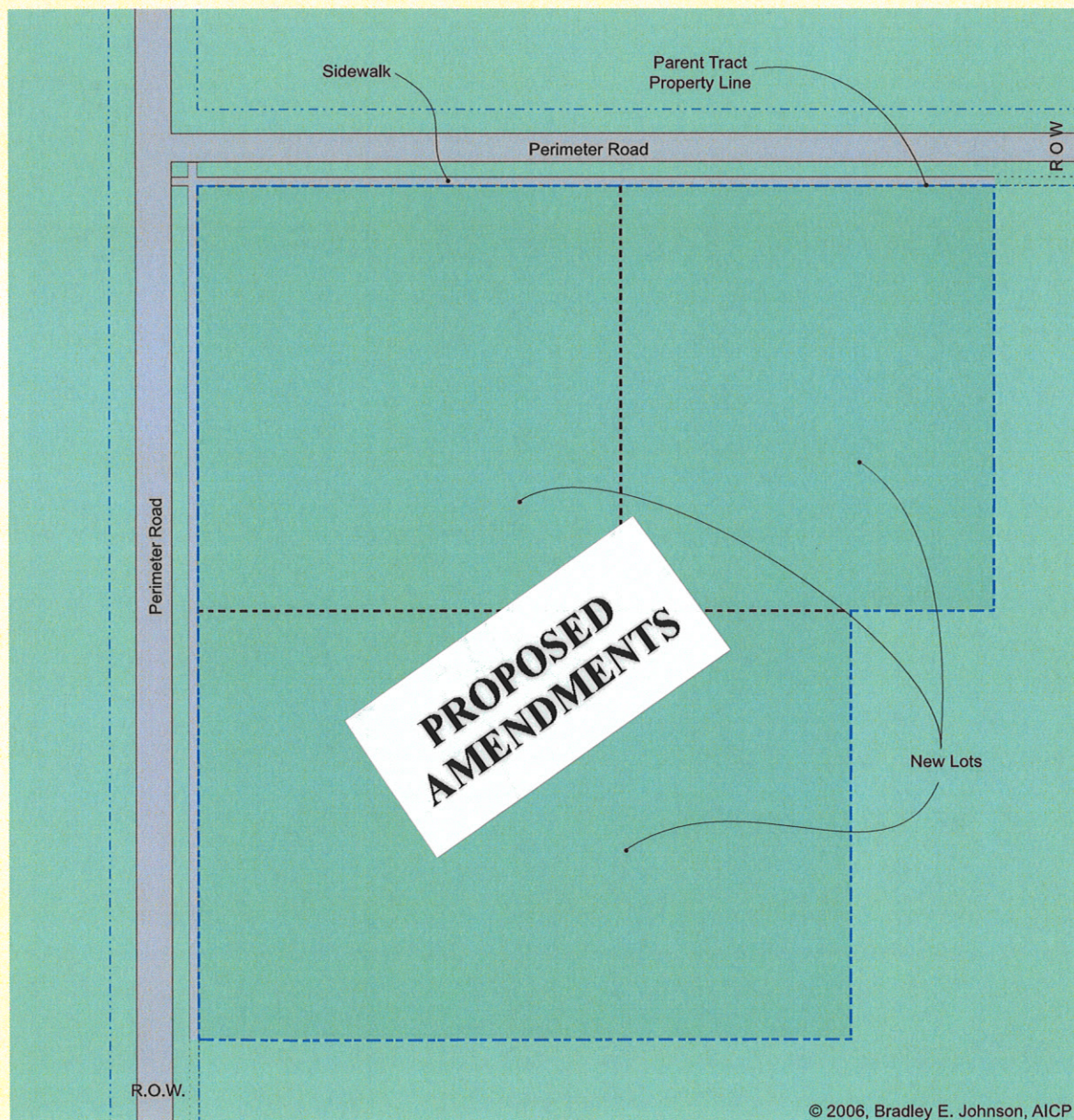
Drainage Network:

- Drainage improvements as required by Drainage Board

Site Feature Preservation:

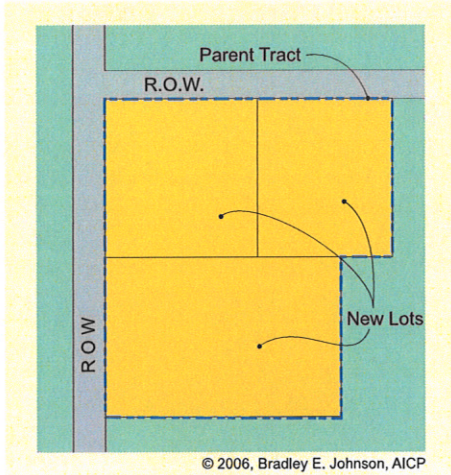
- Strive to save existing tree stands

6.04 Minor Subdivision Features



Conservation Agriculture Subdivision (CA)

6.05 Conservation Agriculture Subdivision Standards and Effect on Development Standards



**PROPOSED
AMENDMENTS**

Prerequisite Base Zoning:

- A1

Minimum Pre-Development Site Area:

- N/A

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/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 7-37

Utility Standards (UT)

- UT-02 Page 7-49

Warning Siren Standards (WS)

- WS-01 Page 7-51

Effect on Development Standards

Front Yard Setback

- All zoning district development standards apply.

Minor Subdivision (MN)

6.03 Minor Subdivision Intent

The Minor 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:

- 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

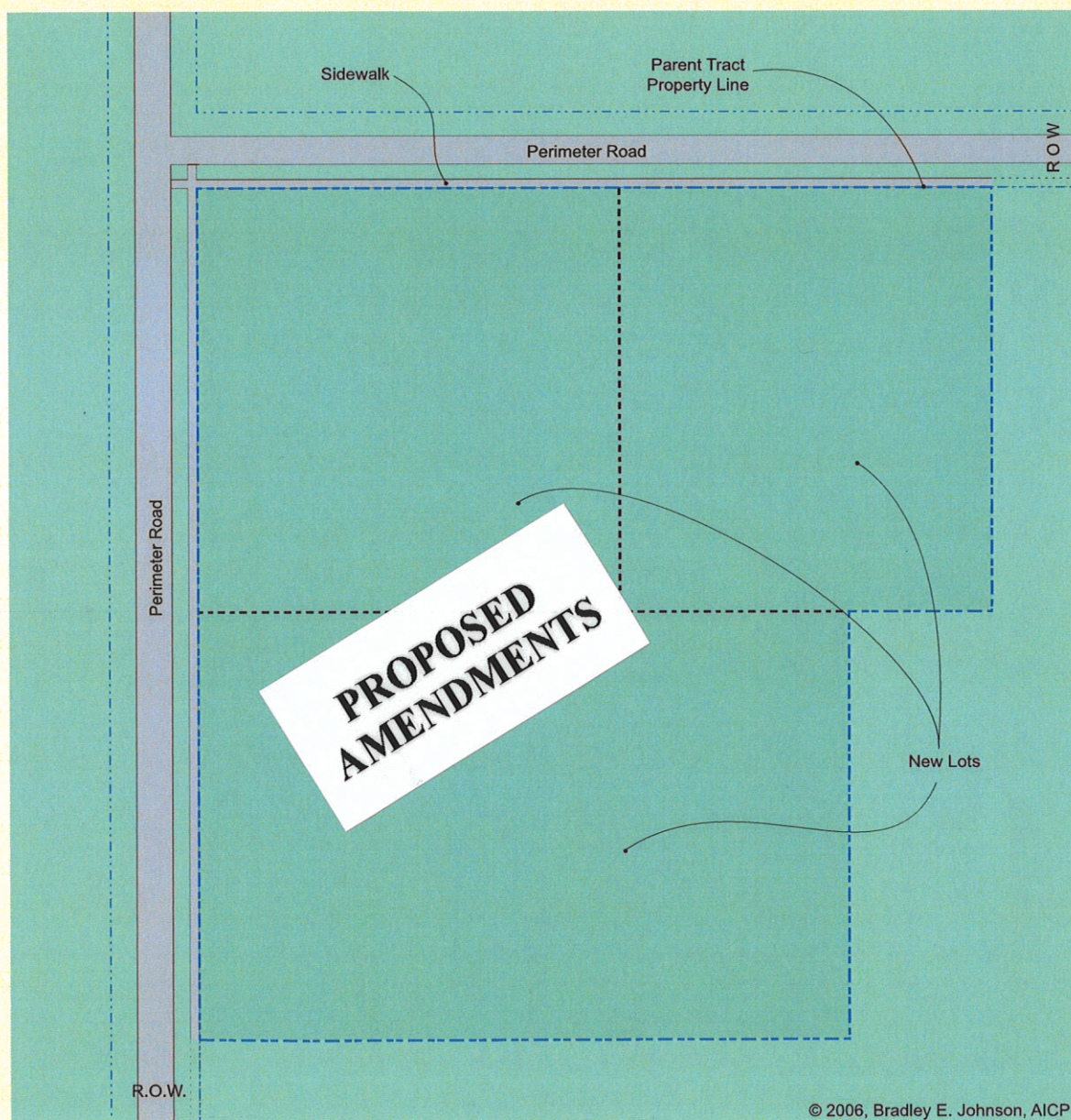
Drainage Network:

- Drainage improvements as required by Drainage Board

Site Feature Preservation:

- Strive to save existing tree stands

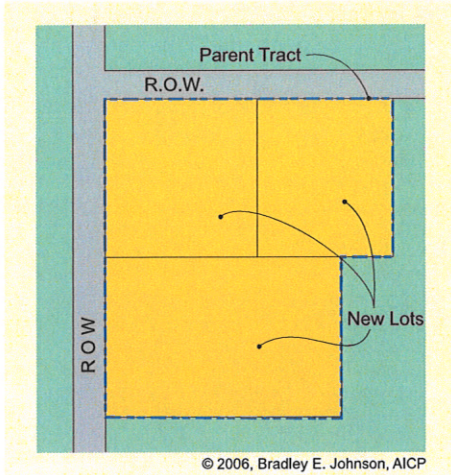
6.04 Minor Subdivision Features



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Minor Subdivision (MN)

6.05 Minor Subdivision Standards and Effect on Development Standards



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:

- N/A

Maximum Pre-Development Site Area:

- N/A

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 7-37

Utility Standards (UT)

- UT-02 Page 7-49

Warning Siren Standards (WS)

- WS-01 Page 7-51

**PROPOSED
AMENDMENTS**

Effect on Development Standards

Front Yard Setback

- All zoning district development standards apply.

Appendix B

Fee Schedule

DeKalb County
Unified Development
Ordinance

**PROPOSED
AMENDMENTS**

Fee Schedule

Improvement Location Permits: (Shall include Certificate of Occupancy)

1. Structures 350 square feet or less.....	\$ 30.00
(Including additions to existing structures)	
2. Structures larger than 350 square feet.....	\$ 50.00
(Including additions to existing structures)	
3. Commercial Structures - \$.02 per square foot	Min.....\$ 75.00
	Max.....\$250.00
4. Industrial Structures - \$.02 per square foot.....	Min.....\$100.00
	Max.....\$500.00
5. Commercial Solar Energy System	\$500.00
6. Commercial Solar Energy System upgrade, replace or new equipment..	\$50.00 per piece of equip.
7. Residential Private Accessory Solar Energy System	\$30.00
8. Fence/Retaining Wall Permit	\$ 15.00
9. Ponds - (Including detention/retention/recreation ponds).....	\$100.00
10. All other Permits (i.e.-signs, in & above ground pools)	\$ 50.00

Board of Zoning Appeals:

1. Special Meeting	\$600.00
2. Appeal Decision of Zoning Administrator	\$150.00
3. Appeal Decision of Zoning Administrator	\$500.00
(Zoning Administrator determines appeal will take longer than one-half hour)	
4. Variance Petition.....	\$150.00
5. Additional Variance Requests	\$ 50.00
6. Special Exception.....	\$150.00
7. Amend Special Exception	\$150.00
8. All Other Meetings Before the BZA.....	\$200.00

Plan Commission:

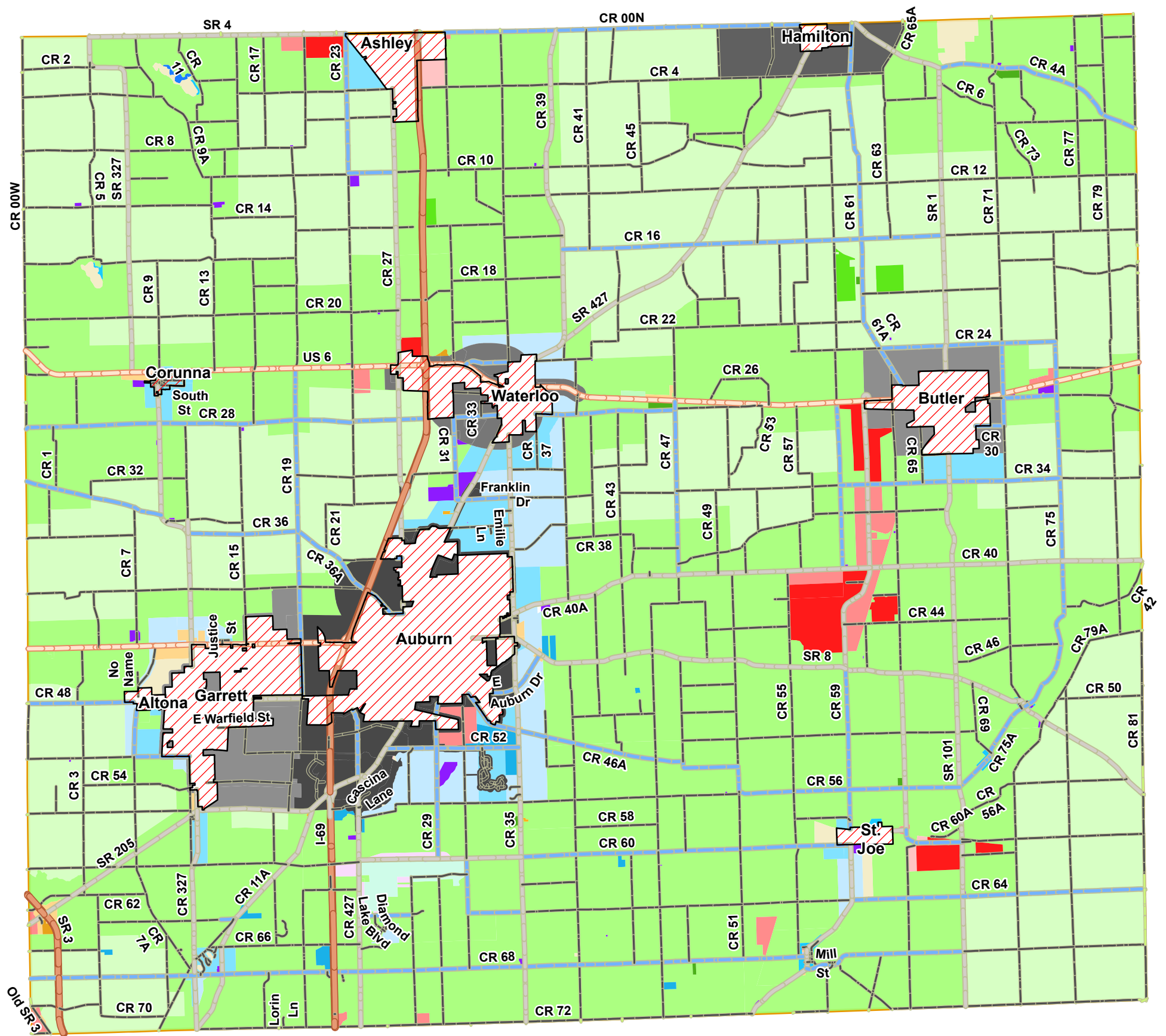
1. Special Meeting	\$600.00
2. Zoning Ordinance Amendment.....	\$150.00
3. Request for Commercial Solar Energy System Overlay District.....	\$50 per acre
	or \$5000 max
4. Vacation.....	\$150.00
4. Minor Division of Land	\$150.00
5. Conventional Subdivision (First two (2) Lots)	\$150.00
(Each Addition Lot).....	\$ 50.00
6. Commercial Development Plan	\$200.00
7. Industrial Development Plan.....	\$400.00
7. Commercial Solar Energy System Overlay District Development Plan.....	\$25 per acre
	or \$5000 max
8. Amendment to Development Plan	\$150.00
9. All Other Meetings Before the Plan Commission.....	\$200.00

Plat Committee:



































1. Primary Plat	\$100.00
2. Secondary Plat	\$100.00

**PROPOSED
AMENDMENTS**

DeKalb County Zoning



Features

- | | | | | | | | | | |
|---|------------------------------------|---|-----|---|----|---|----|---|---------------|
|  | Corporate Limits |  | A1 |  | C1 |  | IN |  | AUB ETJ |
|  | County - Interstate/Limited Access |  | A2 |  | C2 |  | MP |  | GAR ETJ |
|  | County - Major Arterial |  | A3 |  | C3 |  | OP |  | WAT ETJ |
|  | County - Minor Arterial |  | A4 |  | C4 |  | R1 |  | BUT ETJ |
|  | County - Collector |  | AP1 |  | I1 |  | R2 |  | HAM ETJ |
|  | County - Local |  | AP2 |  | I2 |  | R3 |  | County Limits |
|  | Other County/State Road |  | AP3 |  | I3 |  | RE | | |

5/10/2023

1 in = 11,000 feet

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THE DEKALB COUNTY PLAN COMMISSION RULES OF PROCEDURE DEKALB COUNTY, INDIANA

WHEREAS, the DeKalb County Plan Commission is required by IC 36-7-4-401(a) to (1) supervise, and make rules for, the administration of the affairs of the Commission, (2) prescribe uniform rules pertaining to investigations and hearings, (3) keep a complete record of all the departmental proceedings, (4) record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission, (5) prepare, publish, and distribute reports, ordinances, and other material relating to its activities, and (6) certify all official acts; and

WHEREAS, the DeKalb County Plan Commission determines that its Rules of Procedures should be printed and be made readily available to all applicants and other interested persons.

NOW, THEREFORE, BE IT RESOLVED by the DeKalb County Plan Commission that the following Rules of Procedures be adopted:

Article One: The Commission

Article Two: Membership, Officers, & Staff

Article Three: Member Decorum

Article ~~Three~~ Four: Meetings

Article ~~Four~~ Five: Petitions

Article ~~Five~~ Six: Public Hearings

Article ~~Six~~ Seven: Final Disposition of Petitions

Article ~~Seven~~ Eight: Amendments and Suspensions

Article ~~Eight~~ Nine: Committees

Article Ten: Livestreaming

Article Eleven: Fees

ARTICLE ONE

The Commission

1.1 Commission Establishment and Function

The DeKalb County Plan Commission (also referred to in these Rules of Procedures as the "Commission") shall be established and shall function consistently with all applicable provisions of Indiana law, specifically the IC 36-7-4-200, 300, and 400 series, as periodically amended.

1.2 Commission Name:

The name of the Commission shall be the "DeKalb County Plan Commission".

1.3 Commission Office and Business Days

- A. The office of the Commission shall be the DeKalb County ~~Plan Commission Office~~ Department of Development Services.
- B. The office shall be open to the public Monday – Friday, 8:00 a.m. – 4:00 p.m., except holidays recognized by DeKalb County Government.

1.4 Commission Jurisdiction

The jurisdiction of the Commission shall include all lands within DeKalb County which are not incorporated as a separate municipality. Further, the Commission shall not have jurisdiction to enforce any aspect of the DeKalb County Unified Development Ordinance in any unincorporated area for which jurisdiction has been established by a municipality consistent with the requirements of Indiana law (IE: Extra Territorial Jurisdictions). In no case may the Commission exercise jurisdiction over any property owned by the government of the United States of America or the State of Indiana. (in accordance with I.C. 36-1-3-8)

1.5 Electronic Mail Correspondence

The Plan Commission shall have an electronic mail (e-mail) address supplied by the DeKalb County Information Systems Department. The e-mail shall be used for the public to correspond with members of the Commission. The e-mail shall be monitored by the Director, Assistant Direct and Zoning Administrator. E-mails received shall be forwarded by the staff to the Plan Commission member or members. If a member of the commission grants permission for their personal e-mail address to be published on the County website or released to the public, DeKalb County Government does not take responsibility for any problems, legal or illegal, that may arise.

ARTICLE TWO

Membership, Officers, and Staff

2.1 Membership

The DeKalb County Plan Commission shall consist of nine (9) voting members consistent with the provisions of IC 36-7-4-208(a), as amended.

- A. After the initial establishment of the Commission, each citizen member shall serve a four (4) year term, or as consistent with the provisions of Indiana law. All other membership is coextensive with the member's term of office on that body, board or council unless another member is appointed to serve, or as consistent with IC 36-7-4-217. The terms for all Commission members shall expire on the

~~first Monday in January~~ December 31 of the appropriate year, based on their individual date of appointment and the requirements of Indiana law.

- B. There shall be no limit to the number of terms, including consecutive terms, which members may serve.
- C. A member must be a resident of the jurisdictional area of the Commission or a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county.

2.2 Election of Officers & Appointment of a Secretary and Attorney:

At its first regular meeting each year, the Plan Commission shall elect from its members a President and a Vice-President.

- A. A person who receives a majority vote of the entire membership of the Commission shall be declared elected and shall serve until a new person is declared elected at the annual election the following year. There shall be no limit to the number of terms, including consecutive terms, to which the President and Vice-President may be elected.
- B. At the same meeting, the Plan Commission shall also appoint a Secretary and Attorney, who is not required to be a member of the Commission. The Secretary and Attorney shall serve at the pleasure of the Commission and shall be appointed and dismissed by a majority vote of the entire membership of the Commission.
- C. The outgoing President shall oversee the annual process of electing officers and appointing a Secretary. Candidates for President, Vice-President, and Secretary shall be nominated by members of the Commission. Each nomination must receive a second from another Commission member in order for that candidate to be considered by the Commission. Nominations and voting for each office shall occur in the following order: President, Vice-President, then Secretary. When it appears that all nominations for each individual office are complete, the President shall oversee a roll call vote for each candidate in the order in which they were nominated. No nominations for any other office shall be considered until the previously considered office has been filled.

2.3 Vacancies:

Vacancies of the President, Vice President and Secretary from the Commissions meeting shall follow the following:

- A. The Commission shall elect a President pro-tempore from among its members if both the President and the Vice-President are temporarily absent or disabled.

- B. If the office of President or Vice-President becomes permanently vacant (due to death, permanent disability, resignation, or other cause) the Commission shall elect a replacement from its membership to complete the unexpired term at the next regular meeting.
- C. If a permanent vacancy occurs among the membership of the Commission, the appointing authority shall appoint a new Commission member to complete the unexpired term of the vacating member. In no instance shall the new member assume any office held by their predecessor unless they themselves are elected to such office by the Commission consistent with these Rules of Procedures.
- D. If the Secretary is a voting member of the Commission and is absent from any Commission meeting, the President shall appoint a temporary Secretary to serve at that meeting. If the Secretary is a staff member of the Department of Development Services and is absent from the Commission meeting, the Director, Assistant Director or Zoning Administrator shall serve as temporary Secretary at that meeting. If the office of Secretary becomes permanently vacant the Commission shall appoint a replacement at the next regular meeting.

2.4 President:

The President shall preside over all regular and special meetings of the Plan Commission in addition to executing the following duties:

- ~~A. The President shall appoint the members of all necessary committees;~~
- B. The President shall rule on all points of procedure, subject to these Rules of Procedures, unless overruled by a majority vote of the Commission;
- C. The President shall sign all official documents on behalf of the Commission, or otherwise delegate this duty to the Vice-President; and
- D. The President, with the Director, Assistant Director and/or Zoning Administrator, shall be the spokesperson for all matters relevant to the Commission. All press releases and similar public statements issued by the Commission shall be provided by the President or the Director, Assistant Director and/or Zoning Administrator. The President can delegate a spokesperson for the Plan Commission from the current members of the Plan Commission.

2.5 Vice- President:

The Vice-President shall act as President during the temporary absence or disability of the elected President. The Vice-President shall perform the duties imposed on the President until the President is able to resume his/her duties, or until the Commission elects a new President. The Vice-President shall sign all official documents on behalf of the Commission, when required or otherwise delegated by the President.

2.6 Secretary

The Secretary shall oversee the keeping of a complete and accurate record of all proceedings and votes of the Commission, the preservation of all papers and documents of the Commission, and the preparation and distribution of reports, ordinances and other material related to Commission activities. The Secretary shall be responsible for transcribing the minutes from any meeting held by the Commission. The Secretary may be a member of the Commission or a member of the Commission's staff. The Secretary shall sign all official documents on behalf of the Commission, when required or otherwise delegated by the President.

2.7 Staff:

The Director, Assistant Director, Zoning Administrator and/or his/her assignee, and other employees of the Plan Commission shall serve as the Plan Commission staff, and shall provide technical and analytical assistance to the Commission.

- A. The Director, Assistant Director and/or Zoning Administrator shall conduct a complete and thorough investigation of all matters that come before the Commission and may enlist, at his/her discretion, technical and professional assistance from engineers, architects and other consultants as required.
- B. The Director/Zoning Administrator shall supervise the Commission's staff and administer the daily affairs of the Commission. Those daily affairs may include, but are not limited to:
 - a. Keeping a complete and accurate record of all proceedings and votes of the Commission;
 - b. Preparing an agenda for all Commission meetings;
 - c. Providing notice of meetings to Commission members and the public;
 - d. Arranging for all legal notices required for the business of the Commission;
 - e. Preparing, publishing, and distributing all reports, ordinances, and other material related to the activities of the Commission;
 - f. Recommending appointments to the Commission;
 - g. Interviewing and hiring prospective staff members;
 - h. Establishing personnel policies and office procedures;
 - i. Managing all funds appropriated to the Commission through signing all purchase orders and claims, and seeing that monies are paid out in accordance with the adopted procedures of DeKalb County.

- C. The staff of the Commission and the Secretary (if the Secretary is not a member of the Commission) shall be hired, appointed, retained, promoted and/or discharged without regard to age, ancestry, disability, national origin, race, religion, sex, or sexual orientation.
- D. The officers, members, and staff of the Commission shall perform such other duties and functions as may, from time to time, be required by the Commission, these Rules of Procedures, or Indiana law.

2.8 Attorney

The Commission may employ an Attorney.

ARTICLE THREE

Member Confidentiality

3.1 Confidentially:

Members of the Plan Commission may be subject to receiving and/or reviewing information, project applications, development plans or supporting documents, legal documents or the like from potential developers, petitioners, members of the general public or others. Each member shall agree, when they accept the appointment as a Plan Commission member, to not directly or indirectly disclose any information of potential developments they may hear about, come into contact with or review plans for. Until such time the project is docketed for a public hearing and meets the notice requirements in 5.2 of this document, each Plan Commission member shall deem the information as confidential.

ARTICLE ~~THREE~~ FOUR

Meetings

4.1 Regular Meetings:

The Commission shall set the schedule for the following year at the final meeting of the preceding year. Generally, the Commission will conduct regular meetings on the 3rd Wednesday of each month at 7:00 p.m., local time, in the Commissioner's Court in the DeKalb County Court House. If the date of a regular meeting falls on a legal holiday recognized by DeKalb County, or if it is impossible to conduct the regular meeting at that time or place, the regular meeting shall be scheduled for the following day. The President may cancel the meeting with the consent of a majority of the Commission members. Notice of the rescheduled, relocated, or canceled meeting shall be given as required by I.C. ~~36-7-4-920(b)~~ 36-7-4-604(b), as amended and the meeting shall be subject to the Indiana Open Door Law.

4.2 Special Meetings:

Special meetings shall be called by the President, upon written request to the Director, Assistant Director or Zoning Administrator by two (2) Commission members, or as determined by a majority of the Commission members at a regular meeting.

- A. All members shall be notified in writing of the time and place of a special meeting by the Zoning Administrator a minimum of three (3) business days prior to the date of the special meeting. Written notice of a special meeting shall not be required if (1) the date, time, and place of a special meeting is fixed at a regular meeting and (2) all members of the Commission are present at the regular meeting.
- B. Only matters included in the call for a special meeting shall be considered at that meeting.
- C. Public notice of the special meeting shall be given in the same manner as required for regular meetings.

4.3 Executive Sessions:

The Plan Commission may meet in executive session consistent with the provisions of IC 5-14-1.5-6.1.

4.4 Open Meetings and Public Hearings:

All meetings and public hearings of the Commission, except executive sessions as described in section 4.3 above, shall be open to the public and petitioner(s), remonstrator(s) interested parties, and members of the general public desiring to witness the proceedings or be heard by the Commission in accordance with these Rules of Procedures.

4.5 Quorum:

A quorum consists of a majority of the entire membership of the Plan Commission members who are qualified to vote. Action of a plan commission is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the plan commission.

- A. No action shall be taken, decision made or opinion expressed by the Commission unless a quorum of members are present at a properly scheduled and advertised regular or special meeting.
- B. Nothing in this section shall be interpreted as prohibiting members of the Commission from gathering at events, community happenings, or on other occasions for the purpose of socialization or the receipt of information not directly related to a matter of business pending before the Commission.

4.6 Conflicts of Interest:

No member of the Commission may participate in a hearing or decision of the Commission if there is a conflict of interest. The member(s) with the conflict shall remove themselves from the room during that hearing.

- A. If a member is biased or prejudiced or otherwise unable to be impartial has a direct or indirect interest, direct or indirect financial interest or is biased or prejudiced or otherwise unable to be impartial (as required by I.C. 36-7-4-223). Any member with a conflict should notify the Director, Assistant Director or Zoning Administrator prior to the hearing, shall notify the members of the Commission prior to the beginning of any hearing on the matter or shall do so as soon as the conflict becomes apparent. The notification shall be entered in the Commission's records. Any member with a conflict who does not excuse him/herself may be removed from the proceeding by a 2/3 vote of the Commission.

4.7 Procedural Rules:

The following procedures must be followed to ensure a fair decision of the Commission.

- A. The President calls for the Public Hearing of the petition.
- B. Any person may appear in person, by representative or by counsel to participate in a discussion of an item before the Commission or to present a petition or remonstrance to the Commission.
- C. Any person wishing to speak for or against an application must state their name and address before speaking at the microphone.
- D. The Chairman may determine the admissibility of any evidence before the Commission.
- E. The suggested order of conducting a hearing is as follows:
 - a. The **President**, Secretary, Director, Assistant Director or Zoning Administrator reads the application.
 - b. The Director, Assistant Director or Zoning Administrator may present the staff report upon the request of the Commission.
 - c. The Commission may ask questions to the Director, Assistant Director or Zoning Administrator, if needed.
 - d. The petitioner and/or representative or counsel present facts relating to the case.
 - e. The Commission members direct questions to the petitioner and/or representative or counsel. These presentations or comments may have a time limit determined at the hearing.

- f. The President recognizes those who wish to speak for or against the proposal. These comments or presentations may have a time limit determined at the hearing. All questions shall be directed to the Plan Commission President.
- g. The petitioner and/or representative or counsel may rebut the testimony of those for or against the proposal. These presentations or comments may have a time limit determined at the hearing.
- h. Those for or against the proposal may rebut. These presentations or comments may have a time limit determined at the hearing.
- i. The President shall conclude the public hearing and call for a motion on the item before the Commission.

4.8 Order and Courtesy:

The President or his/her designee shall preserve order and may warn any member or other person present that particular conduct is a breach of peace. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission. There shall not be any clapping, booing, or other actions that may deprive the Plan Commission from conducting official business. If any person persists in such conduct following the warning, the President or designee may call a recess and request the assistance of local law enforcement to restore order as allowed by law.

4.9 Order of Business:

The order of business at all regular meetings shall be:

- A. Call to Order (by the President, Vice-President or pro tempore)
- B. Pledge of Allegiance
- C. Prayer
- D. Roll Call (of the Commission members, Secretary, and staff, and determination of a quorum)
- E. Consideration of Minutes
- F. Consideration of Claims (as deemed necessary by the Director, Assistant Director or Zoning Administrator)
- G. Old Business (any tabled or continued petitions or other items of business)
- H. New Business (all new petitions and business items)
- I. Reports from Officers, Committees, Staff or Town/City Liaisons
- J. Comments from the Public in Attendance
- K. Adjournment

The order of business for special or committee meetings shall be:

- A. Call to order (by the President, Vice-President or pro tempore);
- B. Pledge of Allegiance
- C. Prayer
- D. Roll call (of the Commission members, Secretary, and staff, and determination of a quorum);
- E. Old Business
- F. New Business (for which the special meeting was called);
- G. Adjournment.

4.10 Docketing and Agenda:

The Director, Assistant Director or Zoning Administrator shall docket all petitions and other matters for the consideration of the Commission consistent with the procedures outlined in the DeKalb County Unified Development Ordinance, applicable provisions of Indiana law, these Rules of Procedures, and the office policies which he/she has adopted. From that docket, the staff shall prepare an agenda for each meeting which meets the following requirements.

- A. The agenda shall list all items to be considered by the Commission at the regular or special meeting.
- B. The items shall be listed on the agenda in the order in which the petition or other matter was docketed by the Director, Assistant Director or Zoning Administrator.
- C. The agenda shall either be sent by U.S. Mail, email or be hand-delivered to all members of the Commission, each petitioner or their agent or counsel, and any person, party, or group which has filed a written request to receive the agenda for that calendar year.
- D. The agenda shall be available for public inspection at the Plan Commission Office no later than five days before any regular meeting.

The Director, Assistant Director or Zoning Administrator may exclude any petition or other matter from the agenda consistent with the provisions of section 4.5 of these Rules of Procedures.

The Commission may amend the agenda during the course of any meeting. Action of the Plan Commission is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the Plan Commission.

4.11 Voting

All voting by the Commission shall be in the form of either a roll call vote, consensus or majority vote. Generally a roll call vote shall be used in deciding all petitions. In any instances in which a voice vote is used, any member of the Commission may make a motion requesting a roll call vote. Such roll call vote shall be taken if the motion receives a second from another member of the Commission. When voting, the President shall always be the last Commission member to vote.

4.12 Minutes and Record of Proceedings

The Plan Commission's staff shall maintain minutes of all Commission meetings. The minutes of each meeting shall be reviewed by the Commission at its subsequent meeting. Action of a Plan Commission is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the plan commission.

- A. At a minimum, the minutes shall include the names of the Commission members in attendance, the names and addresses of the petitioners, their agents or counsel, and all other persons appearing before the Commission, the docket number of all petitions heard, a description of each location which is subject to a petition or discussion, a summary of all discussion, and a record of all votes taken. Including the names of the Commission members making and supporting all motions, the record of all roll call votes, and a listing of any conditions specified by the Commission and/or commitments made by any petitioner.
- B. The Director, Assistant Director or Zoning Administrator shall keep a file for each petition or other matter heard by the Commission. The file shall include all forms, correspondence, drawings, public notices, and other material related to the matter.
- C. All minutes and records of the proceedings of the Commission shall be kept in the Commission's office and shall be accessible to Commission members and the public during normal business hours.

ARTICLE FOUR FIVE

Petitions

5.1 Applications:

Every petitioner shall complete an application obtained from the Director, Assistant Director or Zoning Administrator. All submitted materials shall be consistent with the applicable provisions of the DeKalb County Unified Development Ordinance, Indiana law, these Rules of Procedures, and the office policies of the Director, Assistant Director or Zoning Administrator. The petitioner may be required by the Director, Assistant Director, Zoning Administrator or the Commission to submit any additional information deemed relevant for the consideration of the petition.

5.2 Filing Requirements:

Every petition shall be filed with the Commission consistent with the **adopted** Calendar of Meeting and Filing Deadlines.

5.3 Required Forms and Documents:

All applications, requests for plat approval, notices, affidavits, certificates, endorsements and instruments, and other documents submitted to the Commission must be consistent with the forms established and office policies adopted by the Director, Assistant Director or Zoning Administrator and the applicable requirements of the DeKalb County Unified Development Ordinance.

5.4 Fees

All applications and petitions shall be accompanied by the appropriate fees as specified on the adopted Fee Schedule **in Article 10.**

5.5 Docket and Agenda

No petition shall be docketed, and therefore shall not be placed on the agenda for a Commission hearing unless all fees have been paid, all required forms have been submitted, and all materials are deemed to be consistent with the applicable provisions of the DeKalb County Unified Development Ordinance, Indiana law, these Rules of Procedures, and the office policies of the Director, Assistant Director or Zoning Administrator. All petitions which are properly filed shall be docketed for the appropriate meeting of the Commission.

ARTICLE FIVE SIX

Public Hearings

6.1 Hearings:

The Plan Commission may conduct a public hearing as a part of any regular or special meeting if the public notice required by State law, these Rules of Procedures, and the applicable provisions of the DeKalb County Unified Development Ordinance is provided.

A. A public hearing is any proceeding involving the recommendation of amendments to the Comprehensive Plan (including the Future Land Use Map), Unified Development Ordinance (including the Zoning Map); the consideration of a subdivision **preliminary primary and/or secondary** plat by the Commission; the consideration of a development plan by the Commission; or the consideration of an appeal to the Commission. It specifically does not include the Plat Committee, **Development Review Committee Ordinance Review Committee** or Technical Review Committee meetings required herein.

B. The conduct of the public hearings shall be governed by the following:

- a. To the extent necessary for full disclosure of all relevant facts and issues, the Commission shall provide all parties and any interested persons the opportunity to present evidence and argument, respond, and submit rebuttal evidence, except as restricted by these Rules of Procedures.
- b. The President or his/her designee may administer oaths and rule on any offer of proof or evidence.
- C. All public hearings shall be recorded at the Commission's expense. The Commission is not required, at its expense, to prepare a transcript, unless required to do so by law. Any person, at the person's expense, may cause a reporter approved by the Commission to prepare a transcript from the Commission's record, or cause additional recordings to be made during the hearing as long as the additional recording does not cause a distraction or disruption in the opinion of the Commission President.

6.2 Notice Requirements:

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section and the applicable requirements of the DeKalb County Unified Development Ordinance. Required public notice shall include the following:

- A. The Director, Assistant Director, Zoning Administrator or Secretary shall prepare and the Petitioner shall pay for a legal notice consistent with the requirements of IC 5-3-1 for publication in a qualifying newspaper of general circulation. The legal notice shall appear in the newspaper no less than one (1) time at least 10 days prior to the date of the public hearing. Legal notices shall include the following information:
 - a. The address and/or general location of the subject property and a legal description of the land which is included in the petition;
 - b. That a public hearing will be held giving the date, place, and hour of the hearing;
 - c. That the project plans are available for examination at the office of the DeKalb County Plan Commission;
 - d. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Director, Assistant Director or Zoning Administrator.
- B. The Director, Assistant Director, Zoning Administrator or Secretary shall prepare and the Petitioner shall distribute written notice of the public hearing to all property owners of the subject property.

- a. The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in section 5.2(A) above.
- b. The distribution and cost of the notice shall be the responsibility of the petitioner.
- c. The petitioner shall obtain the names and mailing addresses of those to be notified from the Director, Assistant Director, Zoning Administrator.
- d. The notices shall be sent via Certificate of Mailing through the United States Postal Service to each property owner at least one time and must be postmarked a minimum of 14 days before the date of the public hearing. Standard, Regular or First Class mail is not acceptable form of notice.

6.3 Determination of Property Owners:

- A. Property Owners shall be those owners within a 300 foot radius of the petitioned site and shall be compiled by the Director, Assistant Director or Zoning Administrator utilizing DeKalb County GIS software.
- B. In no case shall streams, rivers, roads or other built or natural features be interpreted as being boundaries for notification if they separate the subject property from the property of those owners specified in section 5.2 (B) for the receipt of notice.
- C. For the purpose of these notice requirements, where any such adjacent parcels of land are owned by the petitioner, the subject property shall be deemed to include all of the petitioner's contiguous holdings.
- D. In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice required to be given to the co-owners of such common area may be given to the association of co-owners set forth in condominium instruments recorded in the office of the Recorder of DeKalb County.
- E. For the purpose of determining the names and addresses of legal title owners, the records in the office of the DeKalb County Auditor which list the current owner of record at the time the notice shall be deemed to be the true names and addresses of persons entitled to notice. If notice is sent to such persons for the purposes of the public hearing before the Commission, such notice shall be deemed proper.

6.4 Proof of Notice:

A copy of the mailing receipts and materials provided to each property owner, and a signed and notarized Publisher's Affidavit certifying the publishing in the newspaper

shall be provided to the Director, Assistant Director, Zoning Administrator or Secretary prior to the public hearing.

6.5 Defective Notice:

If proper notice has not been given, the Commission shall continue the petition until the next regularly scheduled meeting. Renotification is required. If the notification was done incorrectly due to an error by the Commission or staff, the renotification cost shall be borne by the Commission. If the notification was done incorrectly due to an error by the petitioner, the renotification cost shall be borne by the petitioner.

6.6 Communication with Commission Members and County Departments:

Written comments must be received by the staff no later than one business day before the hearing.

The staff shall provide each Commission member a written staff report describing the relevant facts of all matters pending before the Commission. Copies of relevant materials provided by the petitioner, remonstrators, or other interested parties shall be included in the staff report. The staff report may also include a written recommendation for Commission action to be taken on any pending matter. Staff reports shall also be made available to the public a minimum of five (5) days prior to the hearing.

6.7 Visual Inspection:

Commission members should make a reasonable effort to visually inspect properties for which petitions have been filed.

6.8 Appearances:

Appearances by petitioners at public hearings shall be required consistent with the procedures outlined in the DeKalb County Unified Development Ordinance. The petitioner and/or their agents or counsel must appear and present each petition in order for the Commission to consider the request.

- A. If no person appears on behalf of a petition, the petition may be tabled until the following regularly scheduled meeting or be dismissed at the discretion of the Commission. Renotification is required with the cost borne by the petitioner.
- B. Interested parties may appear at the meeting and make a verbal presentation or they may submit written comments to the Director, Assistant Director or Zoning Administrator. Any written comments filed with the Director, Assistant Director or Zoning Administrator before the hearing shall be considered by the Commission, and shall be made a part of the record of the hearing without requiring the appearance of the author. All written comments must include the author's signature, printed name, address and telephone number in order to be considered by the Commission.

6.9 Continuance & Tabling of Petitions:

All continuances for public hearings on petitions shall be subject to the following:

- A. Continuances or tabling of petitions may be requested by the petitioner, a remonstrator, an interested party, the Commission, or the Commission's staff as specified below:
 - a. The Commission may, at any time and at its own discretion, continue or table the hearing of any petition at any time during a public hearing prior to a vote being taken on the matter.
 - i. If the Commission continues a petition, the Commission shall specify a date to which the matter shall be continued.
 - ii. If the Commission tables a petition, the Commission does not need to specify a date to which the matter shall be heard. Renotification is required.
 - b. The Commission's staff may request a continuance or to table the hearing of any petition at any time during the hearing of any petition, prior to a vote being taken on the matter.
 - i. If the Commission continues a petition, the Commission shall specify a date to which the matter shall be continued.
 - ii. If the Commission tables a petition, the Commission does not need to specify a date to which the matter shall be heard. Renotification is required.
 - c. The petitioner and/or representative or counsel or an interested party may request a continuance to the next scheduled Commission meeting or date agreed upon by the Commission and requesting party. The request shall include the reasons for the request, and shall be either presented in writing to the Director, Assistant Director or Zoning Administrator prior to the date of the hearing or verbally during the time specified for interested party comments during the hearing. By no means can the petitioner and/or representative or counsel request to table a petition.
- B. Requests for continuance shall generally be approved if good cause is demonstrated by the party requesting the continuance. If approving the continuance, the Commission shall specify a date to which the matter shall be continued.
- C. If a petition is continued to the next regular meeting and if proper notice was given by the petitioner in compliance with the applicable notice requirements, no

renotification is required. However, any continuance which is granted for a time period in excess 1 regularly scheduled meeting shall require re-notification consistent with the provisions of these Rules of Procedures and the applicable requirements of the DeKalb County Unified Development Ordinance.

- D. Petitions will be dismissed if the continuance has been inactive for more than two (2) regularly scheduled meetings, unless good cause is shown.
- E. Generally, any party requesting a continuance should notify the Director, Assistant Director and/or Zoning Administrator of the request prior to the date of the public hearing on the matter. The Director, Assistant Director and/or Zoning Administrator shall inform the Commission President of all such requests prior to the start of the meeting. The President may seek the approval of the Commission to alter the agenda in order to hear all requests for continuance prior to any other business in order to expedite the meeting.

6.10 Amendments to a Petition:

Requests to amend a petition may be filed with the Director, Assistant Director and/or Zoning Administrator in writing prior to the start of any public hearing, or be made orally at the hearing during the petitioner's presentation.

- A. Any remonstrators or interested parties present shall have the right to be heard on any objections they may have to a proposed amendment.
- B. It shall be within the discretion of the Commission to grant or deny any requests for amendments and to require re-notification in compliance with these Rules of Procedures. Any proposed amendment to modify additional standards or regulations shall be required to take the form of a new petition and shall meet all of the filing, notification, and other applicable requirements of these Rules of Procedures.

6.11 Presentations:

Public Hearings before the Commission shall proceed in the following manner:

- A. To maintain proper order, each petitioner, remonstrator, and interested party shall make their presentations without interruption by any other party. All speakers shall approach the microphone when the time for their presentation is announced by the President. They shall state their name and address for the purposes of the record prior to their presentation, shall be recognized by the President prior to speaking, and shall address all comments to the Commission.
- B. All public hearings shall proceed based on the following order of events:
 - a. The President shall announce the petition as listed on the agenda and the affected area shall be located on a map of DeKalb County;

- b. The Commission's staff shall verify for the Commission whether or not adequate public notice has been provided. Petitions for which adequate public notice has not been provided may be continued to the next Plan Commission meeting and proper notice for that meeting shall be required;
- c. The Director, Assistant Director and/or Zoning Administrator may read the staff report into record. Included in the staff report may be a recommendation for specific action to be taken by the Commission;
- d. The petitioner shall present facts relating to the case. The burden to supply all information necessary for a clear understanding of the case shall be upon the Petitioner;
- e. Each remonstrating party shall have the opportunity to present facts relating to the case;
- f. The President shall then recognize other interested parties;
- g. The Petitioner shall then be allowed to present rebuttal;
- h. The Commission members and Director, Assistant Director or Zoning Administrator may direct questions to any of the previous speakers, with the Commission having unlimited time to consider the facts of the matter;
- i. The President shall call for a discussion by the Commission members; and
- j. The President shall call for a motion. A motion shall be made and seconded, and a vote of the Commission shall occur. Any Commission member or the staff may ask for discussion to occur after the motion and before the vote for the purpose of clarifying the motion. No petitioner or other interested party may participate in this discussion.

ARTICLE SIX SEVEN

Final Disposition of Petitions

7.1 Indecisive Vote:

When a motion of the Commission fails to receive a majority vote of the commission (whether in favor or against), and therefor does not result in an official action of the Commission, the matter shall be automatically re-docketed and heard again at the next regularly scheduled meeting of the commission. If after the rehearing at the second meeting, the petitioner fails to obtain the necessary vote of the majority of the members of the Plan Commission, then the petition is deemed to fail for lack of the needed vote.

7.2 Dismissal of Petitions:

The Commission may dismiss a petition for lack of action or for lack of jurisdiction. Any petition which has been dismissed by the Commission for lack of action shall not be re-filed for consideration by the Commission within a period of one (1) year from the date of the dismissal, unless a majority vote of the Commission grants a request from the petitioner to allow an earlier re-filing of the petition.

7.3 Withdrawal of Petitions:

No petition may be withdrawn by the petitioner after a vote has been ordered by the President. No petition which has been withdrawn by the petitioner shall again be filed for consideration by the Commission within a period of six (6) months from the date of withdrawal. A majority vote of the Commission may grant a request from the petitioner to allow an earlier re-filing of the petition.

7.4 Re-filing Following Adverse Decisions:

Any petition which was denied by the Commission shall not be reheard by the Commission for a period of one (1) year. However, the Commission may allow any such petition to be reheard before the expiration of the waiting period if both of the following conditions are met: (1) a majority of the entire membership of the Commission votes in favor of rehearing the petition at a subsequent meeting of the Commission, and (2) the petition is filed and considered pursuant to all of the other provisions of these Rules of Procedures.

7.5 Certification:

Following the Commission's action on a petition the staff shall notify the petitioner of the Commission's decision in writing.

- A. For all petitions which are approved, or for which a favorable recommendation is made to the Board of County Commissioners, the letter shall include the date of approval and a listing of any conditions made or commitments accepted as part of the approval.
- B. For petitions which are denied, or for which an unfavorable recommendation is made to the Board of County Commissioners, the letter shall include the date of the denial and a listing of detailed reasons for the negative finding.
- C. For all petitions which are continued, the letter shall include the date of the meeting at which the continuance was determined, the reasons for the continuance, the date at which the petition will be heard, and whether or not re-notification is required.

ARTICLE SEVEN EIGHT

Amendments and Suspensions

8.1 Amendments:

These Rules of Procedures may be amended by a two-thirds (2/3) vote of the membership of the Commission

8.2 Suspensions:

These Rules of Procedures or any portion of them may be suspended by a two-thirds (2/3) vote of the membership of the Commission present. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.

8.3 Effective Date:

These rules shall enter into effect immediately upon the adoption of this Resolution.

8.4 Federal and State Law:

Notwithstanding any other provisions of these Rules of Procedures, nothing shall require the Commission to observe any other act, or do any other thing, in contradiction of any applicable Federal or state law. These Rules of Procedures shall be construed in accordance with the laws of the State of Indiana.

8.5 Severability:

Should any provision of these Rules of Procedures be void or unenforceable such provision shall be deemed omitted, and these Rules of Procedures, with such provisions omitted, shall remain in effect.

8.6 Conflicts with Unified Development Ordinance:

Should any conflict with the Unified Development Ordinance arise, the regulations in the Unified Development Ordinance shall take precedence over these rules of procedure.

ARTICLE EIGHT NINE

Committees

9.1 In General:

The Committee may be appointed by and through its membership the President at the first meeting of the year in order to facilitate the work of the Commission. A Chairperson shall be appointed for each committee and reports on their assignments shall be made part of the record. The Zoning Administrator may serve as the Chairperson to a committee but cannot be a member of a committee.

9.2 Plat Committee:

In accordance with IC 36-7-4-701(e) a Plat Committee shall consist of at least three or five members. At least one member of the committee shall also be a member of the Commission. The Plat Committee shall have the authority to review and approve Primary & Secondary Minor Subdivision Plats, RePlats & Plat Vacations.

9.3 Ordinance Review Committee:

The purpose of the committee is the review proposed amendments to the DeKalb County Unified Development Ordinance and provide recommendations to the Plan Commission regarding the proposals.

9.4 Technical Review Committee:

The Technical Review Committee provides technical expertise in the review of proposed projects in detail and may make recommendations to the Plan Commission. Activities of the Technical Review Committee may be to: review and approve site plans; review and make recommendations to the Plan Commission regarding primary and secondary plats; other duties as assigned by the Plan Commission, including, but not limited to, reviewing requests for change of zoning, planned developments and improvement location permits.

The Technical Review Committee is comprised of various local county, municipal, utility, state and federal departments including: County Building Dept., Health Dept., County Highway Dept., County Soil & Water Conservation District & County Surveyor (and/or County Drainage Board). Other members of the committee may be electric or gas utilities, municipal electric, sewer, water, street, fire and police departments, county sheriff or fire departments, state or federal highway departments, and other members as deemed necessary by the Plan Commission, Director, Assistant Director or Zoning Administrator.

9.5 Appeals:

An interested person who wishes to appeal a decision made by a Committee must file the appeal no later than five (5) business days after the date the decision is made, and the Plan Commission shall then hold the prescribed hearing and render its decision.

ARTICLE TEN

Livestreaming

10.1 Beginning July 1, 2025, livestreaming of public meetings, excluding executive sessions, that are held in the same location as the executive, legislative or fiscal body (County Council and Commissioners) is required by House Bill 1167, IC 5-14-1.5-209, as amended.

10.2 The livestreaming platform shall be the same as the County Council and County Commissioners livestreaming.

10.3 The Plan Commission members shall participate in proper decorum amongst members and the public. Members are responsible for articulate and accurate information presented and ability to be heard and seen clearly.

ARTICLE ELEVEN

Fee Schedule

Improvement Location Permits: (Shall include Certificate of Occupancy if required)

1. Structures 350 square feet or less.....	\$ 30.00
(Including additions to existing structures)	
2. Structures larger than 350 square feet.....	\$ 50.00
(Including additions to existing structures)	
3. Commercial Structures - \$.02 per square foot	Min.....\$ 75.00
	Max.....\$250.00
4. Industrial Structures - \$.02 per square foot.....	Min.....\$100.00
	Max.....\$500.00
5. Commercial Solar Energy System	\$500.00
6. Commercial Solar Energy System upgrade, replace or new equipment ..	\$50.00 per piece of equip.
7. Residential Private Accessory Solar Energy System	\$30.00
8. Fence/Retaining Wall Permit.....	\$ 15.00
9. Ponds - (Including detention/retention/recreation ponds).....	\$100.00
10. All other Permits (i.e.-signs, in & above ground pools)	\$ 50.00

Board of Zoning Appeals:

1. Special Meeting	\$600.00
2. Appeal Decision of Zoning Administrator.....	\$150.00
3. Appeal Decision of Zoning Administrator.....	\$500.00
(Zoning Administrator determines appeal will take longer than one-half hour)	
4. Variance Petition.....	\$150.00
5. Additional Variance Requests.....	\$ 50.00
6. Special Exception.....	\$150.00
7. Amend Special Exception.....	\$150.00
8. All Other Meetings Before the BZA.....	\$200.00

Plan Commission:

1. Special Meeting	\$600.00
2. Zoning Ordinance Amendment.....	\$150.00
3. Request for Commercial Solar Energy System Overlay District.....	\$50 per acre
	or \$5000 max
4. Vacation	\$150.00
4. Minor Division of Land	\$150.00
5. Conventional Subdivision (First two (2) Lots)	\$150.00
(Each Addition Lot).....	\$ 50.00
6. Commercial Development Plan	\$200.00
7. Industrial Development Plan.....	\$400.00
7. Commercial Solar Energy System Overlay District Development Plan.....	\$25 per acre
	or \$5000 max
8. Amendment to Development Plan	\$150.00
9. All Other Meetings Before the Plan Commission.....	\$200.00

Plat Committee:

1. Primary Plat	\$100.00
2. Secondary Plat	\$100.00

These Rules of Procedure are hereby adopted on the _____ day of _____ 20____ by
the DeKalb County, Indiana Plan Commission.

Jason Carnahan, President

Frank Pulver, Vice President

Glenn Crawford

Suzanne Davis

Sandra Harrison

Angie Holt

William Van Wye

Michael Watson

Jerry Yoder

IC 5-14-1.5-3.5

Electronic meetings of political subdivisions; statutory authorization required

Sec. 3.5. (a) This section applies only to a governing body of a public agency of a political subdivision, other than a governing body of an airport authority, a department of aviation, or a conservancy district as set forth in section 3.6 of this chapter.

(b) Subject to subsection (i), a member of the governing body of a public agency who is not physically present at a meeting of the governing body may participate in a meeting by any electronic means of communication that does the following:

- (1) Allows all participating members of the governing body to simultaneously communicate with each other.
- (2) Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.

Subject to subsection (i), a governing body member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.

(c) A technological failure in an electronic means of communication that disrupts or prevents:

- (1) the simultaneous communication between a member who is not physically present at the meeting and the governing body; or
- (2) a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the governing body from conducting the meeting or affect the validity of an action taken by the governing body at the meeting if the sum of the governing body members physically present at the meeting and the governing body members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the governing body.

(d) The governing body shall adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication. The governing body may establish procedures that are more restrictive than the procedures established by this section. The policy adopted under this section may include:

- (1) limiting the number of members who may participate by electronic communication in any one (1) meeting;
- (2) limiting the total number of meetings that the governing body may conduct in a calendar year by electronic communication; and
- (3) requiring a member, except in the case of a meeting called to deal with an emergency under section 5(d) of this chapter, who plans to attend a meeting by any electronic means of communication to notify the presiding officer within a certain period of time before the meeting, as specified by the governing body, so that arrangements may be made for the member's participation by electronic communication.

(e) The memoranda prepared under section 4 of this chapter for a meeting in which a member participates by an electronic means of communication must:

(1) state the name of each member of the governing body who:

(A) was physically present at the place where the meeting was conducted;

(B) participated in the meeting by using any electronic means of communication; and

(C) was absent; and

(2) identify the electronic means of communication by which:

(A) members of the governing body participated in the meeting; and

(B) the public attended and observed the meeting, if the meeting was not held in executive session.

(f) All votes taken during a meeting under this section must be taken by roll call vote.

(g) At least fifty percent (50%) of the members of the governing body must be physically present at a meeting.

(h) A member of the governing body may not attend more than fifty percent (50%) of the governing body's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

(1) military service;

(2) illness or other medical condition;

(3) death of a relative; or

(4) an emergency involving actual or threatened injury to persons or property.

(i) A member of a governing body may not participate in a meeting of the governing body by electronic communication if the governing body is attempting to take final action to:

(1) adopt a budget;

(2) make a reduction in personnel;

(3) initiate a referendum;

(4) establish or increase a fee;

(5) establish or increase a penalty;

(6) use the governing body's eminent domain authority; or

(7) establish, raise, or renew a tax.

(j) A governing body may not prohibit a member of the governing body from attending consecutive meetings by electronic communication. A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

(1) military service;

(2) illness or other medical condition;

(3) death of a relative; or

(4) an emergency involving actual or threatened injury to persons or property.

As added by P.L.134-2012, SEC.11. Amended by P.L.154-2016, SEC.1; P.L.88-2021, SEC.5; P.L.107-2021, SEC.1; P.L.137-2021, SEC.22.