

DEKALB COUNTY DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING • BUILDING • GIS

301 S. Union St., Auburn IN 46706

Planning: 260.925.1923 • Building: 260.925.3021 • GIS: 260.927.2356 • Fax: 260.927.4791

AGENDA

DeKalb County Plan Commission

Commissioners Court – 2nd Floor DeKalb County Court House

Wednesday, June 21, 2023

7:00 PM

1. Roll call
2. Pledge of Allegiance
3. Approval of Minutes: May 17, 2023
4. Consideration of Claims: May 2023

EagleView Imagery	\$56,407.50
Lassus Fuel	\$476.08
Verizon	\$76.62
Westwood Car Wash	\$10.00
<u>Payroll (05/07/23 – 06/03/23)</u>	<u>\$19,604.86</u>
TOTAL:	\$76,575.06

5. Old Business: None
6. New Business:

Petition #23-15 – Text Amendments to the Unified Development Ordinance to include revisions, additions and deletions to:

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

Article 2, Section 2.04: A1 District Development Standards;

Article 2, Section 2.06: A2 District Development Standards;

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

Article 6, 6.02: Subdivision Introduction, Prerequisite Zoning;

Article 6, 6.03: Conservation Agriculture Subdivision Intent;

6.04: Conservation Agriculture Subdivision Features;

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

Article 6, 6.06: Minor Subdivision Intent;

6.07: Minor Subdivision Features;

6.08: Minor Subdivision Standards and Effects on Development Standards;

Petition #23-16 – Appendix B: Fee Schedule

New Rules of Procedure Revisions

7. Reports from Officers, Committees, Staff or Town/City Liaisons
8. Comments from Public in Attendance
9. Adjournment

Next Meeting: July 19, 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 May 17, 2023

The Regular Meeting of the DeKalb County Plan Commission was called to order at 8:31 a.m. in the DeKalb County Commissioner's Courtroom by Plan Commission President, Jason Carnahan.

ROLL CALL:

Members Present: Angie Holt, Mike Watson, Jerry Yoder, Jason Carnahan, Elysia Rodgers, Sandy Harrison and Suzanne Davis

Members Absent: Glenn Crawford, Frank Pulver and Bill Van Wye

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

Community Representatives Present: None

Public in Attendance: Andrew Provines

Jason Carnahan led The Pledge of Allegiance.

APPROVAL OF MINUTES:

Jason Carnahan asked for a motion to approve the April 19, 2023 minutes.

Angie Holt shared her revisions that she had sent to the Plan Commission the previous day. The secretary took her revisions under advisement and updated the minutes to reflect her corrections. The corrected sections of the minutes were read to the board.

Mike Watson moved to approve the April 19, 2023 amended meeting minutes.

Seconded by Sandy Harrison.

None opposed. Motion carried.

CONSIDERATION OF CLAIMS:

Jason Carnahan asked for a motion to approve April 2023 claims, totaling \$24,198.20.

Sandy Harrison motioned to approve with a second from Angie Holt.

None Opposed. Motion carried.

OLD BUSINESS:

None

NEW BUSINESS:

Discussion of Unified Development Ordinance amendments:

- o Section 2.03-2.04: Conservation Agricultural (A1) District Uses & Development Standards
- o Section 2.05-2.06: Agricultural (A2) District Uses & Development Standards
- o Section 6.01-6.02: Subdivision Design Standards
 - Addition of Conservation Agriculture Subdivision
 - Revision to Minor Subdivision

Chris Gaumer briefly summarized the discussion at the previous Plan Commission meeting regarding the Unified Development Ordinance and the A1 & A2 Zoning Districts being somewhat similar, based off of some revisions that the Plan Commission gave recommendations on to the County Commissioners.

Mr. Gaumer stated that the minutes from the September 15, 2010 public meeting were poor, as to the reasons why the motions were made to bring the changes forward. Mr. Gaumer offered a copy for anyone to review. The Plan Commission gave a favorable recommendation to move manufactured homes and

single-family dwellings from a Special Exception Use to a Permitted Use. Mr. Gaumer explained that a Special Exception Use allows for the Board of Zoning Appeals to review and approve new single-family homes. Mr. Gaumer stated that when the County Commissioners met on September 20, 2010, they held a vote of 2 to 1, with Don Grogg voting no for the changes.

Mr. Gaumer advised that the proposed amendments that are brought up for discussion today will not be voted on during this meeting. Should the Plan Commission decide to bring any of the proposed amendments forward, he would then have to advertise for a public hearing.

Mr. Gaumer introduced the first proposed amendment: 2.03: Conservation Agricultural (A1) District Uses up for discussion, which was to move manufactured homes and single-family dwellings back to Special Exception Uses category. The second proposed amendment: 2.04: Development Standards up for discussion, conserving agricultural land, by putting single-family homes in the proper locations. Mr. Gaumer explained to the Plan Commission, that if any of those would happen to come forward and get approved by the Board of Zoning Appeals, the landowner would be proposing to reduce the lot frontage or county/highway road frontage by a certain number of feet, if the lot(s) are designed to conserve land use for agricultural crop production. He further explained that it would be at the discretion of the Board of Zoning Appeals if they would approve new single-family lots and/or the Plat Committee.

Mr. Gaumer stated that he had previously met with Bill Van Wye and Jason Carnahan to discuss the A1 and A2 Zoning Districts. He explained that the reasoning for bringing up this proposed change, is because the A1 and A2 Districts are so similar, that we either keep A1 and bring it back to being a Conservation Agricultural District or merge the two together to just have an A2 district. He then invited discussion from the board members on this topic.

Angie Holt shared that she appreciated the direction that Mr. Gaumer went with this proposal, to make the A1 stricter and more in-line with the original intent.

Mr. Gaumer responded that this was something that has been brought up in the past, especially during the recent solar discussions. There was a stance on conserving agricultural land and this is one way to accomplish that. He mentioned that he included a map of the current Zoning Districts with the members' meeting packets.

Mr. Gaumer added that after we would go through this public hearing process, the next steps would be to look into our Zoning Districts to see if DeKalb County needs 24 Zoning Districts, for instance: 2 multi-family districts, or should we reduce our A1 or A2 Districts by looking into exactly where the productive farm ground is in DeKalb County.

Jason Carnahan mentioned that Bill Van Wye had previously said at the meeting between him, Bill, and Chris, that Bill would talk to the Farm Service Agency about the locations of the productive farm ground in DeKalb County.

Ms. Holt inquired about consistency with how the district uses are written. She noticed the Special Exception Uses in A1 include Wind Energy Systems, but that's not included in A2. She wasn't sure if it was relevant or not to still have that in A1.

Sandy Harrison responded that the setbacks are so strict with wind energy and there are only 2 spots in the whole county that the wind energy is even allowed, which is why it's only in A1.

Mr. Gaumer stated that our Wind Energy Systems are in the Unified Development Ordinance on page 5-59. Also, that he hadn't reviewed this section, because it was something that was done before he was the Zoning Administrator and hasn't had a reason to change it. Mr. Gaumer advised that on page 5-59, it does say that an application for a Special Exception should be in the A1, A2, A3, A4, I1, and I2 Zoning Districts; but for some reason, it's just not listed in the A2, I1, or I2 Districts.

Chris Gaumer asked Andrew Kruse since it's already stated in the Wind Energy System standards, if they can just be added to those districts as a Special Exception Use.

Mr. Kruse shared that in his opinion, it needs to be consistent with the rest of the Unified Development Ordinance.

Mr. Gaumer inquired if a Text Amendment would be required to get that added to the districts as Special Exceptions because it's already in the Ordinance under the Wind Energy System.

Mr. Kruse clarified that when they changed the Unified Development Ordinance back before his time as Plan Commission attorney, they never updated each one of the zoning districts' Special Exception Uses. It should have been added to all of the districts but they only added it to one of them. Mr. Kruse suggested that it could be classified as a secretarial error or a scrivener's error.

Sandy Harrison asked why they would be added in, if you can't even do it; the setbacks are so strict.

Mr. Gaumer responded that they would have to allow it anyway by Special Exception.

Mr. Kruse stated if there are setbacks but there may not be, except for those two areas of the county where there could be those setbacks.

Mrs. Harrison stated that it's impossible to even put them in.

Mr. Gaumer stated he didn't disagree that the standards are restrictive, but you still have to be consistent with what the standards are. In the Development Standards, Wind Energy Systems are in the A1, A2, A3, A4, I1, and I2—approved as a Special Exception. So, it would just have to get updated in the table.

Mr. Kruse explained that right now the Wind Energy Systems is in A1, so if we make A1 more restricted, that's not going to change anything.

Mrs. Harrison agreed that right now it's only allowable in those two spots, but in the other Zoning Districts, there isn't any room to put wind energy. She asked again, why they would put it in the tables.

Mr. Gaumer offered an example to explain. He also added that he isn't disagreeing with Mrs. Harrison, but that it's just a scrivener's error from 2012, when Wind Energy Systems was added, as to why it isn't included in the tables. He thought that could just be revised without a Text Amendment, but he would want to confer with Mr. Kruse before he made any decisions.

Mr. Kruse responded that he thinks the Unified Development Ordinance controls these particular lists.

Mr. Gaumer advised that he will make those changes in the PDF version of the Unified Development Ordinance. He asked if there were any other questions on the A1 District or proposals of additional amendments. There were none. He stated that if the members were comfortable with those changes, he will prepare a public hearing notice for the Plan Commission Meeting in June.

Mr. Gaumer stated that the only change to the A2 District was the addition of the 40 feet lot frontage if lots are designed to conserve land use for agricultural crop production. He asked if there were any questions on that, or if there were any additional uses that they propose to put into our A2 District. There were none.

Mr. Gaumer introduced the next proposed amendment: 6.01: Design Standards Overview & 6.02: Prerequisite Zoning up for discussion. He stated that in a Minor Subdivision, property is allowed 4 splits out of a parent tract. If there's an existing farmstead, you're allowed 3 additional splits. When looking at the Conservation Agricultural Zoning District, Mr. Gaumer thought if we should just have a Conservation Agricultural Subdivision as well. This would lessen the number of splits permitted in an A1 District.

Chris Gaumer stated that what he has proposed is to create a Conservation Agricultural Subdivision with a maximum number of 2 splits if it's vacant land, or a maximum of 1 split if it has an existing farmstead or house on it. These proposals would only be permitted in the A1 Conservation Agricultural District; there would be no additional design standards.

Jason Carnahan asked if the Plan Commission should vote on that now or wait until the next meeting.

Mr. Gaumer preferred to have this discussion first, then vote during the next meeting. He asked if anyone had any more questions, or if they feel that the proposal would be necessary or not. If it wouldn't be necessary, then he would just remove this and it would remain that Conservation Agricultural would be allowed Minor Subdivisions.

Sandy Harrison clarified what Mr. Gaumer had said, in her own words. Then she added that it sounds reasonable to her.

Mr. Gaumer advised that there would still be the requirements of the 2 net acres, etc. He hadn't proposed any changes to the development requirements.

Andrew Kruse asked Mr. Gaumer if he had put in the minimum pre-development area of 2 acres.

Mr. Gaumer stated that we don't have that requirement in the Minor Subdivision, which is why he didn't propose it here. He proposed that in a Conventional Subdivision, those are typically going to be anything over 4 lots, and if it has an internal street that's dedicated to the county, you're going to have sidewalks, street lights, etc. So, for a Conventional Subdivision over all the others, they want that to be a larger tract of land. In a Conventional Subdivision (R1, R2, or R3), there is a requirement to hook up to city sewer so there isn't a 2-acre minimum.

Mr. Kruse added, that with the Conservation Agricultural, they still have 2 net acre minimum for septic purposes.

Mr. Gaumer said that Mr. Kruse was correct, but this was just the pre-development. Mr. Gaumer explained that pre-development means what you are splitting out of that larger tract, to get to your 2 acres. For example, if you wanted 4 half-acre lots in a Conventional Subdivision, you would have to have a minimum of 2 acres. Mr. Kruse agreed that made sense. Mr. Gaumer asked if there were any more questions.

Elysia Rodgers noted a spelling error. Mr. Kruse added another spelling error.

Mr. Gaumer invited audience member Andrew Provines to the podium.

Mr. Provines approached the podium and asked how parent tracts work. If you split up a 40 acre parcel into two 20 acre sections, will those forever be considered "child tracts" or at some point could it ever be considered a parent tract.

Mr. Gaumer explained that anything split after January 1, 2009 is not considered a parent tract and is not considered buildable. However, if you wanted to split a 40 acre parcel into two 20 acre parcels without going through the subdivision process, the land could be farmed but not buildable.

Mr. Provines asked if that allows for big subdivisions or is that for just single family dwellings. Or if you split 20 acres, if could you build multiple homes in that.

Mr. Gaumer clarified that it depends on what subdivision you go through and what Zoning District the land is in, referencing page 6-3: Minor Subdivision Intent in the Unified Development Ordinance. He added that everyone could have a Minor Subdivision, but you're only allowed to have 4 homes total within that. Mr. Gaumer explained that it used to be a lot harder for us to research when those parent tracts were done, so that's why the Plan Commission changed it to January 1, 2009. That was when the new Unified Development Ordinance was enacted, which changed a lot of standards (acreage req., lot sizes, etc.).

Chris Gaumer inquired if there were any other questions and if the board members were comfortable bringing this forward as well. There were none.

Mr. Gaumer further explained that he is proposing adding 6-4: Minor Subdivision Features & 6-5: Minor Subdivision Standards and Effects on Development Standards a 2-page layout for the proposed Conservation Agriculture Subdivisions intent, that features the prerequisites. He said that it basically is

the same information that's on the 6-2: Prerequisite Zoning & 6-3: Minor Subdivision Intent yellow table, in a different format.

Then, Mr. Gaumer explained that the only change on pages 6-6: Conventional Subdivision Intent & 6-7: Conventional Subdivision Features, was removing the A1 under the Prerequisite Base Zoning. So, Minor Subdivisions would be allowed in all zoning districts but A1.

Prefacing that we are not voting on the amendments to the Rules of Procedure yet, Mr. Gaumer explained another proposed change that could be brought forward to the next meeting (if they vote to enact the Rules of Procedure, which would be removing the fees from the Unified Development Ordinance and placed in our Rules of Procedure —provided the County Commissioners would agree with that change.

Mr. Gaumer stated that he will bring surrounding county's fees to the next meeting for comparison, adding that our fees don't even cover the cost of our Plan Commission meetings.

Andrew Kruse offered that it might be different if the costs were somehow absorbent or if they were unusual around the local area. Mike Watson agreed that this wasn't the case.

Mr. Gaumer added that he didn't think that our fees should be so high that they restrict development in the county. Either at or a little lower than the surrounding counties would be preferred.

Jason Carnahan added that if we have one petition at the Board of Zoning Appeals, we already lose \$200 for the meeting.

Mr. Gaumer stated that we don't pay security, but security personnel do get paid to be here after hours.

Mike Watson stated that we don't need to be a profit center, but we need to cover our costs. Virtually everyone in the area is in that range so he didn't see a problem with that at all.

Jerry Yoder added that he didn't see a problem with that either, as long as we don't blame the cost increase on COVID.

Mr. Gaumer replied that the fees have needed to be changed for a long time and it is difficult to go through a Text Amendment for fees as a public hearing, rather than just updating it when the Plan Commission is really the only body who is absorbing those costs.

Mr. Gaumer asked if there were further questions on this. There were none.

Mr. Gaumer directed the discussion to the Zoning Map. He stated that zoning districts have not changed since 2009, other than people coming in to request a Zone Map Amendment. The Plan Commission hasn't looked at this since 2009 as a county-whole. They started doing a deep-dive into the Future Land Use Map before COVID, but that had been put on hold. Mr. Gaumer wasn't sure if the current zoning map matches up exactly where districts should be, encouraging the Plan Commission members to look into it and gather their own opinions to eventually share. In time, he advised that they need to go through and red-line this to see if districts need to be expanded or reduced.

Mr. Gaumer shared an example that was coming to the Board of Zoning Appeals next month. All of the homes on the north side of the airport are all zoned as Airport Commercial, AP3. He doesn't think that those homes are going to be anything but single-family homes in DeKalb County, adding that if a commercial entity wants to come in and buy any of the homes, then that entity should go through the process to rezone those properties to "AP3" to then go through the development plan process.

Chris Gaumer explained where one of those property owners comes to the Board of Zoning Appeals and wanted to build a garage but their land isn't zoned correctly and doesn't meet the required setbacks. He further stated that the Plan Commission had to rezone via private property petitions.

Sandy Harrison agreed, adding that property owners have had to rezone to be able to get mortgages.

Andrew Kruse also agreed, stating that it could potentially affect that whole strip of homes.

Mr. Gaumer explained that it wouldn't change the Airport Compatibility Overlay, but it would make sense to change the zoning. He added that south of Butler to SDI has I1, I2, & I3 Zoning Districts, with most of those being single-family homes or farm ground. The intent was that because there is sewer and water that goes to SDI, there may be an explosion of industrial development. Mr. Gaumer didn't believe that would happen based on how economic development works these days. Referring to the Zoning Map where there was a little notch out of the red area, he apprised that we had just rezoned that within the past year from I1 to A2, because homeowners were trying to refinance their mortgage. Mr. Gaumer advised that just before COVID, these mortgage companies started looking at the zoning to determine if they should fund a house that can't be rebuilt because of the way the land is zoned.

Mr. Gaumer stated that we have people come into our office asking if the county has any Commercial zones for warehousing or event centers, for example. He added that it might be something that they would have to go to the Board of Zoning Appeals for, but he thought that it's something that the Plan Commission could further look into. He advised that the State Road 3 and State Road 205 corridor may not grow more than what it already is, but that we had went through a rezone for an auto detailing/tinting/minor repair shop for that location. Mr. Gaumer suggested the Plan Commission really look into what each area could be.

Mike Watson said that was kind of a chicken and egg situation too, if we're actually going to do Comprehensive Master Plan update/revision/re-write from the ground up, would be an integral part of that.

Mr. Gaumer stated that he put it in our Capital Improvements Plan. In 2027 it will be 10 years since our Comprehensive Plan was re-written. Adding that it basically was a snapshot in time of where DeKalb County was, and had no forward-thinking of where the county should be/could be in the future. He offered that they probably had very limited community input. Mr. Watson agreed it was extremely limited community input.

Mr. Gaumer advised that he is putting into his budget for 2025. The Plan Commission would go through the Comprehensive Plan because it would probably take a year and a half to get a good one to be written and then approved by 2027. He elaborated that the Zoning Map would not be a part of that plan but the Future Land Use Map would be part of it to help direct the Zoning map. Mr. Gaumer commented that the budget for 2024 has already been done, so he had to look at the 2025 budget, suggesting that it would take somewhere around \$90,000-\$130,000 for a good re-write. Mr. Watson agreed.

Mr. Gaumer asked if there was addition questions or comments. There were none.

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

Chris Gaumer explained that he had gone through the Rules of Procedure and made proposed changes, adding that it hadn't been re-written since September of 2018. He proceeded to go through the Rules of Procedure packet, explaining each change page by page.

Referencing Article One, Mr. Gaumer stated that he had sent out an e-mail to each of the Plan Commission members, explaining that a member of the public being very adamant about obtaining their personal e-mail addresses. That member of the public also questioned as to why the county doesn't

provide Plan Commission members with county e-mail addresses. Mr. Gaumer commented that the county's Information Systems Technology Dept. provided the reasoning of not providing the members with county e-mail addresses, being the way that cyber security attacks are happening lately. Mr. Gaumer went on to explain that we already have a Plan Commission general e-mail inbox, as well as one for our Building Department, suggesting that most other county offices have the same type of general e-mail inbox for their specific department. He relayed that IS Dept has suggested that the Plan Commission continue to utilize their general e-mail inbox. Mr. Gaumer offered another option of publishing each member's personal e-mail address on the public county website. So, he added the Electronic Mail Correspondence—or e-mail—section to our Rules of Procedure because previously there wasn't anything in there about that.

Mr. Gaumer then read the new addition aloud.

Mr. Gaumer invited any questions or comments and mentioned that Mike Watson, Angie Holt, and Suzanne Davis all responded to the e-mail he had sent to the Plan Commission members. They wish to not have their personal e-mail addresses published, and to continue to use the general e-mail inbox. Mr. Gaumer advised that any e-mail he receives via the general e-mail inbox, he then forwards it onto each member via their personal e-mail addresses—cautioning them that if they should respond to any of those e-mails, that member of the public who sent the e-mail will then have the member's personal e-mail address.

Suzanne Davis shared her concern that if a member of the public sends anything to one of them, it would not be discoverable via the Freedom of Information Act. Also, anyone who is corresponding with them, and/or Government Services, should go through the proper channels.

Referencing Article Two, Mr. Gaumer addressed the Membership of the Plan Commission, by stating it was something that just needed to be updated to reflect Indiana Code. He explained each of the eleven Plan Commission members, which include 2 non-voting members—who are technically considered members of the Plan Commission (Elysia Rodgers and Don Myers). We consist of 9 voting members, who include 4 citizen members who are the only ones having a 4-year term, or as consistent with provisions of Indiana Code, should it ever change (Angie Holt, Suzanne Davis, Jerry Yoder, and Frank Pulver). All other membership is coextensive with the member's term of office on that body, board, or council. Mr. Gaumer added that, basically unless they (for example, Commissioner Mike Watson) are voted out of office by the County Commissioners, or if they (for example, Township Trustee Sandy Harrison) are voted off the board by the Township Trustees. Those members are in office until they're done, which is all based off of Indiana Code. Mr. Gaumer also cited a few smaller changes.

Jerry Yoder inquired if Jason Carnahan was considered a citizen member.

Chris Gaumer responded that Mr. Carnahan was not a citizen member, but is appointed through the Extension Board.

Elysia Rodgers explained that she does not live inside DeKalb County, but if she were to leave and a new Ag. Educator was hired, who lived inside the county, Mr. Carnahan would then not be a member of the Plan Commission.

Andrew Kruse clarified with Ms. Rodgers that she does not live in the county.

Mr. Gaumer added that Indiana Code changed that, around 2020.

Ms. Rodgers summarized that you have to live in the same county that you work in, to be able to serve.

Mr. Kruse commented that that had changed around the time that he started as Plan Commission attorney back in July of 2020. Mr. Gaumer agreed, stating the date was July 1, 2020.

After that discussion, Mr. Gaumer introduced the next revision about the Secretary, referring to page 4. He stated that the Secretary has always been a staff of the department. That section stated that if the

Secretary is absent from any meeting, the Plan Commission President shall appoint a temporary Secretary to serve at that meeting. Mr. Gaumer added that he thought “If the Secretary is a *voting member* of the Commission” should be added. Also, the addition of “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.”

Mr. Gaumer stated that the Plan Commission has never had the President appoint the members of all necessary committees; we’ve appointed ourselves by volunteering. Mr. Gaumer added that he removed that statement.

Referencing Article Three, Mr. Gaumer stated that there are no Confidentiality Agreements within the county that we’ve discussed, so he added some information regarding Member Confidentiality. Mr. Gaumer summarized that, we aren’t requiring members to sign anything, but that once they become members of the Plan Commission, accept that and understand that there is some confidentiality involved.

Mr. Kruse inquired about what other counties do about this subject.

Mr. Gaumer explained that he borrows wording from other counties.

Mr. Kruse mentioned that he didn’t think it has necessarily come up before as an issue, but that it’s probably a good thing to discuss.

Mr. Gaumer clarified that it has never been an issue, but there have been some questions as to when a member is a Plan Commission member and when they are a member of the public. Also, what should be open to viewing prior to it being docketed to a public hearing.

Mr. Gaumer stated in Article Four, the Indiana Code number that was referenced, was corrected.

Mr. Gaumer also shared that he added wording under Order and Courtesy. He commented that verbiage was derived from other counties as well.

Chris Gaumer cited another small change under Procedural Rules that added wording to allow the President to read the applications presented to the Plan Commission.

Mr. Gaumer stated that prayer was added under Order of Business on page 9 and on page 10, he stated that he added prayer to the agenda for special committee meetings.

Mr. Gaumer referenced Article Five stated that we don’t have an adopted calendar, but that the Secretary creates it.

Mr. Gaumer also stated that our fees would be in Article Ten, if they were to be approved to be removed from the Unified Development Ordinance.

Mr. Gaumer advised that under Hearings in Article Six, we don’t call subdivisions preliminary. They are called either primary or secondary plats. So, he wanted to keep the wording consistent with how our Findings of Fact are, and within the Unified Development Ordinance. Mr. Gaumer also added in an Ordinance Review Committee, then explained that we used to have a committee that reviewed the ordinance changes, instead of bringing it forward as a Plan Commission text amendment. He stated that we don’t have a Development Review Committee, that it is instead called the “Technical Review Committee.”

Mr. Gaumer cited page 14, and explained that when we determine the Property Owners for a public hearing notice, we compile those names and addresses instead of allowing the property owner to determine that. He advised that there’s a way in our GIS software, using a radius of 300 feet, to come up with those names and addresses.

Mr. Gaumer stated two small changes on page 18 and 19.

Referencing Article Nine, Mr. Gaumer added wording regarding committee appointments.

In Article Nine, Mr. Gaumer also added the Ordinance Review Committee and citing its purpose. He then explained that he also added the Technical Review Committee and cited its purpose.

Mr. Gaumer introduced the addition regarding Livestreaming and explained what that meant.

Mike Watson added that Livestreaming was amended in the Indiana Code to begin on July 1, 2025.

Andrew Kruse inquired what it would take to Livestream the meetings.

Mr. Gaumer stated that the Secretary would set it up and has already been in contact with personnel to learn how it would work. Also, that our Livestream would utilize the same platform that the County Commissioners have. He shared his concern of being able to visibly see each of the members and staff during each meeting.

Mr. Gaumer advised that if adding the fee schedule gets approved during the next meeting, they would be in Article Ten.

Mr. Watson stated that the audio isn't bad, but there is a lag in the video.

Then, Mr. Gaumer introduced the addition of Article Twelve, regarding Electronic Meetings and what is allowed. He shared his concern that if we allow one of the Commission members to attend a meeting via Zoom, would we have to allow members of the public to attend via Zoom. He added that the answer was no, because they are allowed to attend and observe via Livestreaming.

Discussion of electronic attendance of meetings: IE: Zoom, Teams, etc.

- IC 15-14-1.5-3.5

Mr. Kruse added that you can't allow attendance of a member via Zoom, unless the meeting is being Livestreamed.

Mr. Gaumer inquired if the Plan Commission would allow adding attendance rules, then explained what they were. He also stated that he could add it to the Rules of Procedure if that was something they wanted to be included.

Suzanne Davis commented that she thought it would make sense, if somebody were ill at home and could then attend the meeting remotely.

Mr. Kruse added that if there were a consensus of moving forward on that, a policy could be created that states, once we start Livestreaming, this would also be allowed. He advised to word it that way, so that it ducktails.

Suzanne Davis suggested to add the attendance restrictions of no more than 2 meetings can be attended via Livestream or Zoom.

Andrew Kruse agreed with Ms. Davis, suggesting that it match the statute.

Chris Gaumer advised that he wants to be more restrictive than the statute. He does not agree that the members are allowed to miss 50% of the meetings. He wants it to either say "attend at least 75% of the meetings or only be able to miss a certain number of meetings per year."

Mr. Gaumer concluded by thanking the members for their participation in the discussions and explained what will be brought to the next meeting.

Jerry Yoder reiterated his strong views of adding prayer at the beginning of every Plan Commission meeting, citing historical county government meetings that included prayer before, during, and after each meeting.

Jason Carnahan determined that there were no other discussions on the topics presented as new business.

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

Sandy Harrison shared that the town of Hamilton set their fee schedule. She also shared that the town of Waterloo is intending to expedite construction on the old “Keagan’s Korner” or the new “Gallops.”

Mike Watson shared that the City of Auburn has approved Panda Express and that Auburn Crossings is becoming a popular spot.

COMMENTS/QUESTIONS FROM THE PUBLIC IN ATTENDANCE:

None.

ADJOURNMENT:

Jason Carnahan adjourned the meeting at 9:20 a.m.

President – Jason Carnahan

Secretary – Andrea Noll

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: Electronic Meetings

Article Twelve: 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 Director 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

Electronic Meetings

11.1 Indiana Code 5-14-1.5-3.5 authorizes Plan Commission members to participate in a meeting by electronic means of communication.

11.2 The provisions of the Act, including definitions or amendments, apply to this Article and also applies to any committee appointed directly by this Commission.

11.3 Subject to Article 11.4 & 11.5, any member may participate in a meeting by any electronic means of communication that (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.

All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

11.4 At least seven voting members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than two voting members may participate by an electronic means of communication at that same meeting.

A member may not attend more than fifty percent (50%) of the meetings in a calendar year by an electronic means of 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.

A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person 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.

A member shall notify the Director, Assistant Director or Zoning Administrator with adequate time before the meeting so arrangements may be made for the members' participation by electronic communication.

11.5 The minutes of a meeting at which any member participates by electronic means of communication must:

(1) identify each member who:

(A) was physically present at the meeting;

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

(C) was absent; and

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

(A) members participated in the meeting; and

(B) members of the public attended and observed the meeting if the meeting was not an executive session.

11.6 No member of the Commission may participate by means of electronic communication in a meeting at which the Commission may take final action to:

(1) adopt a budget;

(2) make a reduction in personnel;

(3) initiate a referendum;

(4) impose or increase a fee or

(5) impose or increase a penalty.

11.7 This Article shall only be effective when the Plan Commission is livestreaming, as specified in Article Ten.

ARTICLE TWELVE

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

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

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

This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission to assist them in making a decision on this text amendment to the Unified Development Ordinance. It may also be useful to members of the public interested in this text amendment

PETITIONER: DeKalb County Plan Commission

ARTICLE SECTIONS: Article 2, Article 6

PROPOSED TEXT CHANGE:

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

Remove “dwelling, manufactured home” and “dwelling, single family” from Permitted Uses.

Add “dwelling, manufactured home” and “dwelling, single family” to Special Exception Uses.

Article 2, Section 2.04: A1 District Development Standards:

Add “OR 40 feet if the lot or lots are designed to conserve agricultural crop production” to Minimum Lot Frontage.

Article 2, Section 2.06: A2 District Development Standards:

Add “OR 40 feet if the lot or lots are designed to conserve agricultural crop production” to Minimum Lot Frontage.

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

Addition of Conservation Agriculture Subdivision. These sections are all new.

Article 6, 6.02: Subdivision Introduction, Prerequisite Zoning:

Addition of Conservation Agriculture Subdivision and the CA Subdivision being permitted only in A1 Zoning District.

Removal of Minor Subdivision being permitted in A1 Zoning District.

Article 6, 6.03: Conservation Agriculture Subdivision Intent; 6.04: Conservation Agriculture Subdivision

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

Addition of Conversation Agriculture (CA) Subdivision as a new subdivision type, permitted only in A1 Zoning District. These sections are all new.

Article 6, 6.06: Minor Subdivision Intent; 6.07: Minor Subdivision Features; 6.08: Minor Subdivision Standards and Effects on Development Standards:

Removal of A1 as a prerequisite base zoning, which removes Minor Subdivisions being permitted in the A1 Zoning District.

STAFF RECOMMENDATIONS:

Staff recommends that the proposed text amendments be certified by the Plan Commission with a favorable recommendation to the County Commissioners.

Unified Development Ordinance Requirements:

When considering a Textual Amendment, the DeKalb County Plan Commission and the County Commissioners are obligated — under Section 9.05 G (2) of the DeKalb County Unified Development Ordinance — to pay reasonable regard to the following:

- a. The Comprehensive Plan;

- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Responsible development and growth.

JURISDICTIONAL FINDINGS:

- 1. The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.
 - a. Legal notice published in The Star on **June 09, 2023** and Publishers Affidavit given to staff.

Conservation Agricultural (A1) District

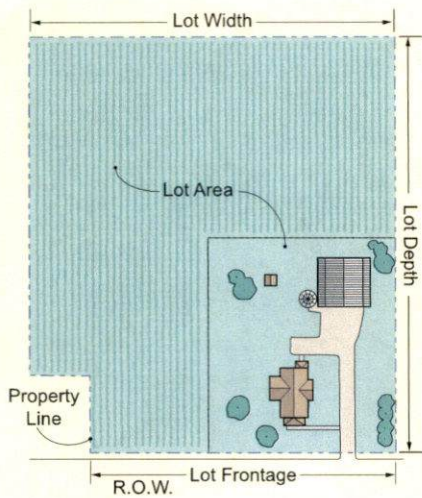
2.03 A1 District Intent, Permitted Uses, and Special Exception Uses

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>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)

**PROPOSED
AMENDMENTS**

Conservation Agricultural (A1) District

2.04 A1 District Development Standards



© 2008, Bradley E. Johnson, AICP

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:

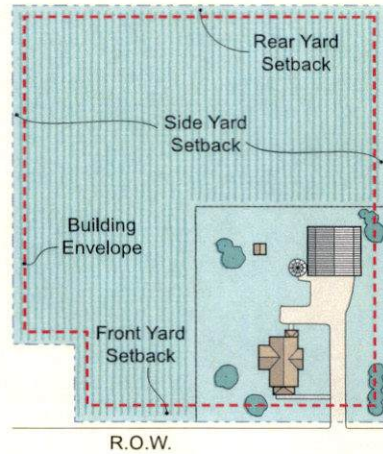
- 160 feet

Minimum Lot Frontage:

- 120 feet

OR

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



© 2008, Bradley E. Johnson, AICP

Minimum Front Yard Setback:

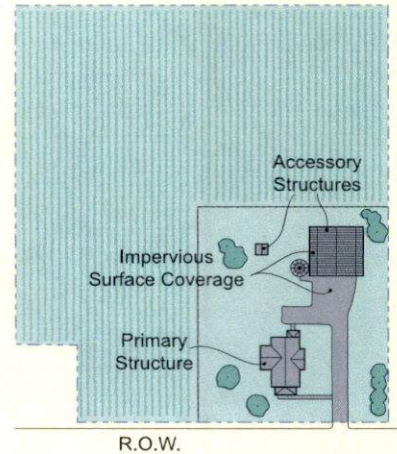
- 50 feet for primary and accessory structures

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



© 2008, Bradley E. Johnson, AICP

Maximum Impervious Surface Coverage:

- 15% of the lot area

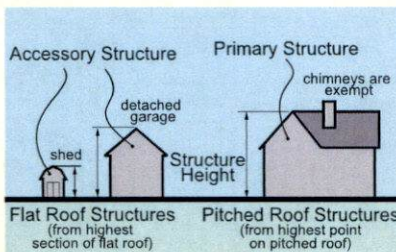
Minimum Dwelling Size:

- 1,200 square feet

Maximum Primary Structures:

- One

**PROPOSED
AMENDMENTS**



© 2004, Bradley E. Johnson, AICP

Maximum Structure Height:

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

Additional Development Standards that Apply

Accessory Structure (AS) <ul style="list-style-type: none"> • AS-01 Page 5-4 	Parking (PK) <ul style="list-style-type: none"> • PK-04 Page 5-30 	Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-56
Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-7 	Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-40 	
Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-9 	Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-41 	
Fences and Walls (FW) <ul style="list-style-type: none"> • FW-01 Page 5-10 	Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-42 	
Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-15 	Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-43 	
Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-16 	Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-46 • SI-02 Page 5-47 	
Home Based Bus. (HO) <ul style="list-style-type: none"> • HO-01 Page 5-17 	Special Exception Use (SE) <ul style="list-style-type: none"> • SE-01 Page 5-49 	
Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-20 	Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-50 	
Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-24 	Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-02 Page 5-54 	
Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-27 		

Agricultural (A2) District

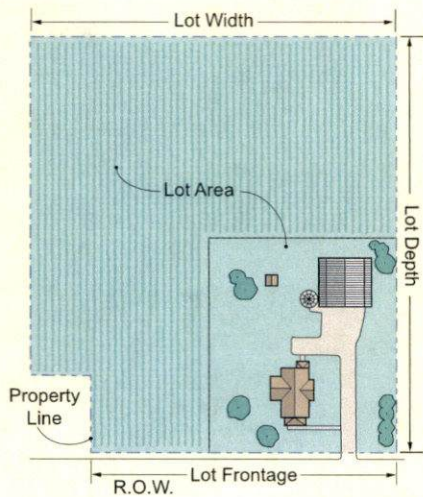
2.05 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The A2 (Agricultural) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • agriculture operations, ag-businesses (year-round), and year-round sales of produce and products <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 reasonable 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, C1, I1, I2, I3, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for existing agricultural areas and carefully for new residential development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties 	<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 • storage buildings: agricultural • storage of agricultural product • tree farm <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • police, fire or rescue station <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • child care, home • dwelling, manufactured home • dwelling, single-family • fair housing facility (small) • farmstead • storage buildings: private, non-accessory 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) • dependent housing • home enterprise • home workshop <p>Agricultural Special Exception Uses</p> <ul style="list-style-type: none"> • sale of agricultural product • stable, commercial <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • camp ground • day care, adult • day care, child • kennel (small) <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • composting facility • gravel/sand processing <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • airport, private • cemetery/mausoleum • peer counseling center (non-profit) <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • bed and breakfast

**PROPOSED
AMENDMENTS**

Agricultural (A2) District

2.06 A2 District Development Standards



© 2008, Bradley E. Johnson, AICP

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:

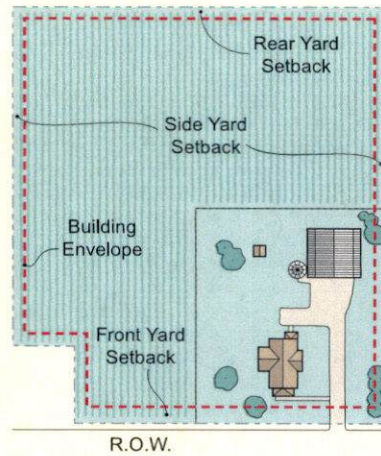
- 160 feet

Minimum Lot Frontage:

- 120 feet

OR

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



© 2008, Bradley E. Johnson, AICP

Minimum Front Yard Setback:

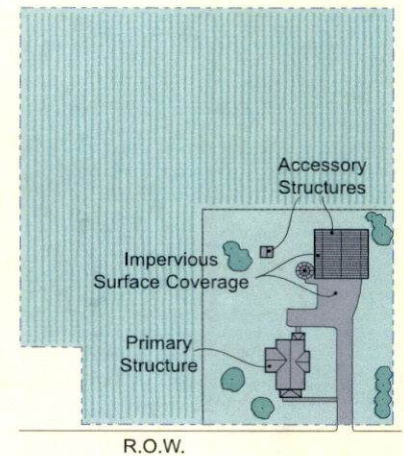
- 50 feet for primary and accessory structures

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



© 2008, Bradley E. Johnson, AICP

Maximum Impervious Surface Coverage:

- 20% of the lot area

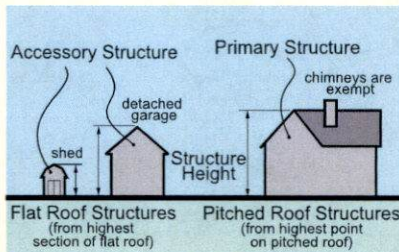
Minimum Dwelling Size:

- 1,200 square feet

Maximum Primary Structures:

- One

**PROPOSED
AMENDMENTS**



© 2004, Bradley E. Johnson, AICP

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
	CA	MN	CV	CS	TD	SC	CM	IP
Minimum Pre-Development Area	N/A	N/A	2 acres	20 acres	40 acres	2 acres	2 acres	2 acres
Maximum Pre-Development Site Area	N/A	N/A	N/A	N/A	200 acres	N/A	N/A	N/A
Maximum Lot Splits from Parent Tract	1 if existing farmstead or 2 if vacant land	3	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Perimeter Landscaping	N/A	N/A	30 feet	50 feet	20 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
HI		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

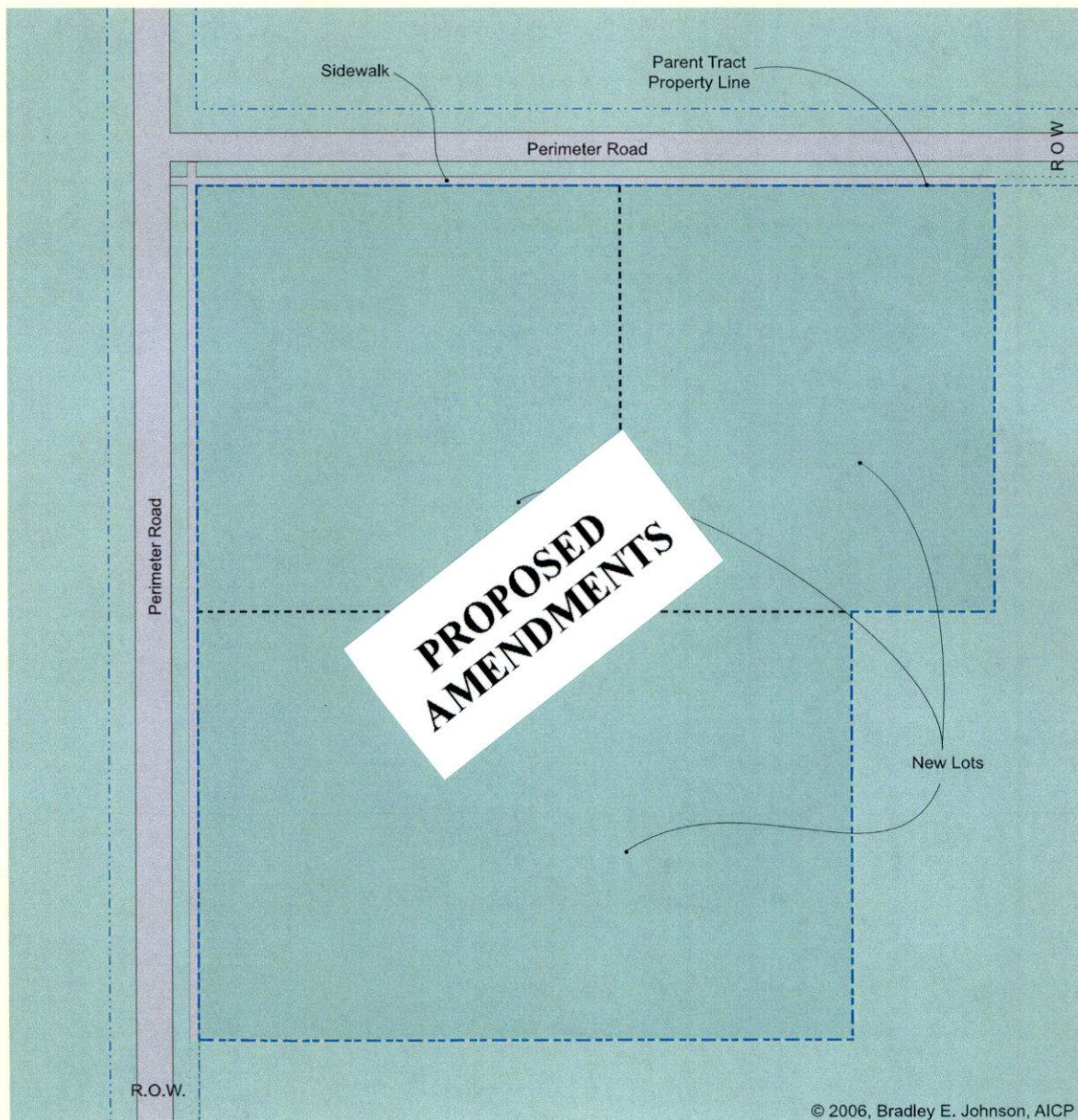
Drainage Network:

- Drainage improvements as required by Drainage Board

Site Feature Preservation:

- Strive to save existing tree stands

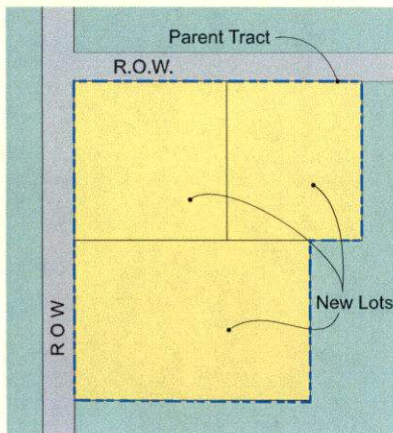
6.04 Conservation Agriculture Subdivision Features



© 2006, Bradley E. Johnson, AICP

Conservation Agriculture Subdivision (CA)

6.05 Conservation Agriculture Subdivision Standards and Effect on Development Standards



© 2006, Bradley E. Johnson, AICP

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

Covenant Standards (CE)

- CE-01..... Page 7-13

Dedication of Public Improv. Standards (DD)

- DD-01 Page 7-17

Development Name Standards (DN)

- DN-01 Page 7-21

Easement Standards (EA)

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

Erosion Control Standards (EC)

- EC-01..... Page 7-24

Lot Establishment Standards (LT)

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

Monument and Marker Standards (MM)

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

Pedestrian Network Standards (PN)

- PN-01..... Page 7-32

Prerequisite Standards (PQ)

- PQ-01 Page 7-38

Utility Standards (UT)

- UT-02..... Page 7-50

Warning Siren Standards (WS)

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

**PROPOSED
AMENDMENTS**

Effect on Development Standards

Front Yard Setback

- All zoning district development standards apply.

Minor Subdivision (MN)

6.06 Minor Subdivision Intent

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

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

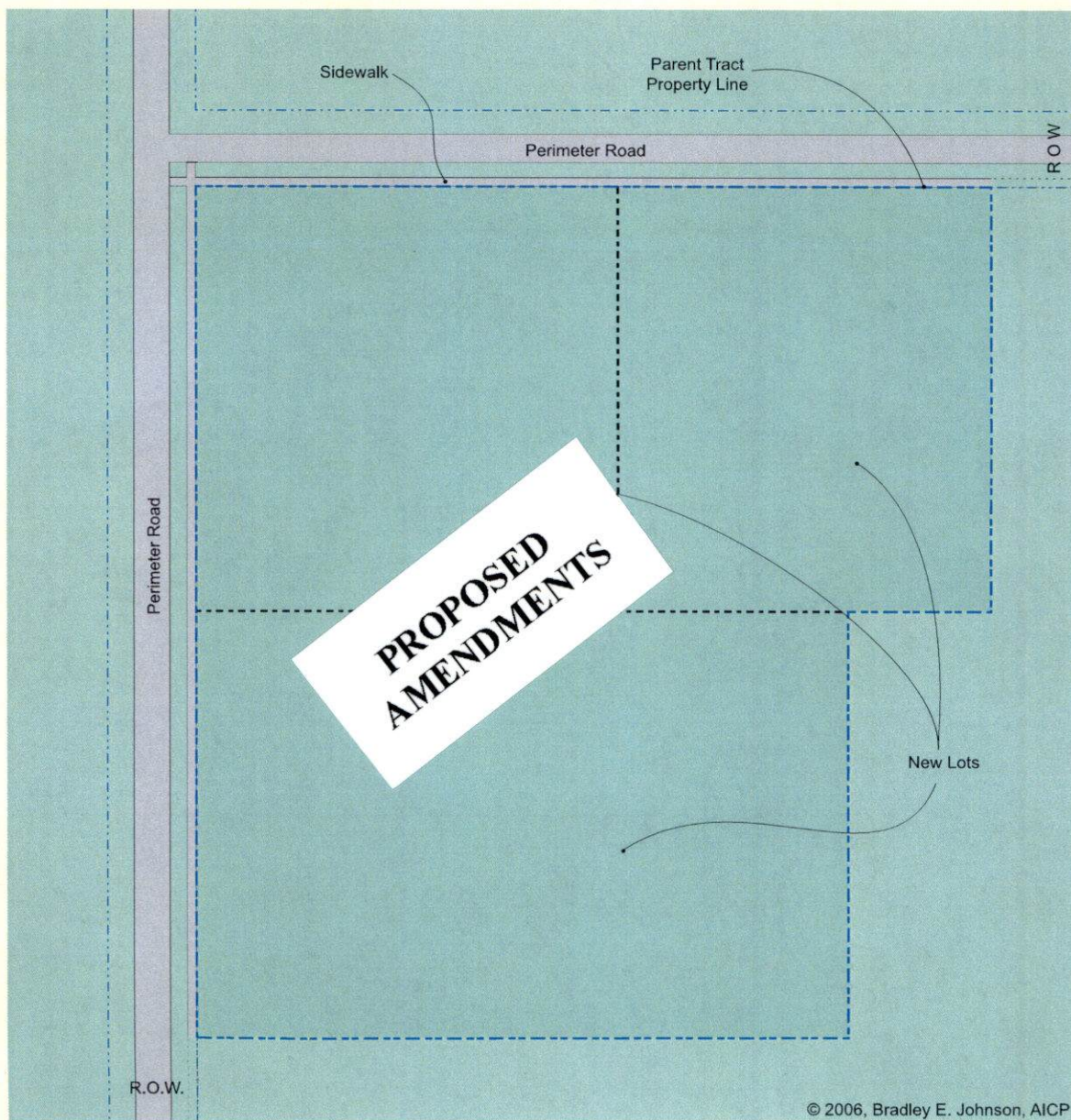
Drainage Network:

- Drainage improvements as required by Drainage Board

Site Feature Preservation:

- Strive to save existing tree stands

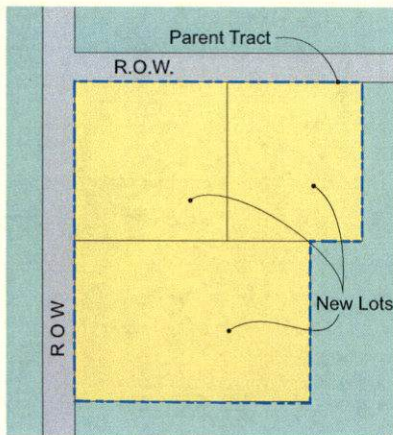
6.07 Minor Subdivision Features



© 2006, Bradley E. Johnson, AICP

Minor Subdivision (MN)

6.08 Minor Subdivision Standards and Effect on Development Standards



© 2006, Bradley E. Johnson, AICP

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 7-38

Utility Standards (UT)

- UT-02 Page 7-50

Warning Siren Standards (WS)

- WS-01 Page 7-52

**PROPOSED
AMENDMENTS**

Effect on Development Standards

Front Yard Setback

- All zoning district development standards apply.

This staff report is prepared by the DeKalb County Department of Development Services to provide information to the Plan Commission to assist them in making a decision on this text amendment to the Unified Development Ordinance. It may also be useful to members of the public interested in this text amendment

PETITIONER: DeKalb County Plan Commission

ARTICLE SECTIONS: Appendix B: Fee Schedule

PROPOSED TEXT CHANGE:

Remove Fee Schedule from Unified Development Ordinance and proposing to add the Fee Schedule to the Plan Commission Rules of Procedure.

Indiana Code 36-7-4-411 allows the Plan Commission to “*establish a schedule of reasonable fees to defray the administration costs connected with: (1) processing and hearing administrative appeals and petitions for rezoning, special exceptions, special uses, contingent uses and variances; (2) issuing permits; and (3) other official actions taken under this chapter.*”

With moving the fee schedule to the Rules of Procedure, it allows the Plan Commission to review the Fee Schedule without having to go through the Text Amendment procedure. The Fee Schedule is intended to be a stand-alone document and not be incorporated into the Unified Development Ordinance but rather adopted, managed and amended by the Plan Commission, as intended by IC 36-7-4-411.

There is no intent to modify the Fee Schedule at this time. But fees from neighboring communities are in the packet for reference and discussion at a later date.

STAFF RECOMMENDATIONS:

Staff recommends that the proposed text amendment be certified by the Plan Commission with a favorable recommendation to the County Commissioners.

Unified Development Ordinance Requirements:

When considering a Textual Amendment, the DeKalb County Plan Commission and the County Commissioners are obligated — under Section 9.05 G (2) of the DeKalb County Unified Development Ordinance — to pay reasonable regard to the following:

- a. The Comprehensive Plan;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the jurisdiction; and
- e. Responsible development and growth.

JURISDICTIONAL FINDINGS:

1. The petitioner has complied with the rules and regulations of the Plan Commission in filing appropriate forms and reports.
 - a. Legal notice published in The Star on **June 09, 2023** and Publishers Affidavit given to staff

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

Fee Schedule Comparison - Improvement Location Permits

Fee Name	DeKalb County	Noble County	Steuben County	Whitley County
Structures - 350 SF or Less	\$30			
Res. New Const. / Addition - Steu., Whit., Noble		\$30	.14/SF \$50 min	\$70 + .08/SF
Structures - Larger than 350 SF	\$50			
Accessory Bldg. or Addition - Steu., Whit., Noble		\$10	.10/SF \$40 min	\$70 + .03/SF
Accessory Structures 200 SF or Less - Whitley Co.				\$40
Indust. & Comm. New Const. up to 20k SF - Whit.				\$105 + .08/SF
				then .03/SF
Commercial Structures - \$0.02 per SF	\$75 min.	Primary \$70	.14/SF \$50 min	
	\$250 max.	Acces. \$50		
Industrial Structures - \$0.02 per SF	\$100 min.		.14/SF \$50 min	
	\$500 max.			
Commercial Solar Energy System (CSES)	\$500			
CSES upgrade, replacement, or new equipment	\$50 per piece			
	of equipment			
Residential Private Accessory Solar Energy Syst.	\$30			\$70 + 1/2 cent/SF
Fence / Retaining Wall Permit	\$15			\$40
				Billboard \$300
Ponds - incl. detention/retention/recreation	\$100			Pond \$105
				in-grnd. \$105
All Other Permits - signs, in/above ground pool	\$50		\$50	abv-grnd. \$70
				Signs \$50
Residential Remodel - Whitley County				\$40 + .08/SF

Fee Schedule Comparison - Board of Zoning Appeals

Fee Name	DeKalb County	Noble County	Steuben County	Whitley County
Special Meeting	\$600	\$400	\$900	\$250
Appeal Decision of Zone Administrator	\$150			\$75
if appeal will take longer than 30 min.	\$500			
Floodplain Variance	\$150			
Use Variance	\$150		\$300	
Dev. Standards Variance Petition	\$150	\$250	\$300	
Additional Variance Requests	\$50	\$100	\$100	
Special Exception	\$150	\$250	\$150	\$150
Special Exception Amendment	\$150	\$250		\$150
All Other Meetings Before the BZA	\$200			

County Fee Schedule Comparison - Plan Commission

Fee Name	DeKalb County	Noble County	Steuben County	Whitley County
Special Meeting	\$600	\$600	\$900	
Re-Zone / Zone Map Amendment	\$150	\$250	\$250 + \$10/acre	
Zoning Ordinance Amendment	\$150	\$250		
Request for CSES Overlay District	\$50 per acre or \$5,000 max			
Vacation	\$150	\$100		
Minor Division of Land	\$150	\$250		
Conventional Subdivision	\$150 (2 lots)		\$100 (4 lots)	\$150 plus
Each Additional Lot	\$50		\$20 per lot	\$10 per lot
Major Subdivision - Noble County		\$250 plus		
		\$20 per lot		
Commercial Development Plan	\$200		\$1k + \$20/acre	\$400 Initial &
Development Plan - Noble County		\$500		\$200 + \$10/lot
Industrial Development Plan	\$400		\$1k + \$20/acre	\$400 Initial &
				\$200 + \$10/lot
CSES Overlay District Development Plan	\$25 per acre or \$5,000 max.	\$500-1,000		
Amendment to the Development Plan	\$150			\$300
All Other Meetings	\$200			
CSES Application - Noble County		\$1,000		
Medium Dev. Plan less than 1KW - Noble		\$50		
Medium Solar 41KW-1MW - Noble Co.		\$100		
Commercial Solar 1MW-40MW - Noble		\$1,000+		
41MW-80MW (add'l per MW) - Noble		\$750 per MW		
81MW + (additional per MW) - Noble		\$500 per MW		
Administrative Subd. - Noble & Steuben		\$100	\$150	

Fee Schedule Comparison - Plat Committee

Fee Name		DeKalb County	Noble County	Steuben County	Whitley County
Primary Plat		\$100		\$100	
Secondary Plat		\$100		\$50	
Plat Vacation		\$150	\$100		\$150
Re-Plat		\$150			\$150 plus
					\$10 per lot