

RESOLUTION NO. 2021-R-10
UNIFIED DEVELOPMENT ORDINANCE NO. 69
DEKALB COUNTY BOARD OF COMMISSIONERS
AN ORDINANCE AMENDING DEKALB COUNTY UNIFIED DEVELOPMENT
ORDINANCE (“UDO”) ARTICLE ONE SECTIONS 1.26 AND 1.27

WHEREAS, Section 1.26 A. sets forth Duties that are interpreted as obligations of the DeKalb County Commissioners; and

WHEREAS, Section 1.27 B. sets forth Powers of the Plan Commission that are interpreted as activities that are optional to be initiated; and

WHEREAS, Section 1.26 A.5. permits the Commissioners of DeKalb County to adopt additional Duties as permitted by Indiana State Code; and

WHEREAS, there is no provision in the Indiana State Code establishing what body of County government has the authority to name a person to be Zoning Administrator, but there is a provision assigning the authority for the County Commissioners to name department heads, including the Department of Development Services, which usually is the person named as the Zoning Administrator; and

WHEREAS, the Zoning Administrator position, since the Indiana State Code is silent on who has the authority to name the Zoning Administrator, and the provisions of the Indiana Home Rule allow the County Executive and the Legislative body the authority to appoint a Zoning Administrator to permit and enhance the effective operation of County Government in accordance with I.C. 36-1-3; and

WHEREAS, current UDO Section 1.27 B.1 currently gives the DeKalb County Plan Commission the Power (activities that are optional) to “Hire, remove and determine job descriptions for support staff with the Plan Commission office.”; and

WHEREAS, the DeKalb County Commissioners believe this Power should more appropriately be the Duty of the DeKalb County Commissioners.

NOW THEREFORE, BE IT ORDAINED by the DeKalb County Commissioners that the following changes be made to the DeKalb County UDO:

Section 1: UDO Section 1.26 A. is hereby amended to:

- (i) Delete current UDO Section 1.26 A.5. and reclassify it as UDO Section 1.26 A.6.
- (ii) Amplify Section 1.26 A.5. by having it provide as a Duty: “make final decisions on hiring, removing, and determining job descriptions for support staff with the Plan Commission office, including the position of Zoning Administrator, who shall also serve as department head of the Development Services Department of the County. The County Commissioners may seek

input from the Plan Commission members on all decisions with respect to this new Section 1.26 A.5., and may also seek input from the County Human Resources Department, but all final decisions shall be those of the DeKalb County Commissioners.”

Section 2: UDO Section 1.27 B is hereby amended to:

- (i) Delete current UDO Section 1.27 B.1. in its entirety.
- (ii) Renumber current Section 1.27 B.2, 3, 4, 5, and 6, as Section 1.27 B.1, 2, 3, 4, and 5, respectively.

Section 3: This ordinance shall be in full force and effect immediately upon its passage by necessary approval procedures of the DeKalb County Board of Commissioners.

READ AND PASSED ON FIRST READING: Monday, March 29, 2021.

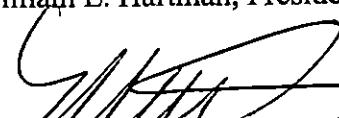
READ AND PASSED SECOND READING: Monday, March 29, 2021.

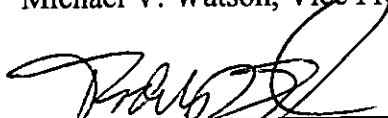
READ AND PASSED ON THIRD READING: Monday, March 29, 2021.

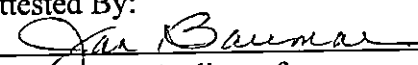
This Resolution No. 2021-R-10, codified as Unified Development Ordinance No. 69 is signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

COMMISSIONERS:

BY: 
William L. Hartman, President

BY: 
Michael V. Watson, Vice President

BY: 
Todd R. Sanderson, Vice President

Attested By:

Jan Bauman, Auditor of
DeKalb County, Indiana