

**RESOLUTION: 2024 – R – 12
ORDINANCE: UDO – 96
AN ORDINANCE AMENDING THE
DEKALB COUNTY UNIFIED DEVELOPMENT ORDINANCE**

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

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

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

WHEREAS, The DeKalb County Plan Commission held a public hearing on November 20, 2024, on the proposed textual amendments to the DeKalb County Unified Development Ordinance regarding revisions to:

Article 11: Definitions: Home Based Business
Article 5: Development Standards: Home Based Business
and all other related sections, if applicable;

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

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

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

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

Article 11: Definitions:

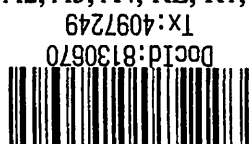
Home-Based Business: A low-intensity business activity conducted on a residential property by a lawful resident of that property and conducted in a manner which is incidental to the use of the property for residential purposes. Home-based businesses shall be categorized as a Home Occupation, a Home Workshop, or a Home Enterprise as appropriate and shall follow the applicable regulations as set forth in Section 5.22: Home Based Business; General.

Development Standards (Article 5):

5.22 HO-01: Home Based Business; General

This Home Based Business Standards section applies to the following zoning districts:

A1, A2, A3, A4, RE, R1, R2, R3, M1, M2, MP, C1



The following uses shall never qualify as a Home Based Business: Garbage/Recycling Collectors; Junk Yards; other junk accumulation activities; any work where vehicles do not have current title, plate and registration; any activity that involves body work/painting; any use that does not fit within the standards set below.

The following home based business standards apply:

A. Home Occupation:

1. *Approval Process.* A permit shall be required to conduct a home based business and the following standards shall all be met.
2. *Use.* The home based business shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* The home occupation shall be operated by a resident of the property and no more than one on-site employee, associates or partners of which do not reside in the home.
4. *Maximum Floor Area.* The area of a home based business shall not exceed 500 square feet. If there is more than one home based business being conducted within the dwelling unit, then all home based businesses cumulatively shall not exceed 500 square feet.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home based business shall be conducted entirely within the primary structure or within an accessory structure not to exceed the maximum floor area.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited unless screened by a privacy fence.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home based business in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit, except for what is permitted below in 13. Signs.
9. *Nuisance.* The home based business shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled on site.
11. *Hours of Operation.* The hours of operation of the home based business shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the business.
13. *Signs:*
 - a. *Wall Sign:* One wall sign may be placed on the building with the proper permit.
 - i. The sign shall not exceed six square feet.
 - ii. The sign shall not be illuminated in any manner.
 - b. *Ground Sign.* One ground sign may be placed on the property with the proper permit.
 - i. The sign shall not exceed 10 square feet and three feet in height.
 - ii. The sign shall not be illuminated in any manner.
14. *Types.* A home occupation includes, but is not limited to the following:
 - a. artist's studio.
 - b. Sewing and tailoring;

- c. professional office of a medical or osteopathic physician, dentist, podiatrist, chiroprapist, lawyer, engineer, architect or accountant.
- d. teaching with musical instruction
- e. barbering or hairdressing.
- f. Other home based businesses deemed appropriate by the Zoning Administrator.

B. Home Workshop:

1. *Approval Process.* The Board of Zoning Appeals shall review and approve a special exception before an occupant may conduct a home workshop. See *Section 9.20: Special Exception.*
2. *Use.* The home workshop use shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* The home workshop shall be operated by a resident of the property and no more than three on-site employees, associates or partners no more than one of which does not reside in the home.
4. *Maximum Floor Area.* The area of a home workshop shall not exceed 1,000 square feet. No more than one home workshop or home enterprise may be located on a lot.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home workshop shall be conducted entirely within the primary structure or within an accessory structure not to exceed the maximum floor area.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited unless screened by a privacy fence.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home workshop in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit except as permitted in *Section 5.22(B)(13): Signs* below. Variance requests shall not include a request for a sign greater than listed in *Section 5.22(B)(13): Signs* below.
9. *Nuisance.* The home workshop shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled in the dwelling unit or accessory structure.
11. *Hours of Operation.* The hours of operation of the home workshop shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the business and one space for each employee.
13. *Signs:*
 - a. *Wall Sign:* One wall sign may be placed on the building with the proper permit.
 - i. The sign shall not exceed six square feet.
 - ii. The sign shall not be illuminated in any manner.
 - b. *Ground Sign.* One ground sign may be placed on the property with the proper permit.
 - i. The sign shall not exceed 15 square feet and three six feet in height.
 - ii. The sign shall not be illuminated in any manner.
14. *Types.* A home workshop may include, but is not limited to the following:
 - a. Small engine or appliance repair;

- b. Woodworking or carpentry;
- c. Plumbing, electrical or other trade work;
- d. Pet boarding or pet breeding for less than 5 animals;
- e. Other home based businesses previously listed as Home Occupation or deemed appropriate by the Board of Zoning Appeals.

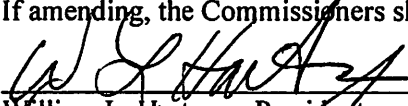
C. Home Enterprise:

1. *Approval Process.* The Board of Zoning Appeals shall review and approve a special exception before an occupant may conduct a home enterprise. See *Section 9.20: Special Exception.*
2. *Use.* The home enterprise use shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* The home enterprise shall be operated by a resident of the property and no more than five on-site employees, associates or partners, no more than three of which does not reside in the home.
4. *Maximum Floor Area.* The area of a home enterprise shall not exceed 1,500 square feet. No more than one home enterprise or home workshop may be located on a lot.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home enterprise shall be conducted entirely within the primary structure or within an accessory structure.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited unless screened by a privacy fence.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home enterprise in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit except as permitted in *Section 5.22(C)(13): Signs* below.
9. *Nuisance.* The home enterprise shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled in the dwelling unit or accessory structure except for a small percentage of incidental items.
11. *Hours of Operation.* The hours of operation of the home enterprise shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the business-and one space for each employee.
13. *Signs.*
 - a. *Wall Sign.* One wall sign may be placed on the building with the proper permit.
 - i. The sign shall not exceed six square feet.
 - ii. The sign shall not be illuminated in any manner.
 - b. *Ground Sign.* One ground sign may be placed on the property with the proper permit.
 - i. The sign shall not exceed 15 square feet and ~~three~~ six feet in height.
 - ii. The sign shall not be illuminated in any manner.
14. *Types.* A home enterprise may include, but is not limited to the following:
 - a. Vehicle repair & maintenance not to include body work & painting;
 - b. Pet boarding pet breeding for less than 10 animals;
 - c. Butcher, Bakery or small restaurant;
 - d. Other home based businesses previously listed as Home Occupation or Home Workshop or deemed appropriate by the Board of Zoning Appeals.

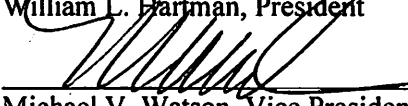
SECTION 2: That this amendment be in full force and effect upon its passage by the DeKalb County Board of Commissioners.

DULY PASSED, ORDAINED AND ADOPTED on this 30th day of December 2024, by the County Commissioners of DeKalb County, Indiana by a vote of, 3 in adopting and/or _____ in rejecting and/or _____ in amending, the Plan Commission recommendation.

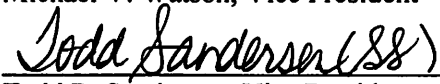
If adopting, the Ordinance takes effect immediately.
If rejecting, the Commissioners shall state their reason to the Plan Commission.
If amending, the Commissioners shall send an amendment back to the Plan Commission.



William L. Hartman, President



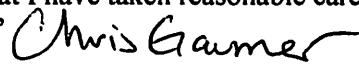
Michael V. Watson, Vice President



Todd R. Sanderson, Vice President



Attest, Susan M. Sleeper, Auditor

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

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

Article 11: Definitions: Home Based Business;
Article 5: Development Standards: Home Based Business

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

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

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

WHEREAS, The DeKalb County Plan Commission, in accordance with law, held a public hearing on November 20, 2024 and did consider the textual amendments to:

Article 11: Definitions: Home Based Business;

Article 5: Development Standards: Home Based Business;

And various minor revisions necessary to make these amendments (IE: page numbers, section numbers, etc.)


in the DeKalb County Unified Development Ordinance;

and now, therefore be it

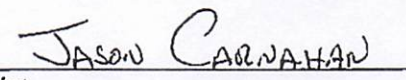
RESOLVED, That in accordance with IC 36-7-4-605, the DeKalb County Plan Commission certifies with a X favorable, _____ unfavorable, _____ no recommendation for the attached text amendment(s) to the County Commissioners of DeKalb County, Indiana.

Certified this 20 day of November 2024.

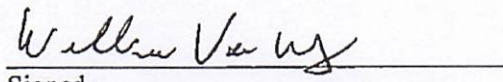
DEKALB COUNTY PLAN COMMISSION:



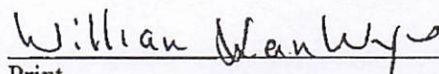
Signed
DeKalb County Plan Commission President



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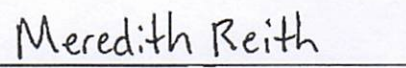
Signed
DeKalb County Plan Commission Vice-President



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Attest, Secretary
DeKalb County Plan Commission



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