

2018-  
RESOLUTION: R - 5  
ORDINANCE: UDO - 45  
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 April 18, 2018 on the proposed textual amendments to the DeKalb County Unified Development Ordinance regarding Setback Regulations in Article 2: Section 2.04, 2.06, 2.10, 2.12, 2.14, 2.16, 2.20 and 2.22; Article 5: Section 5.43 and all related sections, if applicable;

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

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

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

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

**ORDINANCE SECTION:** Article 2: Zoning Districts Development Standards  
Article 5: Development Standards

**PROPOSED LANGUAGE CHANGE:**

2.04: A1 – Conservation Agricultural District Development Standards:

Minimum Front Yard Setback:

- 50 feet for primary and accessory structures

Minimum Side Yard Setback:

- 30 feet for primary structures
- ~~30~~ 10 feet for accessory structures

Minimum Rear Yard Setback:

- 30 feet for primary structures
- ~~45~~ 10 feet for accessory structures

2.06: A2 – Agricultural District Development Standards:

Minimum Front Yard Setback:

- 50 feet for primary and accessory structures

Minimum Side Yard Setback:

- 30 feet for primary and accessory structures
- 10 feet for accessory structures

Minimum Rear Yard Setback:

- 30 feet for primary structures
- ~~15~~ 10 feet for accessory structures

2.10: A4 – Agricultural Business District Development Standards:

Minimum Front Yard Setback:

- 50 feet for primary and accessory structures

Minimum Side Yard Setback:

- 30 feet for primary and accessory structures
- 10 feet for accessory structures

Minimum Rear Yard Setback:

- 30 feet for primary and accessory structures
- 10 feet for accessory structures

2.12: RE – Rural Estate District Development Standards:

Minimum Front Yard Setback:

- 50 feet for primary and accessory structures

Minimum Side Yard Setback:

- 35 feet for primary structures
- ~~20~~ 10 feet for accessory structures

Minimum Rear Yard Setback:

- 35 feet for primary structures
- ~~20~~ 10 feet for accessory structures

2.14: R1 – Low Density Residential District Development Standards:

Minimum Front Yard Setback:

- 35 feet for primary and accessory structures

Minimum Side Yard Setback:

- 25 feet for primary structures
- ~~25~~ 10 feet for accessory structures

Minimum Rear Yard Setback:

- 25 feet for primary structures
- ~~15~~ 10 feet for accessory structures

2.16: R2 – Medium Density Residential District Development Standards:

Minimum Front Yard Setback:

- 30 feet for primary and accessory structures

Minimum Side Yard Setback:

- 12 feet for primary structures
- 10 feet for accessory structures

Minimum Rear Yard Setback:

- 20 feet for primary structures
- ~~15~~ 10 feet for accessory structures

2.20: M1 – Multiple-family Residential District Development Standards:

Minimum Front Yard Setback:

- 30 feet for primary and accessory structures

Minimum Side Yard Setback:

- 20 feet for primary structures
- ~~15~~ 10 feet for accessory structures

Minimum Rear Yard Setback:

- 20 feet for primary structures
- ~~15~~ 10 feet for accessory structures

2.22: M2 – Multiple-family Residential District Development Standards:

Minimum Front Yard Setback:

- 35 feet for primary and accessory structures

Minimum Side Yard Setback:

- 25 feet for primary and accessory structures
- 10 feet for accessory structures

Minimum Rear Yard Setback:

- 25 feet for primary structures
- ~~15~~ 10 feet for accessory structures

5.43 SB-01 Setback; General

B. Minimum Front Yard Setback: The dimension is to be taken from the center of the road. Adding together the right-of-way - as determined by the DeKalb County Thoroughfare Plan - plus the minimum front yard setback per each two-page layout in Article 02: Zoning Districts. ~~The minimum front yard setbacks shall be per each two-page layout in Article 02: Zoning Districts.~~

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

DULY PASSED AND RESOLVED this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
Donald D. Grogg, President

\_\_\_\_\_  
Randall J. Deetz, Vice President

\_\_\_\_\_  
Jacqueline R. Rowan, Vice President

\_\_\_\_\_  
Attest, Jan Bauman, 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**

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 April 18, 2018 and did consider the textual amendments to Article 2: Zoning Districts Development Standards and Article 5: Development Standard in the DeKalb County Unified Development Ordinance; and now, therefore be it

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

Certified this 18<sup>th</sup> day of April 2018.

DEKALB COUNTY PLAN COMMISSION

Timothy B Griffin  
Signed  
DeKalb County Plan Commission Official

TIMOTHY B GRIFFIN  
Print

William O Van Wye  
Signed  
DeKalb County Plan Commission Official

William O. Van Wye  
Print

Caeli Hixson  
Attest, Secretary  
DeKalb County Plan Commission

Caeli Hixson  
Print