

**RESOLUTION: 2024 – R – 2**  
**ORDINANCE: UDO – 90**  
**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 February 21, 2024, on the proposed textual amendments to the DeKalb County Unified Development Ordinance regarding revisions to: Article 11: Definitions: Accessory Building or Structure (see also Storage Buildings, if applicable) in the DeKalb County Unified Development Ordinance; 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:

**Accessory Building or Structure (see also Storage Buildings, if applicable):** A building or structure which:

- Is subordinate to a primary building or structure in area, intent, and/or purpose,
- Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use,
- Does not alter or change the character of the premises,
- Is located on the same parcel or lot and zoning district ~~zoning lot~~ as the primary building, structure, or use,
- Conforms to the setback, height, ~~bulk~~, ~~lot~~ impervious surface coverage, and other development standards or requirements of the Unified Development Ordinance unless otherwise provided for,
- May not be constructed prior to the time of construction of the primary building or structure, unless used for agricultural or personal storage or otherwise specified in the Unified Development Ordinance,
- Is not designed for human occupancy as a dwelling or commercial use but may have bathroom, kitchen, sink or other facilities needed for sanitary purposes so long as there is Health Department approval, and,





- In the case of a private/noncommercial telecommunications tower, antenna, or other radio or cellular communications or equipment, the tower, antenna, or other radio or cellular communications or equipment shall be setback equal to the height of the tower (IE: if tower is 50 feet tall it shall be setback 50 feet from any property line). a The subordinate structure (typically considered a cabinet) the use of which is incidental and accessory to that of the principal private/noncommercial telecommunications tower, antenna, or other radio or cellular communications equipment that is detached from but located on the same site shall be considered an accessory structure and must comply with accessory structure setback requirements.
- Exemptions to the accessory structure setback requirements are:
  - Flag Poles, freestanding chicken coops, animal cages/runs, lawn art or lawn statues, outdoor kitchens for single family homes that do not include a covered structure, water features such as fountains, small fish ponds or similar that are not defined or meet the standards of a recreational pond, or other similar items as deemed exempt by the Zoning Administrator and is not specifically defined in the Unified Development Ordinance.

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

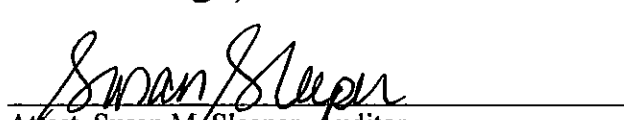
The DeKalb County Commissioners have voted to  adopt (as certified) or  reject the proposal.

DULY PASSED AND RESOLVED this 11<sup>th</sup> day of March 2024.

  
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 William L. Hartman, President

  
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 Michael V. Watson, Vice President

  
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 Todd R. Sanderson, Vice President

  
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 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."