

ORDINANCE 2011 - 11
AN ORDINANCE AMENDING
JUNK YARD STANDARDS IN THE
CASS COUNTY ZONING ORDINANCE

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

WHEREAS, the county of Cass County, Indiana adopted the Cass County Zoning Ordinance which became effective on October 3, 1986, and has had subsequent amendments as listed on the title page of the Cass County Zoning Ordinance; 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 906 of the Cass County Zoning Ordinance allows for the amendment of said Ordinance; and

WHEREAS, the Cass County Plan Commission held a public hearing on the proposed textual amendments to revise the junk yard standards on September 12, 2011 and voted to certify the amendments with a favorable recommendation to the Cass County Board of Commissioners; and

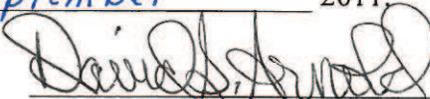
WHEREAS, the Cass County Board of Commissioners believes there is merit in amending the Ordinance, as attached, in order to promote the public health, safety, comfort, morals, convenience and general welfare of the community; now therefore, be it

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

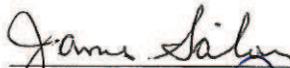
SECTION 1: That the Cass County Zoning Ordinance be amended according to the amendments, as attached.

SECTION 2: That this amendment be in full force and effect upon its passage.

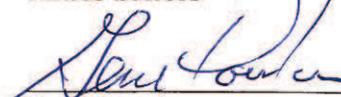
Adopted this 19th day of September 2011.



David Arnold, President

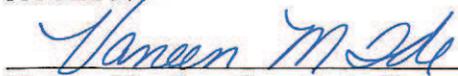


James Sailors



Gene Powlen

ATTEST:



Vaneen Ide, Cass County Auditor

PLAN COMMISSION

To: Cass County Commissioners
From: Planning Department
Date: September 19, 2011
Re: **Proposed Amendment to Junk Yards and the addition of noncommercial vehicle repair.**

Source of Proposed Amendment:
 Logansport/Cass County Planning Department

Subdivision Ordinance:
 Definitions 201: Junkyard and noncommercial vehicle repair
 Section 514: Noncommercial Vehicle Repair Standards

Proposed Language Change:
Section 201: Lot Area: The area of a lot calculated as the total horizontal area within the boundaries of a lot exclusive of any land within public rights-of-way or public lands, public or private streets or access easements, or any land within any watercourse, drainage way, channel, stream, designated wetlands, or floodway or any land under water, other than a detention storage area.

Junkyard: Any lot, parcel, or tract of real estate, usually outdoors, where waste or discarded used property, other than organic matter, including but not limited to one or more unlicensed or inoperable motor vehicles, is accumulated and/or stored and is or may be salvaged for reuse or resale, reduction, or similar disposition. (Not to include noncommercial vehicle repair)

Noncommercial Vehicle Repair: Any single-family dwelling that repairs, stores, maintains, or restores motorized vehicles, including but not limited to cars, trucks, RVs, motorcycles, ATVs, lawnmowers, and boats, outside as an accessory and/or incidental use to the primary use of the property. Such use would include any motorized vehicles that are inoperable and/or have outdated plates or registration except for agricultural machinery. All noncommercial vehicle repairs must follow Section 514 of this Ordinance. (Not to include junk yards)

Table A

<u>TRADE</u>	<u>AG</u>	<u>RR</u>	<u>R1</u>	<u>B1</u>	<u>B4</u>	<u>AB</u>	<u>I1</u>	<u>I2</u>	<u>Buffer Class</u>	<u>Parking Class</u>
<u>23 Noncommercial Vehicle Repair (not including Junk Yards) (see Section 514)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>A</u>	<u>A</u>

Section 514: Noncommercial Vehicle Repair: The outdoor storage of motorized vehicles and related materials in a manner that does not comply with this section shall constitute a junk yard.

LOGANSPORT/CASS COUNTY PLANNING DEPARTMENT

Dear Commissioners;

This is a request for 1 item to be placed on the agenda for the September 19, 2011 Commissioner's meeting.

The Cass County Plan Commission is sending a resolution with a favorable recommendation to the Commissioners:

Zoning Ordinance Amendment:

- To revise the Junk yard standards

If you have any questions, please call the office, 753-7775.

Sincerely,

Arin Shaver, Executive Director
Cass County /Logansport Plan Commission

CASS COUNTY COMMISSIONERS
SEPTEMBER 6, 2011

The Cass County Commissioners met at 1:00 p.m. in the Commissioner Hearing Room. Present were Dave Arnold, Jim Sailors, Gene Powlen, Attorney John Hillis and Auditor Vaneen Ide. Dave Arnold opened the meeting with the Pledge of Allegiance.

MINUTES

Gene Powlen made a motion to approve the minutes from the August 15th meeting and the Executive Sessions held on February 18th, March 14th and August 11th, Jim Sailors seconded. The motion carried unanimously.

CLAIMS & PAYROLL

Jim Sailors made a motion to approve the claims and payroll as presented, Gene Powlen seconded. The motion carried unanimously.

HIGHWAY

Jeff Smith appeared before the Commissioners with the monthly Highway report. County road 300 S. is proceeding with phase two on schedule. Phase two is the approach of CR 325 W. County road 275 W. is expected to re-open this week, weather permitting. A reimbursement agreement will provide for damages to CR 600W. during the detour on US 35. This year's chip and seal program is complete and pug mix application should wrap up this week. This year 27.54 miles of chip-seal was applied at a cost of approximately \$268,000.

Ray Eber appeared before the Commissioners with his report as Highway project coordinator. The relocation of poles for the BE110 has been completed. The resident land owners have been notified of the proposed start in one to two weeks. Chase Road project is waiting on Frontier to complete utility relocation. A crew of Highway workers will begin wooden bridge maintenance detail this fall. This will consist of placing shims in gaps on wooden planks and tightening down all bolts. USI bridge inspectors have advised us that periodic maintenance of this extent will prolong the life of our bridges. Our staff has been trained by USI to do this maintenance. The CCHD assisted county surveyor Jenny Clark and INDOT with a drainage issue in the town of Twelve Mile. A new 15 inch tile was place under SR 16 as a result of this effort.

Jeff Smith presented a request for FMLA leave for one of his employees. Jim Sailors made a motion to approve the FMLA request, Gene Powlen seconded. The motion carried unanimously.

Jeff Smith also requested that the following equipment be declared surplus.

1996 John Deere 7600 tractor

1998 Chevrolet 1500 4x4 truck

Gene Powlen made a motion to approve the items as surplus, Jim Sailors seconded. The motion carried unanimously.

A change order for 300 S. was presented. Jim Sailors made a motion to approve the change order, Gene Powlen seconded. The motion carried unanimously.

HEALTH DEPARTMENT

Dr. Bennett appeared before the Commissioners with the monthly report of the Health Department. Dr. Bennett introduced the new part-time administrator Lynda Kennedy. Dr. Bennett wanted to publicly thank Cindy Howard for her help with claims and payroll during the interim period between administrators.

The nurses held ten vaccination clinic days during the month of August. 335 patients were seen and 853 immunizations were given. The environmentalists remain busy with several septic installers taking advantage of the weather to complete septic installations. Food inspections have continued within Cass County. The investigation of the sale of illegal baked goods through retail shops in Logansport was discovered.

PROSECUTOR

Marilyn Kahl appeared before the Commissioners for Kevin Enyeart. The Prosecutors office was requesting FMLA for one of their staff. Jim Sailors made a motion to approve the FMLA leave, Gene Powlen seconded. The motion carried unanimously.

MAINTENANCE

Pat Hann appeared before the Commissioners with a request to fill one full time position and one part-time position within his department. Gene Powlen made a motion to approve the full time position, Jim Sailors seconded. The motion carried unanimously. Jim Sailors made a motion to approve the part-time position, Gene Powlen seconded. The motion carried unanimously.

SHERIFF

Sheriff Randy Pryor appeared before the Commissioners with a request to transfer one of the CO Officers that has cross trained to work in the kitchen, to the kitchen staff. Dave Arnold made a motion to approve the transfer, Gene Powlen seconded. The motion carried unanimously.

ORDINANCE

The Ordinance for county road 600 W. speed limit was presented. This will be ordinance 2011-9. Jim Sailors made a motion to approve the ordinance as presented. Gene Powlen seconded.

HEALTH RESOLUTION

The Cass County Commissioners presented a Resolution that will discontinue health insurance for the County Commissioners that will be newly elected. Those that carry the insurance now will continue to have that benefit. Dave Arnold made a motion to approve the resolution as presented, Gene Powlen seconded. The motion carried unanimously.

E-911 AMENDMENT

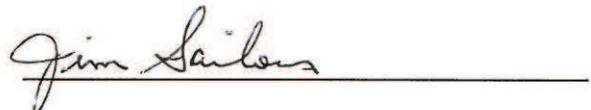
Dave Arnold presented to the Commissioners an Ordinance amending chapter 110 of the Cass County code entitled combined E-911 Dispatch Services. Jim Sailors made a motion to approve the Ordinance amending chapter 110 of the Cass County code for combined E-911 Dispatch Services, Gene Powlen seconded. The motion carried unanimously.

PUBLIC COMMENT & ADJOURN

There were no public comments. Gene Powlen made a motion to adjourn, Jim Sailors seconded. The motion carried unanimously.



Dave Arnold, President

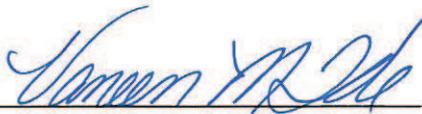


Jim Sailors, Vice President



Gene Powlen, Member

ATTEST:



Vaneen M. Ide, Auditor