

ORDINANCE 2014-9
AN ORDINANCE AMENDING THE
CASS COUNTY ZONING ORDINANCE
FOR SATELLITE DISH ANTENNAE

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 Tuesday August 5, 2014, on the proposed textual amendments to the Cass County Zoning Ordinance regarding the following section and all related sections;

504.07 In all zoning districts satellite dish antennae (satellite earth stations) of up to 12 feet in diameter are permitted as accessory structures. A satellite dish antenna may be either roof-mounted or ground-mounted and must meet the following standards:

A. A roof-mounted antenna shall not extend above the required height of the zoning district in which it is located and shall not overhang within 2 feet of any side or rear lot line.

B. A ground-mounted antenna may be located in a side or rear yard, or in the front yard if it is at least 100 feet back from the front property line or 36" or less in diameter. The closest edge of any antenna may not be less than 2 feet to any side or rear lot line. Ground-mounted antenna may not extend above the accessory use height requirement.

C. If any antenna cannot receive a usable satellite signal by complying with the above standards without substantial removal of mature trees or vegetation, the zoning administrator may allow for an antenna to be located within the front yard if it can be proven in writing, by the satellite dish installer/company, that there are no other alternatives. ~~special exception may be requested from the Board of Zoning Appeals to locate the antenna in a front yard.~~ An usable satellite signal is defined as a signal from a satellite which when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

D. All antennae shall meet manufacturers specifications, shall meet all applicable Building and Electrical Code requirements, shall be of non-combustible and

corrosive-resistant material, shall be erected in a secure, wind-resistant manner and shall be adequately grounded for protection against a direct strike of lightning.

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

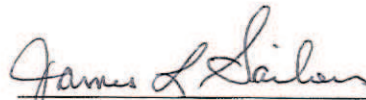
WHEREAS, the Cass County Board of Commissioners believes there is merit in amending the Ordinance, as attached, in order to promote the public health, safety, comfort, morals, convenience and general welfare of the community; now therefore, be it

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

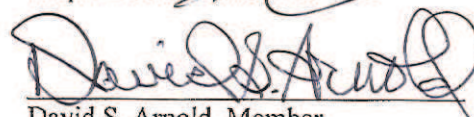
SECTION 1: That the Cass County Zoning Ordinance be amended according to the amendments, as attached.

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

Adopted this 18 day of August 2014.


James Sailors, President


Ralph Anderson, Member


David S. Arnold, Member

ATTEST:


Vaneen Ide, Cass County Auditor