

ORDINANCE 2015- 08
A CASS COUNTY COMMISSIONERS ORDINANCE AMENDING THE
CASS COUNTY ZONING ORDINANCE
CASS COUNTY GATEWAY OVERLAY DISTRICT

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 July 7, 2015, on the proposed textual amendments to the Cass County Zoning Ordinance regarding the Cass County Gateway Overlay Standards: Table A; B1:CG as follows:

Proposed Language Change:

405 CASS COUNTY GATEWAY OVERLAY DISTRICT:

405.01 Purpose and Intent:

The Cass County Gateway (CG) Overlay District is intended to promote the health, safety, comfort, convenience and general welfare of the public by guiding the orderly growth and development of areas adjacent to and adjoining the four-lane Hoosier Heartland Industrial Corridor, ~~limited access federal highway known as U.S. Highway 24, the four-lane, limited access Indiana state highway connected to U.S. Highway 24 which is known as State Road 25.~~ It is further intended that the Overlay District foster a successful public/private relationship between the County and prospective developers, while promoting development opportunities, which encourage compatibility of land uses, provide safe and sufficient transportation systems and infrastructure, and protect the built and natural environment through fair, objective standards and regulations for all development proposals.

405.05 Standards: All development within CG Overlay District must meet the following standards.

A. Minimum lot area is 130,680 square feet or 3 acres

1. No land, which is within public rights-of-way or public lands or public or private street or access easements, shall be used for computing the minimum lot area.
2. No land, which is within a watercourse, drainage way, channel, stream, designated wetlands or floodway as specified by the Zoning Ordinance, shall be used for computing the minimum lot area.
3. No land, which is under water, other than a temporary detention storage area or ornamental pond, shall be used for computing the minimum lot area.

4. Lots which do not meet the minimum lot area which are within approved subdivisions and lots of record prior to the establishment of the Cass County Gateway Overlay District may obtain improvement location permits provided all other standards of the Ordinance can be met, including DPR, if applicable.

B. Gross floor area shall have a minimum of ~~5,000~~ 2,500 square feet, excluding basement or any accessory buildings.

C. Maximum height of a building shall be 60 feet, comprising no more than 4 stories, unless otherwise specified under section 307.01.

~~D. Minimum lot width is 300 feet or one half the depth of the lot whichever is greater. Lots of record established prior to the adoption of the Cass County Gateway Overlay District need not meet this requirement.~~

~~E. Building Setbacks shall have a minimum front yard setback from the right-of-way line of 25 of 90 ft, 50 ft setback from the right of way line of any collector, arterial, local, private road, or access easement. Minimum side and rear yards from the property line shall be a minimum of 50 ft from residential uses and a minimum of 20 ft from other industrial and commercial uses or undeveloped land.~~

F. Maximum Lot Coverage is as specified in Table B of this Ordinance provided a minimum of 10% of the lot coverage is green space.

405.06 Site Design of the development shall meet the following standards:

B. Off-Street Parking: An off-street parking plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and distances. The off-street parking plan shall adhere to all the standards and regulations of this Ordinance. There shall be no off-street parking within the required planting strip or buffer yard.

~~1. Off-street parking shall be provided so that there only 25% of the parking be between SR-25 and the building.~~

1Off-street parking areas for 2 or more different uses may be provided collectively, if the total number of spaces provided is not less than the total of the minimum required spaces for each individual use. Combined parking shall be designed and constructed so as to create a desirable, efficient, and well planned off-street parking area with functional and aesthetic values, attractiveness, and compatibility with adjacent land uses. Development must follow the standards set forth in section 308.

F. Driveway Access: Driveways must be located, constructed and marked in such a way to provide safe ingress and egress. Driveway standards shall be as designated in Section 308.07 of the Ordinance, except for the following:

1. Driveways shall not be located closer than ~~50~~ 25 feet from an interior property line or another driveway on the same property, unless a common driveway is provided between adjacent properties in order to provide safe ingress and egress for both properties.

G. Other Requirements

1. Outdoor Sales: All outdoor sales shall be in and only in an approved designated area. No outdoor sales shall conflict with the DP as approved,

including parking areas. No sales shall be conducted in any trailer, container, or temporary shelter unless it is a part of the approved DP.

2. Outdoor Storage: All outdoor storage shall be in and only in an approved designated area. No outdoor storage shall conflict with the DP as approved, including parking areas. No storage shall be conducted in any trailer, container, or temporary shelter unless it is a part of the approved DP. Storage must be located to the rear of the primary structure and stored or screened in a way to not be visible from State Road 25, unless impractical or storage of natural materials.
- ~~3. Loading Areas, Refuse Areas and Dumpsters shall not be oriented towards State Road 25, unless impractical.~~
4. Architectural design from the principal structure shall reflect vertical and horizontal proportions and shall provide a defined base and top on all sides of the building seen from State Road 25. ~~Large blank walls shall be minimized along State Road 25, whenever possible. If the principal structure is seen from State Road 25, at least 25% of those sides seen must be of masonry or exterior finished wood material.~~

Table B District Performance Standards

	CG See section 405
1. Minimum Lot Area (A)	
No Central Sewage	130,680
With Central Sewage	130,680
2. Minimum Lot Width (B)	
No Central Sewage	1)300 80
With Central Sewage	1)300 70
3. Minimum Lot Area Per Family (A)	
No Central Sewage	NA
With Central Sewage	NA
4. Maximum Lot Coverage (C)	50
5. Minimum Front Yard (B)	2)90 40
6. Minimum Side Yard (B)	2)50 20
7. Minimum Rear Yard (B)	2)50 25

TABLE A: District Use Standards

	B1	CG
13. Forestry, Woodland	P	<u>PS</u>
15. Agribusiness (as defined)	X	<u>SP</u>
17. Liquid Fertilizer and Agricultural Chemicals – Sales, Mixing, Storage, and Distribution	X	<u>SP</u>
18. Grain Elevators and Feed Dealers, Storage and Distribution	X	<u>SP</u>
20. Slaughterhouse and Rendering Plant	X	<u>XS</u>
3. Agriculture - Confined Feeding (as defined)(see Section 502)	X	<u>XS</u>

9 Oil and Gas Production (not to include refining)	S	<u>SP</u>
2. Retail Trade (as defined) of More than 1000 Square Feet Per Establishment	<u>SP</u>	X
10. Automobile Sales and Rental - New and Used and Accessory Service and Repair	X	<u>XS</u>
14. Mobile Homes and Recreational Vehicle Sales and Rental and Accessory Service and Repair	<u>XS</u>	X
15. Motorcycle and Truck Sales and Accessory Service and Repair	X	<u>XS</u>
21. Lumber and Building Supplies, Lawn and Garden Supplies and Farm Supply Centers (including outdoor storage)	<u>XS</u>	<u>XP</u>
17. Cemetery	S	<u>XS</u>
27. Veterinary Hospital and Clinic	S	<u>XS</u>
28. Kennel	X	<u>XS</u>
33. Water Slide Park, Public Swimming Area	S	<u>XS</u>
15. Freight Distributors and Terminal (truck and railroad)	X	<u>SP</u>

17. Warehousing - Inside (no explosives)	X	SP
1. Light Manufacturing (as defined)	X	SP
9. Ordnance Products (including arms and ammunition)	X	XS
6. Mobile Homes - When Used for Commercial or Industrial Purposes	S	XS

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 stated.

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

Adopted this 20 day of July 2015.

CASS COUNTY BOARD OF COMMISSIONERS:


James Sailors, President


Ralph Anderson, Member


Jeff LeDonne, Member

ATTEST:


Vaneen Ide, Cass County Auditor

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