

ORDINANCE 2015- 14
AN ORDINANCE AMENDING THE
CASS COUNTY ZONING ORDINANCE
FOR FENCING

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 October 6, 2015, on the proposed textual amendments to the Cass County Zoning Ordinance regarding Fencing in Article 5, Developmental Standards and all related sections;

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 follows:

Proposed Language Change:

504.09 Fences are permitted as accessory structures in any district and do not require any permit. However, fences, excepting partition fences as defined by IC 32-26-910, must meet the following standards:

A. Fences must be located entirely upon the lot which it serves, though it may be located immediately adjacent to the lot line.

~~B. All fences shall be constructed and maintained at a uniform height from the same construction material and of a uniform color scheme.~~

C. Fences in residential districts or abutting residential uses may not have a height greater than ~~36~~ 48 inches in the front yard setback, with the exception of a fence that does not encroach into the front yard setback to a greater extent than the farthest point of the principal structure.

D. ~~No fencing in any district shall be constructed with typical fencing materials and styles, excluding barbed wire or electrically charged fences unless for an~~

~~agricultural use. , except for those servicing agricultural uses, shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects, nor be electrically charged.~~

1. Barbed wire may be used at the top portion of a permitted fence or wall in the AG, Agricultural, I-1, Light Industrial or I-2, General Industrial districts, provided that the fencing does not abut a residential district or residential use.

2. Barbed wire, where permitted, must be located more than 7 feet above the adjacent ground level. Such permitted barbed wire shall be considered part of the fence and subject to the fence height restrictions.

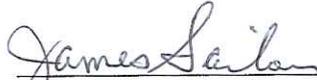
E. All fences shall meet the requirements of IC 32-26-910.

F. No fence in any district may exceed 8 feet in height. No fence abutting a residential lot or district may exceed 6 feet in height. All fences constructed abutting a residential lot or district must be designed so as not to prohibit more than 50% of the light and/or ventilation to a residence.

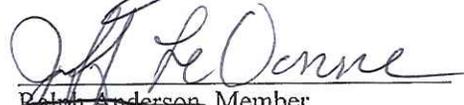
G. All Fences shall meet the standards of this section if more than 75% of the fence is being repaired.

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

Adopted this 19 day of October 2015.


James Sailors, President


Ralph Anderson, Member


Ralph Anderson, Member
J. E. Le Donne

ATTEST:


Vaneen Ide, Cass County Auditor

RESOLUTION 15-11
A CASS COUNTY PLAN COMMISSION RESOLUTION
RECOMMENDING CERTIFICATION OF TEXTUAL AMENDMENTS TO THE
CASS COUNTY ZONING ORDINANCE
FOR FENCING

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, Cass County 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 on 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 October 6, 2015 on the attached textual amendments for Fencing in Article 5, Developmental Standards in the Cass County Zoning Ordinance ; and

now, therefore, be it

RESOLVED, in accordance with IC 36-7-4-605, the Cass County Plan Commission certifies with a ✓ favorable, unfavorable, no recommendation the attached textual amendments to the Cass County Board of Commissioners, Cass County, Indiana.

Adopted this 6th day of October 2015.

CASS COUNTY PLAN COMMISSION

 Jenny Clark
Officer, CCPC

ATTEST:

 James L. Sailors
Officer, CCPC