

ORDINANCE 2015-16
AN ORDINANCE AMENDING THE
CASS COUNTY ZONING ORDINANCE
FOR WIRELESS REGULATIONS

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 Wireless Regulations in Table A, District Use Standards; in Article 5, Developmental Standards and in Article 9, Administrative Procedures 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:

Table A.

	<u>A</u> <u>G</u>	<u>R</u> <u>R</u>	<u>R1</u>	<u>B1</u>	<u>B4</u>	<u>A</u> <u>B</u>	<u>I1</u>	<u>I2</u>	<u>C</u> <u>G</u>	<u>Buffer</u> <u>Class</u>	<u>Parkin</u> <u>g Class</u>
<u>TRANSPORTATION,</u> <u>COMMUNICATIONS, UTILITIES</u>											
6. Telecommunications Facility (as defined) (see Section 523)	P	X	X	X	S	S	S	S	S	E	C
7. Telecommunications Facility when Co-located (as defined) (see Section 523)	P	<u>SP</u>	<u>SP</u>	<u>SP</u>	P	P	P	P	<u>SP</u>	E	C

307 General Provisions and Exceptions to Height Regulations

B. Communication structures, such as telecommunication towers (as defined),

radio and television and relay stations and receiving stations and aerials and observation towers.

~~1. If proper engineering data is provided that demonstrates the structure is engineered to be collapsible within an area of half its height, communication structures shall be, in addition to regular setback distances, setback a minimum distance from the property line or lease line of any adjoining property (whichever requires the greater setback) a distance that is equal to 50 percent of the height of the tower, but not less than 50 feet.~~

1. A fall zone requirement may not be imposed for a wireless support structure that is larger than the area within which the structure is designed to collapse. This section does not apply to any setback requirement prescribed in Table B of this Ordinance

523 TELECOMMUNICATIONS FACILITIES: All standards of this section apply to telecommunications facilities that are covered by the Telecommunications Act of 1996 as in effect July 1, 2015. It does not apply to personal television antennas, ham radio, or short wave radio antennas, or other communications equipment accessory to residential uses.

523.02 All telecommunication towers must meet the standards of Section 307.01 which states communication structures, such as telecommunication towers (as defined) may exceed normal height requirements provided their total height does not exceed their distance from the nearest lot line.

~~A. If proper engineering data is provided that demonstrates the structure is engineered to be collapsible within an area of half its height, communications structures shall be, in addition to regular setback distances, setback a minimum distance from the property line or lease line of any adjoining property (which ever requires the greater setback) a distance that is equal to 50 percent of the height of the tower, but not less than 50 feet.~~

a. A fall zone requirement may not be imposed for a wireless support structure that is larger than the area within which the structure is designed to collapse. This section does not apply to any setback requirement prescribed in Table B of this Ordinance

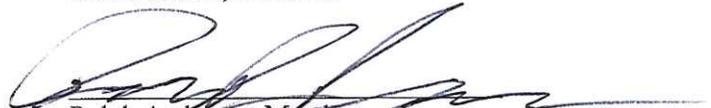
523.05 Telecommunications facilities shall be entirely enclosed by a woven wire or chain link fence of no less than 6 ft. Such fence may be located in the front, side or rear yard.

901.05 to function as the authority for all purposes within the meeting of Indiana Code 8-1-32.3-8, otherwise known as the Federal Telecommunications Act of 1996 as in effect on July 1, 2015, unless considered a Special Exception or Use Variance. At such time the administrator shall exercise the authority to review applications for completeness before being heard before the Board of Zoning Appeals.

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~~
Jeff LeDonne

ATTEST:



Vaneen Ide, Cass County Auditor

Ordinance #2015- 16

RESOLUTION 15-13
A CASS COUNTY PLAN COMMISSION RESOLUTION
RECOMMENDING CERTIFICATION OF TEXTUAL AMENDMENTS TO THE
CASS COUNTY ZONING ORDINANCE
FOR WIRELESS REGULATIONS

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 Wireless Regulations, in Table A, District Use Standards, in Article 5, Developmental Standards and in Article 9, Administrative Procedures 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. Sailer
Officer, CCPC