

ORDINANCE 2020-02
THE AMENDMENT TO THE GATEWAY OVERLAY DISTRICT
FOR 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 Monday, February 3 , 2020, on the textual amendment to the Cass County Zoning Ordinance regarding the Gateway Overlay District; and

WHEREAS, the Cass County Plan Commission did send a positive recommendation for the text amendments to the Cass County Commissioners; and

WHEREAS, the Cass County Commissioners did consider the text amendments on February 3, 2020 and voted to amend the Gateway Overlay District; and

WHEREAS, the Cass County Commissioners believe 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 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 3rd day of February 2020.


Ralph Anderson, President


James Sailors


Ryan Browning

ATTEST:


Cheryl Acorn, Cass County Auditor

PLAN COMMISSION

To: Cass County Commissioners
From: Planning Department
Date: Feb. 3, 2020
Re: Amendments to Cass County Gateway Overlay

Source of Proposed Amendment:
Logansport/Cass County/Walton Planning Department

Zoning Ordinance:
Section 405 Cass County Gateway Overlay

Proposed Language Change:

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. All standards within this overlay pertain to commercial and industrial uses only.

405.02 Authority: The Commission has authority over all Development Plan Reviews (DPR). Delegation of authority in accordance with IC 36-7-4-1402(c) states that the Commission may authorize the Plan Review Committee or the Staff to act on the behalf of the entire Commission to conduct DPR for the following situations:

A. Following the approval by the Cass County Redevelopment Commission, the County shall be considered as the co-applicant for DPR. If the County becomes a co-applicant the use shall be considered allowed by right instead of going through the special exception process. In such instance the Commission authorizes the Plan Review Committee or staff to approve, approve with conditions, or disapprove the Development Plan (DP) for all other standards and/or provide zoning waivers, as provided in section 401.03.

405.04 Permitted Uses: All areas within the CG Overlay District should shall be rezoned to CG. Uses allowed within this district are shown in Table A of this

Ordinance. Applicants for uses allowed by special exception must submit a DP Use Approval to the Redevelopment Commission (RDC) during a public meeting. The Redevelopment Commission may approve, approve with conditions, or deny the DP Use Approval. Any DP Use Approval that is approved or approved with conditions by the Redevelopment Commission is exempt from special exception and shall be submitting directly to the Plan Review Committee for DPR. However any DP Use Approval that is not approved by the Redevelopment Commission must first be submitted to the Board of Zoning Appeals for Special Exception approval to allow such a use, prior to being submitted to the Plan Commission for DPR. If there are major changes to the DP after being approved ~~by the RDC~~ the DP must go ~~back to RDC~~ for approval before a new DPR. Staff will determine whether or not there has been a major change to the DP.

405.05 C. Maximum height of a building shall not exceed 199 ft. ~~be 60 feet, comprising no more than 4 stories, unless otherwise specified under section 307.01.~~

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

- A. Landscaping and Buffer yard: A landscaping and buffer yard plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and distances. The landscaping plan shall adhere to all the standards and regulations of this Ordinance. A minimum of 10 % of the total area of the property must be green space. All landscaping material selected shall be appropriate to local growing and climate conditions.
 - 1. A planting strip, minimum width shall be ten (10) feet, shall be provided adjacent to any Collector, Arterial, Parking Lot, and Entry Drive.
 - a. All Side and rear yard setbacks adjacent or adjoining a residential use, shall meet buffering requirements as specified in Section 306.13. No other side and rear buffer yards are required unless specified in 405.06 A 2a.
 - 2. All landscaping and buffer yards must follow section 306.13 unless referenced in section 405.06 A 1a otherwise specified.
 - a. Buffer yards located adjacent to SR 25 must be double the number of plantings required.

C. Lighting: Site lighting plan shall be submitted with the DP. It must prove that no light is spilling onto ~~abutting residential~~ properties.

D. Signage: A signage plan shall be submitted with the DPR application. This plan shall be drawn to scale, including dimensions and distances. The signage plan shall adhere to all the standards and regulations of Section 505, unless

otherwise specified. Additionally, there shall be no banners, sandwich boards, flags, pennants, or other temporary signs unless specifically designated in the DP approval.

2. Any sign that is erected by the Redevelopment Commission for the purpose of way finding, logo and information for the Agribusiness Park will be considered a permitted sign and won't require a permit or need to meet any other standards of this ordinance.

F. Other Requirements

3. Architectural design from the principal office 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.

Justification:

Recently staff has been reviewing the Cass County Overlay language and seen some areas that need to be better clarified. Section 405.01 just makes it clear that these standards are for Commercial and Industrial uses only. All residential uses would just meet the normal standards of the zoning district they are located within.

Section 405.02 where we allow for the County to be a co-applicant if the RDC approves of the use needs to be clear that the county can override the processes of the special exception. Note that in the state law a governing body can make provisions in their own ordinance to waive certain requirements such as a use.

In section 405.04 we want to be clear that we aren't making them rezone their property, but for the interest of the area and to provide the best development opportunity a rezone to CG, County Gateway would be recommended.

Section 405.05 talks about height. The overlay covers the area where all the Agribusiness Park is located. Uses such as EDM and Andersons have a height of 100ft+. How the current ordinance reads it seems that any building in the Park can't exceed 60ft. The intent was for the primary structure that houses office and extra. After more discussion about the intent it seemed that height of the primary structure wouldn't affect the area if it was higher also. So by selecting the 199ft as the new standard we are allowing heights similar to the existing area while staying under FAA 200ft regulations.

Section 405.06 A deals with buffer yards. Although we want to provide some landscaping within the industrial park. The major areas of concern would be uses along the Hoosier Heartland and the access roads within the Park. Since many of the uses are similar to each other the side and rear yard isn't needed for separation of uses unless it is located by residential or along SR 25.

Section 405.06 C and F just provide additional information for clarify the intent of that standard. 405.06 D 2 is a new section. Because this is a park for businesses there is more signage provided that represent the park and not just the businesses.

Currently we don't have much in regards to how they are regulated. Because the RDC would be the ones working on this signage and determining safety and visibility, this language provides them the opportunity wouldn't normally give to an individual business.

Staff Recommendation:

Staff recommends that the proposed amendment be approved by the Cass County Commissioners.

ADDED LANGUAGE IS UNDERLINED ~~DELETED LANGUAGE IS STRUCK THROUGH~~