

ORDINANCE 2015-02
AN ORDINANCE AMENDING 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 Tuesday January 6, 2015, on the proposed textual amendments to the Cass County Zoning Ordinance regarding the following sections and all related sections;

Proposed Language Change:

Amend Section 606.01.F as follows:

F. Within ten (10) days of public hearing, the Cass County Plan Commission certifies, according to I.C. 36-7-4-608 and Section 905 of this Ordinance, a favorable, unfavorable, or no recommendation to the Cass County Commissioners. Along with the recommendation, the Plan Commission may impose reasonable conditions. Conditions may be in the form of written commitments as allowed in ~~I.C. 36-7-4-615~~ I.C. 36-7-4-1015(g) and Section 905 of this Ordinance.

Amend Section 811.02 as follows:

811.02 Commitments shall be recorded in the Office of the Cass County Recorder and take effect upon the granting of the exception, use, or variance. Unless modified or terminated ~~by the Board~~ in accordance with I.C. 36-7-4-1015, a commitment is binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified or terminated only ~~by a decision of the Board made at a public hearing after notice as provided by rule~~ in accordance with the I.C. 36-7-4-1015 and the Cass County Plan Commissions Bylaws and Rules of Procedures.

Amend Section 905.05 as follows:

905.05 Within ten ~~(10) day~~ business days after the Plan Commission determination, the Plan Commission shall certify the amendment to the Cass County Commissioners with a favorable, unfavorable, or no recommendation. Written commitments may be permitted or required for a zone map amendment or Planned Unit Development District Ordinance as specified in ~~I.C. 36-7-4-615~~ I.C. 36-7-4-1015 and Article Six of this Ordinance.

A. Commitments shall be recorded in the Office of the Cass County Recorder and take effect upon the approval of the zone map amendment or Planned Unit Development District Ordinance. Unless modified or terminated ~~by the Cass County Plan Commission in accordance with the I.C. 36-7-4-1015 and the Cass County Plan Commissions Bylaws and Rules of Procedures~~, a commitment is binding on the owner of the property, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

B. By permitting or requiring a written commitment, the Plan Commission does not obligate itself to make a favorable or unfavorable recommendation.

C. A new commitment may be made or a commitment may be modified or terminated ~~only by a decision of the Cass County Plan Commission made at a public meeting after proper notification has been made in accordance with the Cass County Plan Commission By-laws and Rules of Procedure~~ in accordance with the I.C. 36-7-4-1015 and the Cass County Plan Commissions Bylaws and Rules of Procedures.

D. A commitment must be in substantially the form set forth in the Cass County Plan Commission By-laws and Rules of Procedure.

E. The owner of the property shall be required to notify the Office of the Plan Commission of his timely compliance with such commitments by filing an affidavit to such effect. This affidavit must be submitted before any development or construction begins.

F. Written commitments shall be enforced in accordance with I.C. 36-7-4-1015 and with Section 904 ~~and Section 905~~ of this Ordinance.

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

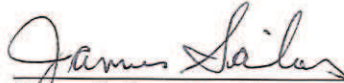
WHEREAS, the Cass County Board of Commissioners believes there is merit in amending the Ordinance, in order to promote the public health, safety, comfort, morals, convenience and general welfare of the community; *now therefore, be it*

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

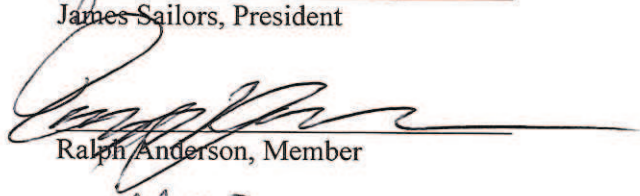
SECTION 1: That the Cass County Zoning Ordinance be amended according to the amendments, as follows;

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

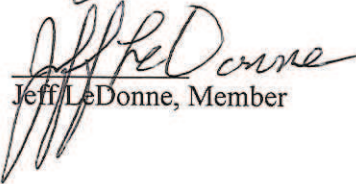
Adopted this 19 day of January 2015.



James Sailors, President



Ralph Anderson, Member



Jeff LeDonne, Member

ATTEST:



Vaneen Ide, Cass County Auditor

Ordinance # 2015 - 02

RESOLUTION 15-01
A CASS COUNTY PLAN COMMISSION RESOLUTION
RECOMMENDING CERTIFICATION OF AMENDMENTS TO 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, 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 January 6, 2015 on the attached textual amendments to the Cass County Zoning Ordinance regarding the following sections and all related sections;

Section 606 Procedures; Section 811 Commitments; Section 905 Amendments

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 January 2015

CASS COUNTY PLAN COMMISSION

Jenny Clark
Officer, CCPC

ATTEST:

George L. Stebbins
Officer, CCPC