

ORDINANCE 2016-03
AN ORDINANCE AMENDING THE
CASS COUNTY ZONING ORDINANCE FOR THE ADDITION OF THE
GRISSOM AIR FORCE BASE 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 May 3, 2016 on the proposed textual amendments to the Cass County Zoning Ordinance regarding the addition of the Grissom Air Force Base Overlay District, Article 4, Overlay District Regulations. 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:

Zoning Ordinance:

406 Grissom Air Force Base Regulations

Proposed Language Change:

406 THE GRISSOM AIR RESERVE OVERLAY DISTRICT: The purpose of this provision is to regulate the height of man-made structures and objects of natural growth; and otherwise regulate the land use and development of property around the Grissom Air Reserve Base by providing boundaries with standards within this overlay. In addition to these standards all uses and structures shall comply with Federal Aviation Regulation (FAR) 14 CFR 77 and all other applicable State and Federal regulations.

406.01 Authority:

Staff is given the authority to approve or deny Improvement Location Permits based on items, such as height, density, dust, glare, bird hazards, or radio/electrometric interference that effect the operations of the Grissom Air Force Reserve. Staff will inform the Encroachment Committee of all developments or plantings that will be occurring within this overlay. The Committee will have two days to inform staff if there will be an effect on Base operations, if there is they will have one week to provide those effects in writing. All Board of Zoning Appeals cases within this overlay will go through the same process.

406.02 Definitions:

ACUZ: the Air Installation Compatible Use Zone assists local authorities in protecting public health, safety, and welfare by identifying types of development that would be compatible with the air installation as well as maintain the installation's operational capability and mission through compatible land use planning. *2014 Installation Compatible Use Zone Study for Grissom Air Reserve Base*

APZ I: the Accident Potential Zone I starts at the end of the Clear Zone and extends 5000 ft beyond the clear zone and follows the same width as the Clear Zone. Approximately 8% of accidents occur within this area. (Diagonal hatch on Map 1)

APZ II: the Accident Potential Zone II starts at the end of APZ I and extends out 7000 ft while continuing the width of APZ I. For the purpose of this overlay only the area that runs from the Eastern County line along 700 S to 1000 E to 800 S to 900 E to 950S then follows the most southwest end of APZ I to 1000 E to 1100 S then along the Eastern County line this doesn't include any other the other districts.

Clear Zone: The Clear Zone starts along the runway centerline within 3000 ft of the end of the runway and 1500 ft from each side of the runway. This is where roughly 33% of accidents occur. For the purpose of this overlay only the area 2500 ft on either side of the entire runway in Cass County will also be considered the clear zone.

Conical Surface: A surface extending outward and upward from the periphery of the inner horizontal surface at a slope ratio 20 to 1 (20H:1V) to a height of 500 feet above the established airport elevation.

DNL Noise: Day—Night Average Sound Level is an energy-averaged sound level calculated over a 24-hour period with a 10-decibel penalty assigned to noise events occurring between 10pm and 7pm.

Encroachment Committee: this committee will be created by the Grissom Air Force Reserve Base. This committee will provide information on how possible development and plantings may affect the Base. Members will include Grissom Air Force Reserve Base members with their consultants as well as regional officials and departments.

Inner Conical Surface: is provided for additional land use and height protection this district provides standards from the Eastern County line along 500 S to 950 E to 600 S to

900 E to SR 218 to 200 E to 200 S to 700 E to 1225 S to 1000 E to 1250 S and back along the Eastern County line, this doesn't include any of the other districts.

Outer Conical Surface: is provided in this overlay for additional land use and height protections this district provides standards within the area that runs from Inner Conical Surface at the intersection of 750 E and 800 S along 800 S to 500 E to 1400 S along the Eastern County line this doesn't include any of the other districts.

406.03 Districts

A. Clear Zone

1. Permitted Uses: cropland not to include orchards
2. Height Limitations (manmade and natural): no structures shall be constructed and no vegetation other than agricultural crops may be planted unless they have been approved by the Board of Zoning Appeals as a Special Exception.

B. APZ I

1. Permitted Uses: cropland not to include orchards, pasture and grazing livestock not including confined feed, and agricultural buildings
2. Height Limitations (manmade and natural): structures shall not exceed 35 feet in height to the peak of the structure. Vegetation may be planted if full growth will not exceed 50 feet in height.

C. APZ II

1. Permitted Uses: cropland and orchards, pasture and grazing livestock not including confined feed, agricultural buildings, and all residential uses allowed within the AG, Agricultural Zoning District.
2. Height Limitations (manmade and natural): structures shall not exceed 50 feet in height. Vegetation may be planted if full growth will not exceed 100 feet in height.

D. Inner Conical Surface

1. Permitted Uses: All uses allowed in the AG zoning district are permitted. Any such use that would create dust, glare, bird hazards, or that would create radio or electromagnetic interference is prohibited within this district.
2. Height Limitations: structures shall not exceed 150 feet in height.

E. Outer Conical Surface

1. Permitted Uses: All uses of the underlining zoning district are allowed. Any such uses that would create dust, glare, bird hazards, or that would create radio or electromagnetic interference are prohibited within this district.
2. Height Limitations: structures may not exceed 500 feet in height.




Cross Area: combination Clear Zone; Diagonal Area: APZI; Blue Area: combination APZII;
Purple: Inner Conical Area; Pink: Outer Conical Area

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

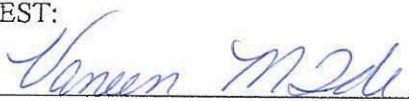
Adopted this 16 day of May 2016.


James Sailors, President


Ralph Anderson, Member


Jeff LeDonne, Member

ATTEST:


Vaneen Ide, Cass County Auditor

Ordinance #2016 -

RESOLUTION 16-01
A CASS COUNTY PLAN COMMISSION RESOLUTION
RECOMMENDING CERTIFICATION OF TEXTUAL AMENDMENT TO THE
CASS COUNTY ZONING ORDINANCE FOR THE ADDITION OF THE
GRISSOM AIR FORCE BASE 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, 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 May 3, 2016 on textual amendments for the addition of the Grissom Air Force Base Overlay District, Article 4, and all related sections 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 X favorable, unfavorable, no recommendation the attached textual amendments to the Cass County Board of Commissioners, Cass County, Indiana.

Adopted this 3rd day of May 2016.

CASS COUNTY PLAN COMMISSION

 Jenny Clark
Officer, CCPC

ATTEST:

 James L. Sailer
Officer, CCPC

