

ORDINANCE 2021- 04

AN ORDINANCE AMENDING THE ZONING ORDINANCE

FOR THE CITY OF AUSTIN, INDIANA

**WHEREAS**, the City Council of Austin, Indiana has adopted the Zoning Ordinance as Ordinance No. 1991-07; and

**WHEREAS**, a recommendation has been made that the Zoning Ordinance be modified; and

**WHEREAS**, both the City of Austin Advisory Plan Commission and the members of the Common Council have reviewed such recommendation, and believe such recommendation should be followed.

**THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUSTIN** that the City of Austin, Indiana Code of Ordinances is hereby amended and recodified as follows:

**SECTION 1.** Section 152.053 GENERAL RESTRICTIONS sub-section (H) shall be revised to read:

Any dwelling shall have a minimum net floor area for living quarters above the lot grade line of 1,100 square feet. The minimum net floor area for living quarters shall be computed for the floors above the lot grade line, excluding basement and attic. The second floor in each case qualifying for living quarters shall have access thereto by a permanent, built-in stairway. A room for heating equipment or other utility purpose, outside vestibule, open or closed porch, veranda, or attached private garage shall not be included in the computation of the minimum net floor area for living quarters. The dimensions of the dwelling shall be not less than 20 feet in width nor less than 24 feet in depth.

**SECTION 2.** § 152.054 AGRICULTURE ZONE sub-section (I) shall be revised to read:

*Minimum floor area and building width.* Any dwelling shall have a minimum net floor area, as defined in Section 152.053 (H), for living quarters above the lot grade line of 1,100 square feet. The dimensions of the dwelling shall be not less than 20 feet in width nor less than 24 feet in depth.

**SECTION 3.** § 152.055 R-1 RESIDENCE ZONE - ONE-FAMILY RESIDENCE ZONE sub-section (I) shall be revised to read:

*Minimum floor area and building width.* Any dwelling shall have a minimum net floor area, as defined in Section 152.053 (H), for living

quarters above the lot grade line of 1,100 square feet. The dimensions of the dwelling shall be not less than 20 feet in width nor less than 24 feet in depth.

**SECTION 4.** § 152.056 R-2 RESIDENCE ZONE - MULTI-FAMILY ZONE subsection (I) shall be revised to read:

*Minimum floor area and building width.* Any dwelling shall have a minimum net floor area, as defined in Section 152.053 (H), for living quarters above the lot grade line of 1,100 square feet. The dimensions of the dwelling shall be not less than 20 feet in width nor less than 24 feet in depth.

**SECTION 5:** This Ordinance shall have no effect upon any other provisions of the Zoning Ordinance except as herein provided, and all other sections of said Title not inconsistent herewith shall remain the same.

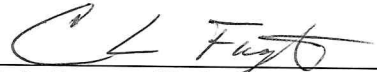
**SECTION 6:** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts.

**SECTION 7.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana on March 9, 2021 by a vote of 5 to 0.

  
\_\_\_\_\_  
ROGER HAWKINS, Mayor  
Presiding Officer

Attest:

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 9<sup>th</sup> day of March, 2021 at 6:27 P.m.

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), this 9<sup>th</sup> day of March, 2021 at 6:27 p.m.

  
\_\_\_\_\_  
Roger Hawkins, Mayor

Attest:

  
\_\_\_\_\_  
Chris Fugate, Clerk-Treasurer

Prepared by: **Joshua Stigdon, HOUSTON, THOMPSON and LEWIS, PC**  
**49 E. Wardell Street, Scottsburg, IN 47170**

*I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law. /s/ Joshua Stigdon*