

ORDINANCE 2020-08
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 152.008 DEFINITIONS. The following language shall be added as follows:

TEMPORARY STORAGE STRUCTURES: A portable storage unit which does not have a permanent foundation or footing, and which includes cargo containers, portable storage containers, truck trailers, and bulk solid waste containers. Such structures shall not be considered a building.

CARGO CONTAINER: A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels.

PORTABLE STORAGE CONTAINER: A self-storage container which is delivered to and retrieved from a home or business for long term off-site or on-site storage. Portable Storage On Demand (PODS) are a familiar trade name for such containers. These containers are not on a chassis and do not have axles or wheels.

SEMI TRAILER: A mobile trailer of fifty-three (53) feet or less in length with a chassis, axles, and wheels which may be towed by a truck or tractor.

BULK SOLID WASTE CONTAINER: A container intended for construction waste material or other refuse, excluding garbage, for the purpose of removing said material from a site.

SECTION 2. That the following Provision be added to Chapter 152: General Requirements in the Zoning Ordinance of the City of Austin in its entirety as Section 152.038:

- A. *Temporary Storage Structures.* Temporary storage structures are intended to provide temporary storage of household goods on residential property and business specific goods on professional, commercial, or industrial used and/or zoned lands. Such temporary structures shall not interfere with the normal operation of the permanent use on the property and shall not be detrimental to property or improvements in the surrounding

areas. There shall also be no risk of injury to persons as a result of such storage. No temporary storage structure shall be placed within City rights-of-way or easements, nor be located so as to interfere with traffic flow or visibility.

B. The following conditions shall apply to all temporary storage structures:

1. All temporary storage structures shall require a use permit per Section 152.133. Each temporary structure permit will require the following:
 - i. A completed permit application.
 - ii. A site plan showing the placement of the temporary structure.
 - iii. A copy of the property deed.
 - iv. A fifty-dollar (\$50) permit fee for each temporary structure.

All temporary structure permits must be obtained prior to the installation of the structure(s). Permits applied for after installation may be subject to a fine of fifty dollars (\$50) for the first offense. The second offense will be subject to a fine of one hundred and fifty dollars (\$150).

2. Cargo containers shall not exceed industry standards for width and height and shall not exceed fifty-three (53) feet in length. The use of such containers shall be limited to commercial or industrial used land. Such containers shall be located to the rear or side of the principal building and set back a minimum of five (5) feet from side and rear property lines. There shall be a maximum of two (2) containers per site.
3. Portable storage containers shall not exceed the industry standard for width, height, and length, not to exceed ten feet wide by twenty feet long (10x20) in residential used land. The use of such containers shall be limited to residential, commercial, and industrial used lands. Such containers shall meet the zoning setbacks for accessory structures for the district within which it is located.
4. Semi-truck trailers shall not exceed fifty-three (53) feet in length. The use of trailers shall be limited to commercial and industrial used land. No wide or high loads will be allowed.
5. Bulk solid waste containers may be used on residential, commercial, and industrial used lands. Such containers shall meet the zoning setbacks for accessory structures for the district within which it is located. Bulk solid waste containers shall be used for the removal of miscellaneous waste in conjunction with construction or demolition and shall be removed within one (1) week of the building permit expiration or Certificate of Completion issuance. Individuals may rent bulk storage containers for the immediate removal of miscellaneous waste and may not require a demolition or building permit. In this case, the use of such containers shall be limited to no more than sixty (60) days in any calendar year.

C. *Removal of Storage Structures.* Once a permit has expired as issued under this Section or upon notification of violation of this Section, any temporary storage structure remaining longer than permitted shall be declared a nuisance and may be abated accordingly.

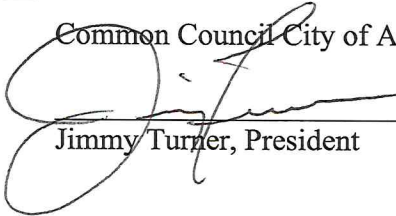
SECTION 3: This Ordinance shall have no effect upon any other provisions of the Zoning Ordinance except as herein provided, and all other sections of said Title not inconsistent herewith shall remain the same.

SECTION 4: 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 5. 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 July 14, 2020 by a vote of 5 to 0.

Common Council City of Austin, Indiana



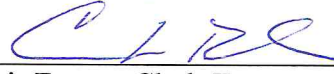
Jimmy Turner, President

Attest:



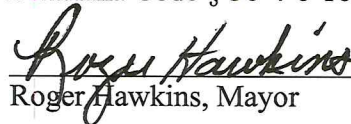
Chris Fugate, Clerk-Treasurer

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, on July 14, 2020 at 6:30 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), on July 14, 2020 at 6:30 p.m.



Roger Hawkins, Mayor

Attest:



Chris Fugate, Clerk-Treasurer

PREPARED BY: Joshua Stigdon
Houston, Thompson and Lewis, PC
49 E. Wardell St.
Scottsburg, IN 47170