

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2026-OR-3

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY
OF AUSTIN, INDIANA, ADOPTING THE CITY OF AUSTIN
UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the City of Austin, Indiana (“City”) is authorized under Indiana law, including Ind. Code § 36-7-4-600 et seq., to adopt and enforce a unified development ordinance; and

WHEREAS, the Austin Advisory Plan Commission (“Plan Commission”) has prepared and reviewed a proposed Unified Development Ordinance for the City of Austin (the “Unified Development Ordinance” or “UDO”), attached hereto and incorporated herein as Exhibit “A”; and

WHEREAS, the Plan Commission has completed all statutory requirements of its approval process, including compliance with Ind. Code § 5-3-1, Ind. Code § 36-7-4-500, and Ind. Code § 36-7-4-600 et seq.; and

WHEREAS, the Plan Commission held a public hearing on January 15, 2026, on the proposed Unified Development Ordinance, as required by law; and

WHEREAS, on January 15, 2026, the Plan Commission adopted a Resolution passing the proposed Unified Development Ordinance with a favorable recommendation to the Common Council, and certified the same, a copy of which is attached hereto and incorporated herein as Exhibit “B”; and

WHEREAS, the Common Council finds that adoption of the Unified Development Ordinance is in the best interests of the City of Austin, Indiana, and will promote the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Austin, Indiana, as follows:

SECTION 1. RECITALS INCORPORATED. The foregoing recitals are incorporated herein by reference as though fully set forth herein.

SECTION 2. ADOPTION OF UNIFIED DEVELOPMENT ORDINANCE. Pursuant to Ind. Code § 36-7-4-600 et seq., the Common Council hereby adopts the City of Austin Unified Development Ordinance, attached as Exhibit “A”, and incorporates the same by reference as if fully set forth herein.

SECTION 3. PLAN COMMISSION CERTIFICATION. The Common Council acknowledges and finds that the Austin Advisory Plan Commission complied with applicable statutory requirements, including Ind. Code § 5-3-1, Ind. Code § 36-7-4-500, and Ind. Code § 36-7-4-600 et seq., including holding a public hearing on January 15, 2026, and issuing a favorable recommendation for adoption by Resolution and certification attached as Exhibit “B.”

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY. If any provision of this Ordinance is held invalid, the invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are severable.

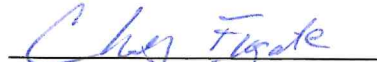
SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana, this 10th day of March 2026 by a vote of 3 ayes, 2 nays, and 0 abstentions.

Common Council City of Austin, Indiana


Roger Hawkins, 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, on March 10, 2026 at 5:45 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 March 10, 2026 at 5:45 p.m.


Roger Hawkins, Mayor

Attest:

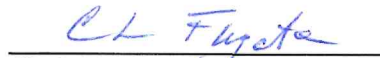

Chris Fugate, Clerk-Treasurer

EXHIBIT “A”

[Attach Approved UDO]

EXHIBIT “B”

[Attach APC Resolution and Certification]

**RESOLUTION RECOMMENDING REPEAL OF PRIOR ZONING ORDINANCE AND
TO ADOPT THE REPLACEMENT UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, notice was given in accordance with Ind. Code Sec. 5-3-1, 36-7-4-500 and 36-7-4-600 et. seq. that the Plan Commission of the City of Austin, Indiana would conduct a public hearing on a proposal to recommend the repeal of the prior zoning ordinance and adopt the replacement Unified Development Ordinance for the City of Austin, Indiana.

WHEREAS, the public hearing was held on January 15, 2026, following the giving of required notice, with opportunity for all interested persons to offer evidence and present their views to this Commission, and

WHEREAS, the Plan Commission heard evidence concerning the proposed repeal the prior Zoning Ordinance and replacement with the proposed Unified Development Ordinance and approves of the same with the following amendments:

Minimum living area in R2 districts shall be six hundred feet (600 sq. ft.) for one (1) bedroom residences, seven hundred and fifty feet (750 sq. ft.) for two (2) bedroom residences, and nine hundred and fifty feet (950 sq. ft.) for three (3) or more bedroom residences.

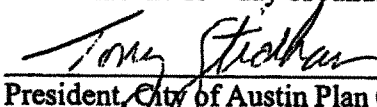
Minimum width for newly installed driveways for single family and two (2) family residences shall be ten (10) feet.

All such amendments having been incorporated into the proposed Unified Development Ordinance being favorably recommended herein.

NOW THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF THE CITY OF AUSTIN, STATE OF INDIANA, that the following be forwarded to the City Council of the City of Austin, Indiana, with a favorable recommendation to repeal the prior zoning ordinance and adopt the Unified Development Ordinance as amended, to wit:

Attachment: Unified Development Ordinance as amended

Dated this the 15th day of January, 2026.



President, City of Austin Plan Commission

Attest:



CERTIFICATION OF RECOMMENDATION

I, the undersigned duly appointed and acting Secretary of the Plan Commission of the City of Austin, State of Indiana, do hereby certify that:

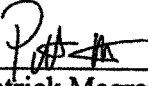
1. The Commission did, following the giving of notice, conduct a public hearing on January 15, 2026, concerning the repeal and replacement of the zoning ordinance.
2. The Commission did, following the public hearing, conduct a public meeting on January 15, 2026, where they passed a resolution giving a favorable recommendation to repeal and replacement of the zoning ordinance.

Dated this the 15th day of January 2026.



ATTORNEY CERTIFICATION

I, Patrick Magrath, attorney for the City of Austin Plan Commission, hereby certify that the foregoing is a true and accurate copy of the proposed repeal and replacement of the zoning ordinance recommended by the City of Austin Plan Commission at the close of the public hearing and public meeting held on January 15, 2026.



Patrick Magrath
Attorney, City of Austin Plan Commission