

ORDINANCE NO. 2021 - 03

**AN ORDINANCE ADOPTING AMENDMENTS
TO THE TEXT OF THE ZONING ORDINANCE
OF THE TOWN OF FERDINAND, INDIANA**

WHEREAS, The Plan Commission of the Town of Ferdinand, did on the 24th day of February, 2021, hold a public hearing to consider the adoption of the herein attached amendments and additions to text of the Zoning Ordinance (Exhibit 1), which amendments are incorporated herein and made a part hereof; and

WHEREAS, the Plan Commission of the Town of Ferdinand did consider said amendments to the text until all comments and objections were heard; and

WHEREAS, the Plan Commission of the Town of Ferdinand approved, with a favorable recommendation, the adoption of said amendments to the text and certified the amendments; and

WHEREAS, the Town Council of the Town of Ferdinand finds that it is in the best interests of the Town of Ferdinand to adopt said amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FERDINAND:


That it hereby adopts and incorporates Exhibit 1 attached hereto and made a part hereof as amendments of the Ferdinand Municipal Code and the text of the Town of Ferdinand Zoning Ordinance.

DULY ADOPTED by the Town Council of the Town of Ferdinand, Indiana, this 16 day of March, 2021.

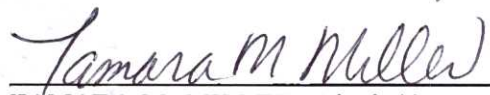
TOWN COUNCIL OF THE
TOWN OF FERDINAND, INDIANA

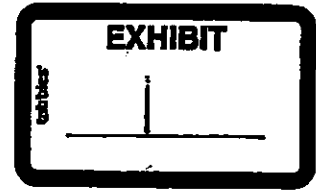

KENNETH J. SICARD, President


RON WEYER, Member


DEBRA JOHNSON, Member

ATTEST:


TAMARA M. MILLER, Clerk-Treasurer



FERDINAND ZONING ORDINANCE – LAND USE CHART

Revision:

Replace land use “Bulk Gas” with “Bulk Gas, Diesel, and Other Fuels”
Categories checked remain the same

Additions:

Air bnb (which is owner’s principal residence)
Permitted by right in: A-1; R-1; B-1; B-2

Air bnb (which is not the owner’s principal residence)
Permitted by right in: none
Permitted with special exception in: A-1; R-1; B-1; and B-2

7.05.040 Land Use Requirements (1) –
Delete current paragraph (1) and replace it with the following text:

- (1) Parcel Frontage Requirements. All buildings hereinafter erected shall be located on a parcel which has at least one hundred feet (100’) of road frontage. For the purposes of this Section, road frontage shall be interpreted as abutting a dedicated and accepted public street. This Section does not apply to residential subdivision lots which have a lesser frontage requirement.

7.05.040 Land Use Requirements (3) –
Delete current paragraph (3) and replace it with the following text:

- (3) Building size and number of accessory structures. No single family dwelling shall be erected having a living area of less than one thousand (1,000) square feet. No dwelling unit shall be erected having a living area of less than five hundred (500) square feet. In areas zoned residential, accessory structures such as detached garages, detached outbuildings and other accessory structures are limited to two (2) per parcel or lot unless the restrictive covenants provide otherwise.

7.05.070 Nonconforming Uses and Nonconforming Structures (2) (E) –
Delete current paragraph E and replace it with the following text:

E. Damaged Structure. Except as hereinafter provided, whenever a lawful nonconforming structure has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act or Act of God, to the extent in real value of more than fifty percent (50%) of its assessed value, it shall be rebuilt or reconstructed in conformity with the provisions of this Ordinance (Chapter). However, as long as the structure is not subject to the jurisdiction of a preservation commission or is not located within a flood plain and is not a pre-existing mobile home structure, the owner of a legal, nonconforming structure on a parcel of real property used for residential purposes which is damaged or destroyed shall be permitted to reconstruct, repair, or renovate the nonconforming structure if the reconstruction, repair, or renovation meets the following requirements: 1. The structure will continue to be used for

residential purposes; and 2. The new foundation of the reconstructed, repaired, or renovated structure may not exceed the square footage of the foundation of the damaged or destroyed structure.

7.05.150 Plan Commission (7) Petitions, Notices and fees, paragraph C. Notices to Interested Parties, paragraphs 1 and 5 -

Delete current paragraph 1 and replace with the following text:

1. Except for a petition initiated by the Commission or by the Town Council to repeal and replace the zoning maps for the entire planning and zoning jurisdiction, notice of pending hearing(s), shall be given to interested parties as provided herein. Such notice shall be delivered via postal certificate of mailing or via certified mail, return receipt requested, postmarked at least ten (10) days prior to the preliminary hearing.

Delete current paragraph 5 and replace with the following text:

5. The petitioner shall be responsible for paying the cost of and for mailing all notices via postal certificate of mailing or certified mail, return receipt requested, at least ten (10) days prior to the hearing, and the Executive Secretary shall file all certified mail/certificate of mailing receipts as proof of notification. The petitioner shall bear the postage expense of these mailings.