

ORDINANCE NO. 2024 - 01

**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 28th day of February, 2024, 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:

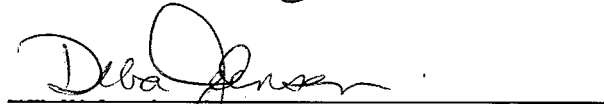
That Section 7.05.030 "Land Use Regulations" of the Ferdinand Municipal Code should be and is now amended to include a new section (5) with the language set out on Exhibit A, attached hereto and made a part hereof and hereby adopts the same as amendments to the Ferdinand Municipal Code and the text of the Ferdinand Zoning Ordinance.

DULY ADOPTED by the Town Council of the Town of Ferdinand, Indiana, this 26 day of March, 2024.


TOWN COUNCIL OF THE
TOWN OF FERDINAND, INDIANA


KENNETH J. SICARD, President


RON WEYER, Member


DEBRA JOHNSON, Member

ATTEST:


TAMARA M. MILLER, Clerk-Treasurer

Title 7

Chapter 7.05

Section 7.05.030 "Land Use Regulations"

(1) through (4) unchanged

Chapter 7.05 of Title 7 shall be amended to include the following new section within Section 7.05.030 entitled "Land Use Regulations" and that new section shall be entitled (5) Special Provisions for Shipping/Cargo Containers, Semi Trailers for Incidental Storage and Similar Storage Structures:

(5) Special provisions for shipping/cargo containers, semi trailers for incidental storage and similar storage structures. A. Purpose. The Ferdinand Plan Commission has initiated certain amendments to the text of the Ferdinand Zoning Ordinance to better regulate storage and the use of shipping/cargo containers, semi trailers for incidental storage and similar storage structures in the Town of Ferdinand by adding definitions to distinguish between different types of storage and other accessory structures and amending the land use tables to include the categories of "Cargo/shipping Containers" and "Semi trailers for Incidental Storage"

B. For the purposes of this Section, Shipping Container shall be defined as a container fabricated for the purpose of transporting freight or goods on a truck, railroad, or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items including, but not limited to clothing, equipment, goods, household or office fixtures or furnishings, materials and

merchandise. This definition will include shipping containers used as sheds for residential storage and shall also include, but is not limited to “pods” and other similar portable storage containers, whether with or without wheels and whether with or without a chassis, but lacking a permanent foundation when finally situated.

C. For the purposes of this Section semi tractor trailers for incidental storage are defined as the sort of trailer typically attached to semi tractors for the movement of goods in transport and are 53 feet or less in length with a chassis, axles and wheels which allow it to be towed by a truck or tractor.

D. The land use chart is hereby amended to include:

(1) shipping containers – permitted by right in Industrial district; permitted only by special exception in Ag, B1, B2, and Industrial, not permitted in Residential, Multifamily, Mobile Home.

(2) semi trailers for incidental storage – permitted by right in Industrial; permitted only by special exception in Ag, B1 and B2; not permitted in Residential, Multifamily, Mobile Home.

E. A shipping container shall conform to the same standards as exist for buildings found within each corresponding zoning district. However, nothing in this Section shall restrict the placement of a temporary moving pod on any parcel when said pod is placed on a parcel for no more than ten (10) consecutive days when the occupant of the residential parcel are moving out of the residence located on that parcel as long as it does not encroach upon a public utility, easement, public right of way, street, alley, sidewalk or impede traffic or pedestrians.

Additionally, nothing in this Section shall restrict the placement of a temporary business trailer on any parcel when said temporary business trailer is placed on a parcel for no more than thirty (30) consecutive days when the owner of the business is moving out of the building or moving existing stock out of the building located on that parcel as long as it does not encroach upon a

public utility, easement, public right of way, street, alley, sidewalk or impede traffic or pedestrians.

F. Except for the use as a moving pod or temporary business trailer stated above the use of any shipping container requires location improvement permit approval and issuance prior to placement. The use of any semi trailer for incidental storage in any district other than Industrial requires location improvement permit approval and issuance prior to placement. No shipping container or semi trailer for incidental storage shall be located in any front set back area, or on any public utility, easement, public right of way, street, alley, sidewalk or impede traffic or pedestrians.

G. No shipping container or semi trailer for incidental storage shall exceed 53 feet in length.

H. Shipping containers and semi trailers may be used in districts where otherwise not allowed when used in conjunction with the construction of a building on the same parcel and that building has been issued a location improvement permit. The period of allowance is during the construction period only and shall be removed within ten (10) days of completion of construction.

I. Any shipping container and semi trailers used in construction jobs must obtain a location improvement permit if the duration of the construction period will exceed twelve (12) months.

J. No shipping container or semi trailer for incidental storage shall be permitted on a vacant parcel unless that parcel is immediately adjacent to and used in conjunction with construction or remodeling projects on the next adjacent parcel.

K. No shipping container shall be allowed on any portion of property that contains a residential unit.

L. A shipping container may not be used as a dwelling or living quarters, nor for camping, cooking, or recreation purposes for any amount of time in any zoning district.

M. Shipping containers and semi trailers and similar structures used for incidental storage must be kept in good repair, secured against unauthorized entry, and comply with any health regulations. A shipping container is not in good repair when it is incapable of being moved intact, has holes in the container due to damage, rust, or elements or has been infested with pests or vermin or stray animals.

N. Any shipping container or semi trailer for incidental storage that has deteriorated and is not in a state of good repair must be removed within 30 days of demand made therefor by the Plan Commission or its designee.

O. Vertical stacking of shipping containers is prohibited.

P. Any violations of this Section shall be punishable by a fine of up to \$2,500.00 and each day of noncompliance shall constitute a separate and distinct ordinance violation. Nothing herein shall prevent the Town of Ferdinand from taking such other lawful action to prevent or remedy any violations and the Town of Ferdinand may recover all costs, including its attorney fees, in enforcing this Section. The owner shall be responsible for all costs of removal and the Town will lien property for all costs, fines and further expenses it incurs and further permits will be revoked.