

MEMORANDUM

TO: APC Ordinance Committee
FROM: Kathy Lind, Senior Planner
SUBJECT: 2 Minor Amendments from the Administrative Officer's Feb./March meetings
DATE: April 1, 2021

I. **ELECTRICAL CONTRACTOR'S BUILDING SIZE LIMITATION:**

Two months ago, the APC heard a rezone case from Agricultural to General Business for an electrical contractor's business. The use is allowed in the A zone with a special exception, but GB zoning was necessary for this particular business because petitioner was planning to construct a building of 7,200 square feet. A footnote in the use table limits electrical contractors, and all general construction contractors, to buildings of 5,000 square feet in the Agricultural zone. So a use that could have fit in the existing Agricultural zone was forced to rezone to GB because footnotes in the UZO Use Table are not variable.

Staff took this issue to the A.O.'s and solutions were discussed. Every month, the County Building Commissioner issues building permits for pole barns well over 5,000 square feet in size for farming or for "personal storage" and none of these permits require GB zoning. It was debated whether to increase the size limit or to simply remove the building size limitation. Finally, it was agreed to enlarge the size limit to 8,000 square feet and remove the requirement from the Use Table so the standard could be varied if necessary. It was also decided that allowing the use on 2 acre tracts made more sense than requiring 5 acre tracts.

Footnote 8 is attached to all of the following uses in the Permitted Use Table of the zoning ordinance:

- SIC 15: "Building Construction – general contractors & operative builders"
- SIC 1611: "Asphalt or Concrete Paving – roads, highways, public sidewalks & streets – contractors" and
- SIC 17: "Construction – specialty trade contractors"

If the Ordinance Committee decides to change this part of the ordinance, it would change the footnote for all the above categories of use. It would also take the land area and building size requirements out of the UZO's Permitted Use Table, which means these standards could be varied by the ABZA if the situation warranted it, eliminating the need for a GB rezone. Proposed changes are shown in gray below:

Footnote 8: Permitted in NB, NBU, OR, CB and CBW zones only with no outdoor operation or storage of materials and equipment, and maximum **gross floor area** of 5,000 square feet. ~~Permitted by Special Exception in A, AA and AW zones on 5 acres or more, with a maximum **gross floor area** of 5,000 square feet.~~ (Amend 36) See Section 4-11-14 for further requirements in A, AA and AW zones.

(New) Section 4-11-14: Uses falling under SIC 15, 16 and 17, which are permitted by special exception in A, AA and AW zones shall be located on properties with a minimum of 2 acres with the largest building's maximum gross floor area of 8,000 square feet.

II. **USING STORAGE/SHIPPING CONTAINERS AS A GARAGE:**

The County Administrative Officer brought this issue up for discussion. Building Commissioner Mike Wolf has been getting more questions recently about whether or not shipping containers can be utilized to store personal items and kept in yards. (We also discussed the re-use of these shipping containers as residences. It was decided that as long as the residential requirements found in the Indiana Building Code were being met, we would not limit this.)

The A.O.s agreed in February that permitting one or two of these containers for storage on a farm zoned A would be acceptable; however, allowing even one in a backyard of a residential subdivision of any zone would not. This was discussed at the March Ordinance Committee meeting where some tweaks were discussed. These tweaks were discussed further at the March A.O.'s meeting and the following language was decided:

A maximum of two metal shipping containers used for permanent on-site storage shall be allowed at a farming operation (SIC 01 or 02) in any zone and no more than one shipping container shall be allowed as an accessory use to a residence located on a minimum of two acres of non-residentially zoned property. These shipping containers:

- a) may not be stacked on top of each other,
- b) shall meet all building setbacks for an accessory building, and
- c) are only allowed with an approved ***Improvement Location Permit***.

Metal shipping containers that are used for residential storage on a temporary basis in any zone shall be allowed on site for no more than a period of 30 days or at the A.O.'s discretion.
