

1 **#1218 (as amended)**

2
3 BILL NO. G-10-09-07

4 ORDINANCE NO. G-19-10 (as amended)

5 AN ORDINANCE amending Chapter 157 and Chapter 154
6 of the City of Fort Wayne Municipal Code

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. That the current Zoning Ordinance Chapter 157, Sections 157.063
10 Adoption of Design Guidelines, 157.101 Definitions, 157.103 Special Uses, 157.104
11 Permitted Uses, 157.109 Yard Requirements, 157.113 Fences and Walls, 157.120
12 Development Plans, 157.121 Site Plan Routing Review, 157.140 -157.143 Off-Street
13 Parking, and 157.223 Improvement Location Permit be amended and changed as follows.

14 SECTION 2. That the current Zoning Ordinance Chapter 157 be amended by adding
15 a new Section 157.123 Design Standards, as shown herein.

16 SECTION 3. That the current Sign Ordinance Chapter 154, Sections 154.02
17 Definitions, 154.16 Office District, 154.17 Business Districts, 154.19 Planned Districts,
18 154.30 Other Permitted Signs, be amended and changed as follows.

19 SECTION 4. That the current Sign Ordinance Chapter 154, Sections 154.75-154.83
20 [Calhoun Street Mall provisions] be repealed by removing those sections.

21 **Amend section §157.063 (Adoption of Design Guidelines) of the General Zoning
22 Provisions:**

23 **§157.063 Adoption of Design Standards**

24 The Plan Commission may adopt design **standards** for **use in the review and** approval of
25 development plans and/or development proposals for different areas within the City's
26 planning jurisdiction, consistent with a development strategy or plan(s) adopted by Common
27 Council. Prior to the adoption of any such **standards**, the Plan Commission shall give
28 notice and hold a public hearing in accordance with the Commission's rules. Copies of
29 adopted **design standards** shall be available in the office of the Planning staff.
30

1 **Amend section §157.101 (Definitions) of the District Regulations provisions by**
2 **replacing the following existing definitions (all other existing definitions remain**
3 **unchanged):**

4 **DESIGN STANDARDS.** A set of standards which are parameters for site and/or building
5 design and development, adopted by the Plan Commission in accordance with a
6 development strategy or plan adopted by Common Council. Design standards may include
7 requirements and recommendations; required design standards shall also be adopted by
8 Common Council as an amendment to the Zoning Ordinance.

9 **TOWNHOUSE COMPLEX.** A grouping of at least two (2) freestanding townhouse
10 structures.

11 **TOWNHOUSE DWELLING.** A single family dwelling unit with 2 or more floors located
12 on a separate lot or development parcel, with a private entrance and direct ground level
13 access to the outdoors and a totally exposed front and rear wall to be used for access, light,
14 and ventilation, and attached to one or more similar units. Townhouse dwellings are
15 typically part of a structure whose dwelling units are attached in a linear arrangement with
16 no other dwelling or use, or portion of another dwelling or use directly above or below the
17 unit, and separated from adjoining unit(s) by a continuous wall.

18 **Amend section §157.101 (Definitions) of the District Regulations provisions by**
19 **adding the following definitions:**

20 **AWNING.** A cover that projects from a wall of a building over a window or entrance to
21 provide weather protection and architectural spatial definition. The top surface of an awning
22 is typically sloped. An awning may be fixed in place or retractable. An awning is completely
23 supported by the building.

24 **BUILDING BAY.** A division within a building façade, created by vertical elements such as
25 columns, pilasters, or other architectural elements/changes in planes.

26 **CANOPY.** A fixed cover that projects from a wall of a building over a window or entrance
27 to provide weather protection and architectural spatial definition. A canopy typically
28 projects at a 90-degree (perpendicular) or similar angle. Freestanding canopies may also be
29 permitted. A canopy may be completely supported by the building, or completely or
30 partially supported by columns, poles, posts, or similar supports.

CHARACTER. A combination of both the visual (physical design/materials/location) and
functional (accessibility/level of activity) qualities of a structure or an area that set it apart
from its surroundings and contribute to its individuality.

COMPATIBILITY. The characteristics or features of different buildings or site
development which allow them to be located adjacent to or near each other in harmonious
and congruent relationships. Compatible does not mean "the same as." For the purposes of
these regulations, compatibility refers to the ability of development proposals to recognize
and adapt to the character or context of existing development by successfully coordinating

1 with the characteristics of adjacent buildings or nearby development. Elements that may
2 affect a determination of compatibility include: building height, scale, and mass; building
3 materials; façade design, including building divisions, façade rhythms, and window size and
4 arrangement; access and parking locations; landscaping; and building/site lighting. The size,
5 scale, location, and/or use of a proposed development may also affect determinations of
6 compatibility. It may be appropriate for larger buildings or development proposals, or for
7 certain uses, to establish a unique character for a given area.

8 **DESIGN REVIEW COMMITTEE.** A committee of the Plan Commission, established to
9 review and make recommendations on development plans, or take action on certain other
10 development proposals, in the CM5A and CM5B zoning districts, as further set forth in the
11 Commission's rules.

12 **DEVELOPMENT PARCEL.** A parcel, tract or area of land. It may be a single parcel
13 separately described in a deed or plat which is recorded in the office of the County Recorder;
14 it may be a part of a single parcel described in a deed or plat which is recorded in the office
15 of the County Recorder, provided the part to be used is adequate in size to meet all yard
16 requirements of this chapter; or it may include parts of a combination of such parcels when
17 adjacent to one another and used as one. Other arrangements of property may also be
18 determined by the Plan Commission or Zoning Administrator to be development parcels/lots
19 for the purposes of these regulations.

20 **DOWNTOWN DESIGN MANUAL.** A document (the Fort Wayne Downtown Design
21 Manual), adopted by the Plan Commission, to be used in the review of development plans
22 and other development proposals in the CM5A and CM5B zoning districts. If there is a
23 conflict between the language in the Design Manual and the language in the Zoning
24 ordinance, the ordinance language shall prevail.

25 **FACADE.** A particular face of a building. Building facades are generally oriented to face
26 public streets or public areas. A rectangular building will have four facades.

27 **FACADE, PRIMARY.** Any face of a building that has frontage on a public street.
28 Buildings on corner lots will have two or more primary facades according to the number of
29 public streets fronted.

30 **FAÇADE, SECONDARY.** The side and rear facades of a structure. Secondary facades
will have no frontage on public streets, but may have frontage on public alleys.

FULL-CUTOFF. A light fixture which prevents distribution of light above a horizontal
lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or
other parts intended to distribute light.

GATEWAY. A point along a roadway at which a motorist or pedestrian gains a sense of
having entered the city or a particular part of the city. This impression can be imparted
through such things as signs, monuments, landscaping, a change in development character,
or a natural feature.

MAJOR FAÇADE RENOVATION. Replacement of existing features with new features
that are different in terms of material, type, size, or color, excluding painting of typically
painted or previously painted materials or surfaces, including substantive exterior alterations
which result in a change in design, materials, or general appearance. This definition shall

1 not include interior alterations or routine maintenance that does not affect exterior
2 appearance.

3 **MARQUEE.** A fixed cover that projects from a wall of a building over an entrance to
4 provide weather protection, architectural spatial definition, and lighting. A marquee typically
5 projects at a 90-degree (perpendicular) or similar angle, and is typically deeper than a
6 canopy. A marquee is completely supported by the building and is typically used in
7 association with a theater or similar use.

8 **MIRRORED GLASS.** Glass with a high exterior light reflectance level (typically over
9 50%).

10 **MINOR FAÇADE RENOVATION.** Replacement of existing features in kind or routine
11 maintenance of features including painting of typically painted or previously painted
12 materials or surfaces.

13 **MIXED-USE BUILDING.** A building containing more than one type of use, such as
14 governmental, institutional, office, personal service, retail, and residential; including a mix
15 of residential and non-residential uses.

16 **MIXED-USE DEVELOPMENT.** The practice of allowing more than one type of use in a
17 building or set of buildings.

18 **MOUNTING HEIGHT.** The mounting height of a light fixture shall be defined as the
19 vertical distance between the adjacent grade and the top of the lighting fixture (luminaire).

20 **PEDESTRIAN FRIENDLY.** Areas that accommodate pedestrians in a manner that is safe,
21 functional, and aesthetically pleasing. Pedestrian friendly areas generally separate pedestrian
22 and auto traffic, as well as offer designs that are human scaled.

23 **PEDESTRIAN ORIENTED.** Areas that cater specifically to pedestrians, as opposed to
24 motorized modes of traffic. The terms "Pedestrian Oriented" and "Pedestrian Friendly" are
25 often used interchangeably.

26 **REFLECTANCE.** The ratio of the total amount of radiation, as of light, reflected by a
27 surface to the total amount of radiation incident on the surface.

28 **REHABILITATION/RENOVATION.** The act or process of improving a structure's
29 condition through repair and alterations while respecting those features significant to its
30 architectural, historic or cultural value.

RESTORATION. The act or process of accurately depicting the form, features, and
character of a property as it appeared at a particular period of time by means of the removal
of features from other periods in its history and reconstruction of missing features from the
restoration period. The limited upgrading of mechanical, electrical, and plumbing systems
and other code-required work to make properties functional is appropriate within a
restoration project.

RHYTHM. The repeated use of a design element, shapes, or forms, such that the repeating
item can be visually recognized.

1 **SCALE.** The relationship between two objects or conditions, in terms of physical size.

2 **SETBACK.** The distance on a lot measured from the edge of a right-of-way that must
3 remain open, unoccupied and unobstructed by structures, except as otherwise provided or
4 permitted in the Zoning Ordinance.

5 **TOWNHOUSE STRUCTURE.** A structure containing three (3) or more townhouse
6 dwelling units.

7 **WINDOW.** An opening constructed in a building wall that functions to admit light or air,
8 typically framed and spanned in glass.

9 **YARD, INTERNAL SIDE.** On a corner lot, the side yard which does not abut a street
10 right-of-way.

11 **Remove the existing text and graphics of §157.103(M) (Drive-Through
12 Facilities) of the Special Use provisions (except for (M) and (N), all other
13 subsections of §157.103 remain the same):**

14 Remove subsection (M), which currently allows drive-through facilities as an accessory use
15 for bank, credit unions, or loan associations, since these facilities will now be permitted, and
16 show section as Reserved

17 **§157.103(M) [Reserved]**

18 **Remove the existing text and graphics of §157.103(N) (Drive-Through
19 Facilities) of the Special Use provisions (except for (M) and (N), all other
20 subsections of §157.103 remain the same):**

21 Remove subsection (N) which currently allows drive-through facilities for any use other than
22 a bank, credit unions, or loan associations, since these facilities will now be permitted, and
23 show section as Reserved

24 **§157.103(N) [Reserved]**

25 **Amend the Special Uses Table of the Special Use provisions (§157.103):**

26 Remove the Drive-Through Facility special use references; add references to Homeless
27 Shelter and Parking Structures (Public and Private); revise the Group Residential Facility
28 reference

TABLE OF SPECIAL USES	
Special Use	District(s)/Uses
Adoption agency	R3 and RP
Accessory dwelling unit	CM5B
Advertising office	R3 and RP

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TABLE OF SPECIAL USES	
Special Use	District(s)/Uses
Animal raising or breeding (non-food production)	CM2 and CM3
Architect office	R3 and RP
Artist studio or school	R3 and RP
Automobile sales and services	CM2 and CM5B
Bank, credit union, or savings and loan association	R3 and RP
Barber shop	R3 and RP
Batting cage	CM2 and CM3
Beauty salon	R3 and RP
Bed and breakfast establishment	R3 and RP
Business storage facility	CM3 and CM4
Child and/or adult care center	R3 and RP
Class II child care home	AR, R1, R2, R3, RP, and CM5
Counseling service	R3 and RP
Commercial communication tower	R3, RP, CM1-4, CM5A, CM5B, SC1-4, and IN1-3
Commercial greenhouse or retail plant nursery	CM2
Community facility	AR, R1, R2, R3, and RP
Consulting service	R3 and RP
Correctional services facility	CM5A and CM5B
Country club	AR, R1, R2, R3, and RP
Dance studio or school	R3 and RP
Dentist office	R3 and RP
Doctors office	R3 and RP
Engineer office	R3 and RP
Fairground	CM2, CM3, and CM5
Finance office	R3 and RP
Flea market (indoor sales)	CM5B
Funeral home	AR, R1, R2, and RP
Gas station/convenience store	CM5B
Golf driving range, miniature golf course	CM2 and CM3
Group residential facility	AR, R1, R2, R3, RP, CM5A and CM5B
Hazardous waste treatment, storage and/or disposal facility	IN2 and IN3
Health care facility	AR, R1, R2, R3, and RP
Home-based business	AR, R1, R2, R3, RP, CM5A, CM5B, and CM5C
Homeless shelter	CM5A and CM5B
Home workshop	AR, R1, R2, R3, RP, CM5A, CM5B, and CM5C

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TABLE OF SPECIAL USES	
Special Use	District(s)/Uses
Horticultural/specialty crop production	AR
Household pet breeding (major) operations	AR, R1, R2, R3, and RP
Insurance office	R3 and RP
Interior designer office	R3 and RP
Junk and salvage yard	IN3
Land surveyor office	R3 and RP
Law office	R3 and RP
Loan office	R3 and RP
Manufactured home Type II	AR, R1, R2, R3, and RP
Massage therapy	R3 and RP
Medical center or clinic	R3 and RP
Medical related services	R3 and RP
Motor vehicle storage yard	IN2 and IN3
Municipal solid waste landfill facility	IN2 and IN3
Nail salon	R3 and RP
Neighborhood facility	AR, R1, R2, R3, and RP
Nonprofit private club	R3 and RP
Nursing home	CM5A
Off-site campus housing	CM1-5, and IN1
Off-premise signs between a 125 foot radius and a 350 foot radius from any city or county residential district, church, school, health care facility, or from any historic district or historic structure	CM2, CM3, CM4, IN1, IN2 and IN3 districts, except for properties within the defined Central Business District
Optician or optometrist office	R3 and RP
Outdoor recreation uses (ball diamonds and soccer fields)	R3, RP, CM1, and CM2
Parking areas (public or employee)	AR, R1, R2, R3, and RP
Parking area fencing	Any permitted or Board approved parking area
Pawnshop	CM5A and CM5B
Parking structures (public or private)	CM5A and CM5B

[the rest of the table remains the same]

Amend section §157.104(K) (CM5A, Central Downtown District) of the Permitted Use provisions:

Remove the next-to-last paragraph of the introductory language (the drive-through prohibition language):

1 (K) **CM5A, Central Downtown District.** The Central Downtown District is intended to
2 recognize the downtown as the heart of the city and the regional economic and cultural
3 hub for Northeast Indiana. This area should also serve as a future hub for different
4 forms of mass transit. This district is intended to be the city's highest density district
5 consisting of multiple story buildings with mid- to high-rise buildings being common.
6 The district is intended to provide for a pedestrian oriented mixture of cultural,
7 entertainment, governmental, institutional, office, personal service, recreational, retail
8 (including specialty retail), residential, restaurant, and similar uses along with the
9 provision of public squares and other gathering spaces. Development following the
10 recommendations of the Fort Wayne Downtown Design Guidelines and any completed
11 plans for the downtown area should be encouraged. The development pattern in the
12 district should serve to promote an active, attractive and pedestrian friendly
13 environment while maintaining the unique and historic character of Downtown Fort
14 Wayne. In order to promote and maintain a dense urban development pattern certain
15 characteristics typically associated with less dense development such as minimum
16 building setbacks and single story buildings should be discouraged. Parking is not
17 intended to be provided for each use on-site, but rather is to be provided through on-
18 street parking and parking garages that serve multiple buildings.

11 [the rest of the language in subsection (K) remains the same]

12
13 **Amend section §157.104(L) (CM5B, Downtown Edge District) of the Permitted
14 Use provisions:**

15 Remove the next-to-last paragraph of the introductory language (the drive-through
16 prohibition language):

17 (L) **CM5B, Downtown Edge District.** The Downtown Edge District is intended to
18 recognize a transition from the high density mixed use development within the core
19 downtown to the traditional urban residential neighborhoods that surround the
20 downtown. The district is intended for a lower density development pattern than the
21 CM5A District, but is still meant for predominately multiple story structures (typically
22 between 2 and 6 stories). Like the CM5A District, this district is intended to provide
23 for a pedestrian oriented mixture of cultural, entertainment, governmental,
24 institutional, office, personal service, recreational, retail (including specialty retail),
25 residential, restaurant, and similar uses along with the provision of public squares and
26 other gathering spaces. This district is also uniquely intended to provide opportunities
27 for small offices, artist studios, live/work space and other creative industries. Special
28 attention should be paid to the primary corridors in this district as they serve as the
29 gateways to the central downtown. Development following the recommendations of
30 the Fort Wayne Downtown Design Guidelines and any completed plans for the
downtown area should be encouraged.

[the rest of the language in subsection (L) remains the same]

Amend §157.109(A) (Front Yard Requirements) of the Yard Requirements provisions by revising the following:

Change the CM5B front yard setback from a minimum of 5 (five) feet to a 0 (zero) foot setback standard:

(A) **Front yard requirements.** There shall be a front yard for each lot, tract, or development parcel; the minimum depth shall be as listed in the following table (subject to the provisions and exceptions noted in this division).

FRONT YARD REQUIREMENTS	
Residential Uses	
District	Depth in Feet
AR, R1, R2, R3, RP, MR1, CM1, CM2, CM3, CM4, CM5B, and IN1	25'
CM5A	0' minimum; 10' maximum
CM5B	0' minimum; 20' maximum
CM5C	0' minimum; 10' maximum
MR2	8'
Commercial, Industrial and Other Nonresidential Uses	
District	Depth in Feet
AR, R1, R2, R3, RP and MR1	25'
CM1, CM2, and CM5B	25'
SC	50'
CM3 and CM4	35'
CM5A	0' minimum; 10' maximum
CM5B	0' minimum; 20' maximum
CM5C	0' minimum; 10' maximum
IN1 and IN2	25'
IN3	50'

Amend §157.109(B) (Side Yard Requirements) of the Yard Requirements provisions by revising the following:

Change the CM5B side street side yard setback from a minimum of 5 (five) feet to a 0 (zero) foot setback standard, for both residential and nonresidential uses:

(B) **Side yard requirements.** There shall be two side yards for each lot, tract, or development parcel; the minimum widths shall be as listed in the following table (subject to the provisions and exceptions noted in this division).

SIDE YARD REQUIREMENTS			
Residential Uses			
District	Lot Type	Lot width	Required Side Yard
AR, R1, R2, R3, RP, MR1, CM1, CM2, CM3, CM4, and IN1	Corner	Up to and including 50'	5'
		Greater than 50' up to and including 60'	5' interior 15' side street
		Greater than 60' up to and including 100'	7' interior 20' side street
		Over 100'	10' interior 25' side street
	Interior	Up to and including 60'	5'
		Greater than 60' up to and including 100'	7'
		Over 100'	10'
CM5A	All lots	All lots	0' minimum, 10' maximum
CM5B	Corner	All lots	5' interior 0' minimum, 20' maximum – side street
	Interior	All lots	5'

[the rest of the table remains the same]

SIDE YARD REQUIREMENTS			
Commercial, Industrial, and Other Nonresidential Uses			
District	Lot Type	Lot width	Required Side Yard
AR, R1, R2, R3, RP and MR1	Corner	All lots	10' or as established by the Board/Plan Commission
	Interior	All lots	10' or as established by the Board/Plan Commission
CM1 and CM2	Corner	Up to and including 55'	10'

		Over 55'	10' 15' internal (If adjacent to a residential district) 15' side street
	Interior	All lots	10' 15' (If adjacent to a residential district)
SC	All lots	All lots	25' or as established by the Plan Commission
CM3 and CM4	Corner	Up to and including 55' Over 55'	10' 10' 15' internal (if adjacent to a residential district) 15' side street
	Interior	All lots	10' 15' (If adjacent to a residential district)
CM5A	All lots	All lots	0' minimum, 10' maximum
CM5B	Corner	All lots	5' interior 0' minimum, 20' maximum – side street

[the rest of the table remains the same]

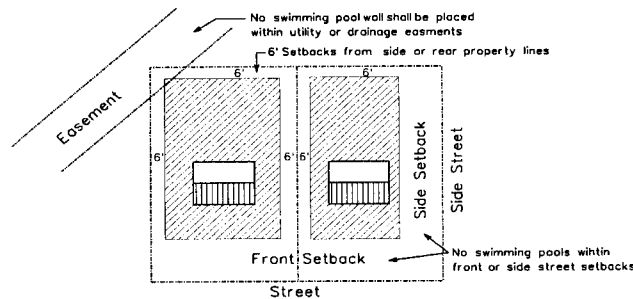
Amend §157.109(D) (Yard Requirements for Accessory Structures and Uses) of the Yard Requirements provisions by amending or adding the following:

(D) Yard Requirements for Accessory Structures and Uses

- (1) Except for accessory structures in the CM5A and CM5B districts, yard requirements for accessory structures and uses are located in the following table. Except for fencing, no new accessory structures shall be located within a utility or surface drainage easement. For additional information regarding residential and nonresidential accessory structures and uses see §157.107. See §157.113 for yard requirements for fences and walls, and for swimming pool fencing requirements.

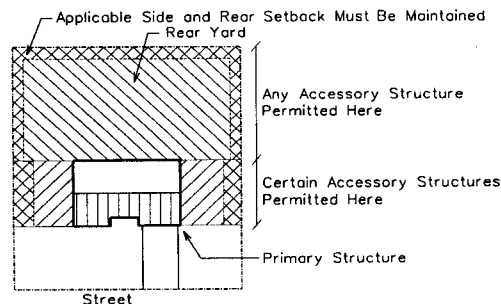
YARD REQUIREMENTS FOR RESIDENTIAL ACCESSORY STRUCTURES AND USES		
	Side yard	Rear yard
All accessory structures (except for swimming pools) located entirely between the rear of the primary structure and the rear lot line	3'	3'
Detached garages, storage sheds, decks, arbors, residential satellite dishes over one (1) meter in diameter, or other similar structures entirely or partially located beside the primary structure (between the front of the primary structure and the rear lot line)	Same setback as the primary structure	3'
Swimming pools (above or below ground)	6'	6'

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- (2) The following yard requirements shall apply to accessory structures in the CM5A and CM5B districts:
- (a) Accessory structures shall have the same minimum setbacks as primary structures.
 - (b) Accessory structures shall be located to the side or rear of the primary structure and shall be constructed and/or placed to minimize visibility from the public right-of-way.
 - (c) Accessory structures shall not exceed twenty-five percent (25%) of the ground floor area of the primary structure.



Swimming Pool Setback Requirements

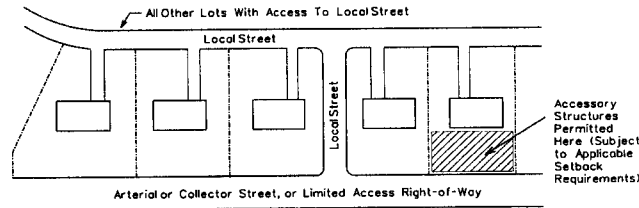
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- (3) **Exception to accessory structure yard requirements.** A satellite dish is permitted as a residential accessory structure subject to the location restrictions noted in division (D)(1) above. However, a residential satellite dish, which is less than one (1) meter in diameter, may be located as necessary to allow unimpaired reception. A Zoning Enforcement Officer may require adequate documentation in conjunction with a request to locate a residential satellite dish, to show that alternative locations would not allow for unimpaired reception. This exclusion shall not apply in cases involving historic structures, or properties located in local historic districts. The intent of this provision is to allow reasonable accommodation for unimpaired residential satellite dish reception, while at the same time protecting the health, safety, aesthetic quality, and historic character of the City.



Residential Accessory Structure Permitted Locations

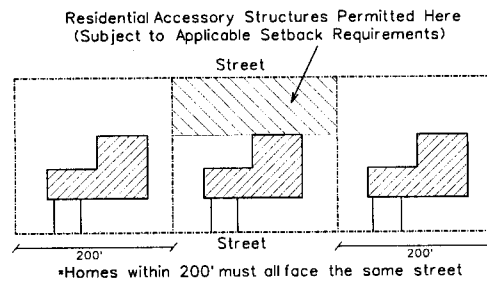
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- (4) **Residential accessory structures on through lots.** Accessory structures shall be permitted in the required front yard which functions as the rear yard for the lot, subject to the location restrictions listed in (D)(1) above, in the following circumstances:

- 1 (a) If the through lot has a frontage on a street which is classified as an arterial or
 2 collector street, and none of the other through lots in that area has access to the
 3 arterial or collector street such that those front yards abutting the arterial or
 4 collector functions as the rear yard for those lots; or
 5 (b) If the through lot has frontage on a street which has been declared or purchased
 6 as "limited access" right-of-way by the State of Indiana, such that those front
 7 yards abutting the limited access right-of-way functions as the rear yard for
 8 those lots; or



Residential Accessory Structures On Through Lots

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 12 (c) If the through lot is adjacent to other through lots and all of the homes on the
 13 adjacent through lots for a distance of 200 feet from the property lines of the
 14 through lot face the same street, such that the front yards abutting that street
 15 functions as the rear yard for those lots.



Permitted Through Lot Residential Accessory Structure Locations

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 21 (5) **Residential accessory uses.** Residential accessory uses shall be located between the
 22 rear of the primary structure and the rear lot line. However, slab on grade patios may
 23 be permitted in a required front or side yard, subject to the limitations in division
 24 (G)(2) below.
 25 (6) **Residential outdoor storage.** In any residential district, outdoor storage shall be
 26 prohibited in the required front yard.
 27 (7) **Nonresidential accessory structures.**
 28 (a) **Except in the CM5A and CM5B districts,** nonresidential accessory structures
 29 may be located beside a primary structure, provided the accessory structure
 30 meets the side and rear yard setback requirement, except that nonresidential
 dumpsters may be located a minimum of five (5) feet from a side property line,

1 and is located no closer to the front lot line than the primary structure or the
2 required front yard setback, whichever is less.

- 3 (b) **Except in the CM5A and CM5B districts, nonresidential accessory structures**
4 **may also be located between the rear of the primary structure and the rear lot**
5 **line, provided the accessory structure is located a minimum of five (5) feet from**
6 **a side or rear property line, and provided the structure complies with any**
7 **applicable screening or buffering provisions as set forth in §157.122 of this**
8 **chapter.**

9 [the rest of this subsection remains the same]

10 **Amend the Permitted Materials portion (1) of §157.113(C) (Materials and**
11 **Maintenance) of the Fences and Walls provisions by adding the following:**

12 (C) **Materials and Maintenance**

- 13 (1) **Permitted materials.** All fences shall be constructed of customarily used
14 materials such as chain link, split rail, split rail with welded wire mesh,
15 masonry, wrought iron, wood, polyvinylchloride (PVC), or similar fencing
16 material. The use of materials such as corrugated or sheet metal, chicken wire,
17 woven wire, welded wire mesh as a primary material, temporary construction
18 fencing, snow fencing or other similar materials shall not be permitted for
19 permanent fencing. **In CM5A and CM5B districts, fencing and wall**
20 **materials shall be further limited as follows:**

21 (a) **Permitted CM5A fence materials:**

- 22 (i) **Wrought iron or similar metal;**
23 (ii) **Wood may also be permitted for a fence used to screen service,**
24 **storage, or delivery areas.**

25 (b) **Permitted CM5B fence materials:**

- 26 (i) **Dark vinyl coated chain link, if supplemented with a continuous**
27 **row of shrub plant material a minimum of three feet (3') in**
28 **height;**
29 (ii) **Polyvinylchloride (PVC) vertical slat or picket style;**
30 (iii) **Wood vertical slat or picket style; and**
(iv) **Wrought iron or similar metal.**

(c) **Permitted CM5A and CM5B wall materials:**

- (i) **Brick;**
(ii) **Stone; or**
(iii) **Similar masonry material, if approved by the Zoning**
Administrator.

[the rest of this subsection remains the same]

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Amend the Purpose section of the Development Plan provisions, §157.120(A):

Add a new (9) setting forth the purpose of Design Review:

- (A) **Purpose.** The purpose of this section is to:
- (1) Designate zoning districts in which a development plan is required;
 - (2) Designate development proposals which require the submission of a development plan;
 - (3) Establish plan documentation and supporting information that must be submitted to allow for the review and action on a development plan;
 - (4) Establish development requirements that must be satisfied before the Plan Commission or its designated representative may approve a development plan;
 - (5) Establish procedures for the submission and review of a development plan;
 - (6) Establish development requirements which may be waived, along with procedures and conditions for the granting of waivers by the Plan Commission or its designated representative, as part of the review and consideration of a development plan;
 - (7) Establish procedures and conditions to allow the Plan Commission to delegate the responsibility for the review and action on certain development plans to the Planning staff; ~~and~~
 - (8) Establish procedures and conditions to allow for the waiver of the development plan requirement; **and**
 - (9) **Establish procedures and requirements to provide for design review for certain projects in the CM5A and CM5B districts.**

Amend the Intent section of the Development Plan provisions, §157.120(B):

Add a new (3) setting forth the intent of Design Review:

- (B) **Intent.** The intent of requiring development plan submission and review is to:
- (1) Promote and encourage quality development which has a positive impact on surrounding land uses and the overall community;
 - (2) Allow for public, Plan Commission and City staff review of and input on certain development proposals. This input may include comments, recommendations and/or requirements on the following:
 - (a) The compatibility of the proposed development with surrounding zoning and land uses;
 - (b) The availability, coordination, and adequacy of water, sanitary sewer, storm water drainage, and other utilities and/or facilities proposed to serve the development;

- (c) Traffic and transportation safety, roadway capacity, and traffic congestion in the immediate vicinity of the proposed development site;
- (c) Proposed entrance locations, street facilities, roadway improvements, and internal traffic circulation patterns;
- (d) Proposed signage, pedestrian circulation facilities, recreation space and facilities, outdoor lighting, landscaping, buffering, and screening;
- (e) The relationship between the design of the proposed development and public safety issues such as fire safety and crime prevention; and
- (f) The impact of the proposed development on existing natural site features.

(3) **In the CM5A and CM5B districts, to promote: attractive and functional building forms; attractive and functional streetscape and public space design; compatibility of design, use, character, and pattern; increased pedestrian oriented design; and the use of high quality, durable materials.**

Amend the Zoning Districts Requiring Development Plan Approval portion (C)(3) of the Primary Development Plan Procedures part of the Development Plan provisions, §157.120:

- (C) **Zoning districts requiring development plan approval.** The development proposals listed in division (D) below located in the following zoning districts shall carry with them a requirement for the submission, review, and approval of a development plan in accordance with the procedures and requirements of this subchapter.
 - (1) Proposals located in AR, R1, R2, R3, RP and MR Districts.
 - (2) Proposals in CM1, CM2, CM3, and CM4 Districts, if the property where the development is proposed to be located is adjacent to an existing residential land use or vacant residentially zoned property. This shall include development proposals for a portion of a tract or development parcel where the overall parcel is adjacent to an existing residential land use or vacant residentially zoned property. For the purposes of this section, “adjacent” shall also include any property which is located directly across from the development site boundaries, and separated by a public right-of-way of 60 feet or less in width. “Existing residential land use” shall include:
 - (a) A lot or residential dwelling unit in a platted subdivision in a residential zoning district;
 - (b) An individual single or two family residence in a residential zoning district;
 - (c) An apartment or multiple family structure or complex; and
 - (d) A manufactured home park or subdivision.
 - (3) Proposals located in CM5 Districts **as further set forth in (D) below.**

1 **Amend the Proposals Requiring Development Plan Approval portion (D)(2) of**
2 **the Primary Development Plan Procedures part of the Development Plan**
3 **provisions, §157.120, by adding a new paragraph (h):**

4 (D) **Proposals requiring development plan approval.** If the development request is
5 located in a zoning district as specified in division (C) above, the following proposals
6 shall require the submission and approval of a development plan, according to the
7 procedures set forth in this section.

8 (1) **Residential proposals as follows:**

- 9 (a) Multiple family structures with six or more units, and multiple family
10 complexes;
- 11 (b) Residential condominium developments;
- 12 (c) Manufactured home parks which are not proposed to be platted;
- 13 (d) Single family residential subdivision projects which do not meet the
14 requirements of §157.022(A) of the Subdivision Control Ordinance, or do
15 not meet the requirements of §157.109 of the Zoning Ordinance;
- 16 (e) Off-site campus housing , fraternity/sorority house, or dormitory, located
17 in R3 and RP Districts; and
- 18 (f) Other similar multiple lot single family residential projects which do not
19 meet the requirements of §157.022(A) of the Subdivision Control
20 Ordinance, or do not meet the requirements of §157.109 of the Zoning
21 Ordinance.

22 (2) **Commercial and industrial proposals which meet the following:**

- 23 (a) Except in the CM5 Districts as set forth in (g) below, any proposal for a
24 new primary commercial structure which is over 3,000 square feet gross
25 floor area in size; or
- 26 (b) Except in the CM5 Districts as set forth in (g) below, any proposal for a
27 new primary industrial structure which is over 10,000 square feet gross
28 floor area in size; or
- 29 (c) Any proposal for a new commercial or industrial development involving
30 multiple lots/development parcels where the overall project area is over
two acres in size; or
- (d) Except in the CM5 Districts as set forth in (g) below, any proposed
addition to a primary commercial or industrial structure which increases
the gross floor area of the structure by over 50% or any addition over
50,000 square feet; or
- (e) Commercial, industrial, or other nonresidential condominium
developments; or
- (f) Any proposal for a new shopping center, or expansion of an existing
shopping center or development in a SC District which constitutes a
substantial change to a previously approved plan or development; or

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- (g) In the CM5 districts, any proposal for a new structure of over 1000 square feet gross floor area; an addition to an existing structure which increases its gross floor area by over 25%; or any addition of over 10,000 square feet to an existing structure; or
 - (h) In addition to (g) above, in the CM5A and CM5B districts, a development plan shall be required for:
 - (i) Master Sign Plans; and
 - (ii) any submitted project, including an Improvement Location Permit application for a fence or sign, if waivers are requested of the standards in: §157.123 (Design and Additional Standards), the Business Districts section of the Permitted Sign District Provisions (§154.17(C), CM5 Zoning district), the yard requirements (setbacks) in §157.109 (Yard Requirements), or the location, height, or materials requirements in §157.113 (Fences and Walls).
 - (i) In addition to the provisions above, an applicant or property owner may choose to voluntarily submit a commercial and/or industrial project or development through the development plan process if the nature of the proposed development would justify such a submission.

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Amend the Waiver of Required Development Plan portion of the Development Plan provisions, §157.120(E), as follows:

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(E) Waiver of required development plan.

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- (1) In any case where this chapter requires the submission of a **primary or secondary** development plan, an applicant or property owner may request that the development plan requirement be waived by the Zoning Administrator. **The Plan Commission may also waive a required secondary development plan as part of its approval of a primary development plan, including Master Sign Plans.** To request a waiver, the applicant/owner shall submit a written request setting forth the reasons why a waiver should be granted. **Either a primary or secondary development plan may be waived. The Zoning Administrator or Plan Commission may place conditions on the approval of a development plan waiver.** In reviewing the request, the Zoning Administrator or Plan Commission shall consider the following:
 - (a) The size of the property;
 - (b) The character and condition of existing structures on the property;
 - (c) The existing zoning and development patterns in the vicinity of the site;
 - (d) The size, site layout, and potential impact of the proposal on surrounding land uses;
 - (e) The location and proximity of existing residential zoning and/or land uses relative to the development site;
 - (f) The benefit of public input of the development proposal; and
 - (g) The need for Plan Commission review of the development proposal; or

- 1 (h) Whether the proposal complies with the intent of Plan Commission-adopted
2 design standards for the area.

3 **Amend the Primary Development Plan Submission Requirements portion of the**
4 **Primary Development Plan Procedures part of the Development Plan**
5 **provisions, §157.120(F), by amending paragraphs (4) and (6):**

6 (F) **Primary development plan procedures.**

- 7 (4) **Additional submission requirements.** In addition to the required development
8 plan documents, the following information shall be submitted **unless**
9 **determined by staff to not be applicable to the project:**

- 10 (a) Quantitative data indicating the gross residential density and type of
11 dwelling units;
- 12 (b) A copy of any proposed restrictive covenants; and
- 13 (c) For projects in the CM5A and CM5B districts, the information
14 necessary to allow for a design review shall be submitted, including
15 but not limited to:
- 16 (i) Preliminary building elevations, showing generalized sizes and
17 locations of awnings, balconies, building bays, canopies,
18 entrances and entrance features, façade horizontal and vertical
19 divisions, building lighting and signage, and windows; and
20 descriptions of proposed building façade materials;
- 21 (ii) A site plan showing proposed site lighting; freestanding sign
22 locations, types, and general sizes; fence locations, heights, and
23 materials; mechanical/service area screening;
- 24 (iii) Descriptions of proposed façade renovations (if applicable); and
- 25 (iv) Any other information necessary to show compliance with the
26 applicable provisions of §157.123 (Design and Additional
27 Standards).

- 28 (5) **Plan Commission public hearing.** The Plan Commission shall hold a public
29 hearing on any primary development plan request, in accordance with the
30 Commission's established public hearing calendar and rules.

- (6) **Plan Commission review standards.** As part of its review of a primary
development plan, the Commission shall consider the plan against the following
standards:

- (a) The purpose and intent of this subchapter;
- (b) The goals, objectives and policies of the City's comprehensive plan,
thoroughfare plan;
- (c) In the CM5A and CM5B districts, the provisions of §157.123 (Design
and Additional Standards), and the recommendations of the
Downtown Design Manual and Design Review Committee; and

- (d) The purposes set forth in IC 36-7-4-601(c) and the standards listed in IC 35-7-4-1405(a)(as may be amended).

Amend the Other Design and Review Standards portion of the Development Plan Design Standards part of the Development Plan provisions, §157.120(G), by amending paragraph (15):

- (G) **Development plan design standards.** In order to carry out the purposes and intent of this section, along with the goals, objectives, and policies of the City Comprehensive Plan, all development plans shall be designed, reviewed and approved in accordance with the following design standards.

[paragraphs (1) through (14) remain the same]

(15) Other design and review standards.

- (a) As part of its review of any proposed primary development plan, the Commission may require the preparation and submission of a traffic impact study and/or any other studies or information the Commission determines is necessary for proper consideration and review of the request.
- (b) Any proposal for a new shopping center in a SC District shall include a projected trade area study and analysis as part of the primary development plan submission.
- (c) Any site proposed for a new manufactured home park in a MR1 or MR2 District shall be at least five (5) acres in size.
- (d) **The Plan Commission shall establish a Design Review Committee for conducting reviews, making recommendations, or taking action on certain CM5A and CM5B development proposals; all Plan Commission-reviewed development plan projects in the CM5A and CM5B districts shall also be reviewed in terms of the recommendations of the Downtown Design Manual and the Design Review Committee, except that projects located within Local Historic Districts shall not be subject to design review. It is intended that the design review process generally take place as set forth in the table below:**

DESIGN REVIEW PROCESS					
Project Type	Primary and Secondary Development Plan (with Design Review Committee [DRC] Recommendation)	Major Facade Renovation (with DRC Decision)	Site Plan Routing (with DRC Decision)	Staff Review	Permit Type
New development projects (including accessory structures)	greater than 1,000 sq ft gross floor area (gfa)	N/A	less than 1,000 sq ft gfa	N/A	Improvement Location Permit (ILP)

1 2 3 4	Additions to primary or accessory structures, excluding additions to single and two family structures	greater than 25% of structure gfa or greater than 10,000 sq ft gfa	N/A	less than 25% of structure gfa or less than 10,000 sq ft gfa	N/A	ILP
5	Major facade renovation	N/A	All projects	N/A	N/A	ILP
6	Signs only	N/A	N/A	N/A	All projects	ILP
7	Fencing only	N/A	N/A	N/A	All projects	ILP
8	Minor facade renovation	N/A	N/A	N/A	N/A	N/A

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10 **Amend the Plan Commission Waiver of Required Design Standards portion of the Development Plan provisions, §157.120(H), by adding a new paragraph (5):**

11 **(H) Plan Commission waiver of required design standards.**

12 [paragraphs (1) through (4) remain the same]

13 **(5) The Plan Commission may also waive or modify the standards in §157.121 (Design and Additional Standards), as set forth therein.**

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16 **Amend the Secondary Development Plan Submission Requirements portion (2) of the Secondary Development Plan Procedures part of the Development Plan provisions, §157.120(I), by adding the following:**

17 **(I) Secondary Development Plan Procedures.**

18 **(2) Secondary Development Plan Submission Requirements.**

19 [the rest of the previous part of this section remains the same]

20 **(aa) In addition to the required development plan documents, the following information shall be submitted, if applicable to the project:**

21 **(i) For projects within a special flood hazard area, an analysis of the proposed effect of the project on the floodplain certified by a registered professional engineer with expertise in water resources engineering shall be submitted. This analysis may be subject to review by an engineering consultant chosen by the Plan Commission or other applicable City department;**

22 **(ii) Where applicable, quantitative data indicating the gross residential density and type of dwelling units;**

23 **(iii) Proposed method of preserving and maintaining all common areas;**

- 1 (iv) For multiple tenant or multiple unit structures the location and square
2 footage of individual units or tenant spaces; ~~and~~
- 3 (v) A copy of proposed restrictive covenants; and
- 4 (vi) For projects in the CM5A and CM5B districts, the information
5 necessary to allow for a design review shall be submitted,
6 including but not limited to:
- 7 [1] Building elevations, showing sizes and locations of
8 awnings, balconies, canopies, entrances, lighting, signage
9 and windows, and detailed descriptions of proposed
10 building façade materials;
- 11 [2] A site plan showing proposed site lighting; freestanding
12 sign locations, types, and sizes; fence locations, heights,
13 and materials;
- 14 [3] Detailed descriptions of proposed façade renovations (if
15 applicable); and
- 16 [4] Any other information necessary to show compliance with
17 the applicable provisions of §157.123 (Design and
18 Additional Standards).

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21 **Amend the Purpose section of the Site Plan Routing Review provisions,
22 §157.121(A) as follows:**

23 (A) **Purpose.** The purpose of this section is to:

- 24 (1) Allow for proper review of certain proposed residential, commercial, industrial,
25 and other nonresidential projects;
- 26 (2) Establish procedures for the submission and review of a site plan routing; and
- 27 (3) Establish plan documentation and supporting information that must be
28 submitted to allow for the review of a project, including design review for
29 projects in the CM5A and CM5B districts.

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**Amend the Intent section of the Site Plan Routing Review provisions,
§157.121(B) by adding the following:**

(B) **Intent.** The intent of requiring site plan routing review is to promote development which has a positive impact on surrounding land uses and the overall community, by allowing City staff review and feedback on certain development proposals. This input may include comments, recommendations and/or requirements on the following issues:

- (1) The compatibility of the proposed development with surrounding zoning and land uses;
- (2) The availability, coordination, and adequacy of water, sanitary sewer, storm water drainage, and other utilities and/or facilities proposed to serve the development;

- (3) Traffic and transportation safety, roadway capacity, and traffic congestion in the immediate vicinity of the proposed development site;
- (4) Proposed entrance locations, street facilities, roadway improvements, and internal traffic circulation patterns;
- (5) Proposed signage, pedestrian circulation facilities, recreation space and facilities, outdoor lighting, landscaping, buffering, and screening;
- (6) The relationship between the design of the proposed development and public safety issues such as fire safety and crime prevention; and
- (7) The impact of the proposed development on existing natural site features.
- (8) **In the CM5A and CM5B districts, how the project promotes: attractive and functional building forms; attractive and functional streetscape and public space design; compatibility of design, use, character, and pattern; increased pedestrian oriented design; and the use of high quality, durable materials.**

Amend the Full Submittal Requirements portion (1) of the Application and Submittal Requirements part of the Site Plan Routing Review section, §157.121(E)(1), and standard (z), §157.121(E)(1)(z), as follows:

(E) **Application and Submittal Requirements.** All requests for site plan routing review shall be accompanied by a completed Improvement Location Permit application and the applicable permit fee. Requests must also be accompanied by the required number of complete sets of building plans and site plans, which shall be prepared and certified by the applicable licensed engineer, architect, or land surveyor and meet the minimum submittal requirements outlined in this section or as otherwise determined by Planning staff. It is intended that plans submitted for site plan routing review show specific site design and engineering details to allow for an adequate final review for permit issuance. The Planning staff reserves the right to not accept incomplete submissions, or to accept the submission but defer routing the plans for review until it is complete. **All site plan routing projects located in CM5A or CM5B districts shall submit plans for design review; the design review process shall be completed prior to staff accepting the site plan routing submittal.**

(1) **Full Submittal Requirements.** All plans submitted for site plan routing review must contain the items listed below if applicable to the project. **All site plan routing projects located in CM5A or CM5B districts shall require full submittal information.** Additional information may be required by City or County staff for individual projects in order to evaluate compliance with applicable regulations and standards. The following items must be included on the submitted plans unless otherwise determined by the Planning staff, with the exception of the projects as described under division (2) below:

[full submittal standards (a) through (y) remain unchanged]

(z) In addition to the required plan documents, the following information shall be submitted, if applicable to the project:

(i) For projects within a special flood hazard area an analysis of the proposed effect of the project on the floodplain certified by a

1 registered professional engineer with expertise in water resources
2 engineering shall be submitted unless specifically waived by the
3 Plan Commission as a part of the primary approval. This analysis
4 may be subject to review by an engineering consultant chosen by
5 the Plan Commission or other applicable City department; and

- 6 (ii) For multiple tenant or multiple unit structures the location and
7 square footage of individual units or tenant spaces; and
8 (iii) For projects in the CM5A and CM5B districts, the information
9 necessary to allow for a design review shall be submitted,
10 including but not limited to:

- 11 [1] Building elevations showing sizes and locations of
12 awnings, balconies, canopies, entrances, lighting, signage
13 and windows, and detailed descriptions of proposed
14 building façade materials;
15 [2] A site plan showing proposed site lighting; freestanding
16 sign locations, types, and sizes; fence locations, heights,
17 and materials;
18 [3] Detailed descriptions of proposed façade renovations (if
19 applicable); and
20 [4] Any other information necessary to show compliance with
21 the applicable provisions of §157.123 (Design and
22 Additional Standards).

- 23 (2) **Limited submittal requirements for certain projects.** The submittal
24 requirements listed below shall apply to projects which are not located in a
25 special flood hazard area, for additions to existing structures and/or new
26 accessory structures on development parcels where the existing primary
27 structures will remain. Additional information may be required by City or
28 County staff for individual projects in order to evaluate compliance with
29 applicable regulations and standards. The following items must be included on
30 the submitted plans unless otherwise determined by the Planning staff:

[limited submittal standards (a) through (dd) remain unchanged]

**Amend the Procedures for Site Plan Routing Review portion the Site Plan
Routing Review section, §157.121(I), by adding the following new paragraph
(4):**

(I) Procedures for site plan routing review.

- (1) **Filing deadline and meeting schedule.** Application submission deadlines and routing meeting dates shall be according to the schedule and times established by the Planning staff. Incomplete submissions shall not be accepted.
- (2) **Site plan review committee meeting.** Proposals submitted prior to the application deadline shall be reviewed and discussed at the scheduled routing meeting dates. A representative should attend the meeting in order to answer questions about the proposal and receive comment information.

- 1 (3) **Action taken by the Site Plan Routing Review Committee.** Upon review of a
2 submitted site plan the following actions may be taken by reviewing members:
3 (a) Additional information may be required;
4 (b) Changes to the site plan may be recommended or required;
5 (c) The proposed site plan may be approved, with or without conditions; if no
6 response is received from an applicable reviewing department/agency, the
7 Planning staff may consider the lack of response to constitute approval of
8 the plan; or
9 (d) The proposed site plan may be denied, if it does not comply with
10 applicable standards, specifications or requirements.
- 11 (4) **Design Review Committee.** The Plan Commission shall establish a Design
12 Review Committee for conducting reviews and taking action on CM5A and
13 CM5B site plan routing projects; all site plan routing projects in the CM5A and
14 CM5B districts shall also be reviewed in terms of the recommendations of the
15 Downtown Design Manual and the standards of §157.121 (Design and
16 Additional Standards). For these projects, the Design Review Committee shall
17 be considered a reviewing department for the purpose of taking action on these
18 two specific aspects of the project.
- 19 (5) **Improvement Location Permit.**
20 (a) After the site plan review committee meeting, it is the responsibility of the
21 designated project representative to provide the reviewer with any
22 requested information or revised site plans.
23 (b) Once all of the reviewing departments/agencies have sent approvals for
24 the proposal to the Planning Department and the applicant has met or
25 adequately committed to meet all of the conditions of approval, an
26 Improvement Location Permit shall be issued for the project to the Allen
27 County Building Department.
- 28 (6) **Certificate of Compliance release.**
29 (a) Planning staff release. For new structures the applicant may be required
30 to submit a certified survey to document that the structure(s) meet setback
requirements, in addition to satisfying any other conditions of approval
established by the Planning staff.
(b) Certificate of Compliance release. During the site plan review committee
meeting, reviewers may choose to place a hold on the Certificate of
Compliance. It is the designated project representative's responsibility to
contact the reviewers and provide any requested information or schedule
any required inspections. When all of the reviewing departments/agencies
have approved the release of the Certificate of Compliance, indicating
compliance with all applicable standards and specifications, and the
Planning staff has granted final approval, the Planning Department will
issue the Certificate to the Allen County Building Department.
(c) Multiple tenant structures. In the case of new multiple tenant commercial,
industrial, or other nonresidential structures, the Planning staff may issue

1 a Certificate of Compliance for an individual tenant space at the request of
2 the owner/applicant. A tenant space Certificate of Compliance may be
3 issued provided all applicable requirements pertaining to the tenant space
4 have been resolved and the applicant has adequately met or committed to
5 meet all other applicable conditions of approval pertaining to the overall
6 project. Additional tenant spaces shall not be occupied until a separate
7 Certificate of Compliance has been applied for and issued by the Planning
8 staff.

- 9 (d) Requests for additional Certificates of Compliance after release of the
10 Improvement Location Permit. In the case of a multiple tenant
11 commercial, industrial, or other nonresidential structures, the Planning
12 staff may issue additional Certificates of Compliance for individual tenant
13 spaces. The applicant must pay the additional fees as required and submit
14 plans showing the tenant space break down of the building. The project
15 may need to be resubmitted through the site plan routing review process
16 for review and approval of the breakdown of tenant spaces if deemed
17 necessary by the Planning staff.

18 **Add a new Design and Additional Standards section (§157.123) to the Site Plan
19 Review Standards and Requirements provisions:**

20 **§157.123 Design and Additional Standards**

21 **(A) Purpose**

22 The purpose of including design standards as part of the review of development plans,
23 site plan routings, and certain other development proposals is to:

- 24 (1) Implement the design-based recommendations of the Plan-it Allen
25 Comprehensive Plan, the Downtown BluePrint plan, the BluePrint Plus plan, the
26 Around the Square Sub Area Plan; and additional Council-adopted plans.
27 (2) Preserve and enhance the unique character of the community, including the
28 Downtown area, by maintaining the integrity of areas with special significance;
29 (3) Foster attractive and functional design solutions;
30 (4) Protect and encourage public and private investments;
(5) Encourage new development and redevelopment which is compatible with the
character and pattern of existing development; and
(6) Provide design direction to property owners, developers, designers, and
decision-makers.

(B) **Applicability**

This section shall be applicable to the following development proposals in the CM5A
and CM5B districts:

- (1) Primary and secondary development plans;
(2) Major façade renovations;
(3) Site plan routing projects;

- 1 (4) Conversions of single-family and two-family structures to commercial/mixed-
2 use structures, or to multiple family structures that are determined to be
3 development plans, major façade renovations, or site plan routing projects; and
4 (5) Fence, parking lot, and sign proposals.

4 (C) **Design standards**

5 The following design standards shall apply as noted. The Downtown Design Manual
6 is also available and is intended to provide additional information and assistance on,
7 and recommended alternatives for CM5A and CM5B development proposals to
8 property owners, developers, designers, and decision-makers.

7 (1) Awnings, canopies and marquees

8 (a) Fiberglass and plastic awnings shall not be permitted.

9 (b) Awnings shall not be internally lit.

10 (c) At their lowest point, awnings, canopies, and marquees shall be a
11 minimum of eight feet (8') above the grade of the sidewalk.

11 (2) Balconies

12 At their lowest point, balconies shall be a minimum of eight feet (8') above the
13 grade of the sidewalk.

14 (3) Building additions

15 Additions to the front or side of an existing structure that are visible from a
16 public street shall be similar in material and design to the primary façade.

17 (4) Building lighting

18 (a) Building-mounted light fixtures shall be shielded or full cut-off such that
19 glare is not created on adjacent public rights-of-way.

20 (b) Building-mounted light fixtures in pedestrian areas such as sidewalks,
21 pathways, and plazas shall not be mounted higher than twelve feet (12'),
22 as measured from the adjacent grade.

23 (5) Building Materials

24 (a) Mirrored glass is prohibited for all new construction, façade renovations,
25 and building conversions.

26 (b) In the CM5A district, aluminum and/or vinyl residential style lap siding is
27 prohibited on the first two stories of structures, for all new construction,
28 façade renovations, and building conversions.

29 (c) Thin-set brick, corrugated metal, Exterior Insulation Finishing Systems
30 (EIFS), and wood shake, shingle, or other wood lap siding is prohibited on
the bottom three feet of the primary façade of the structure for new non-
residential and mixed use buildings, façade renovations, and building
conversions.

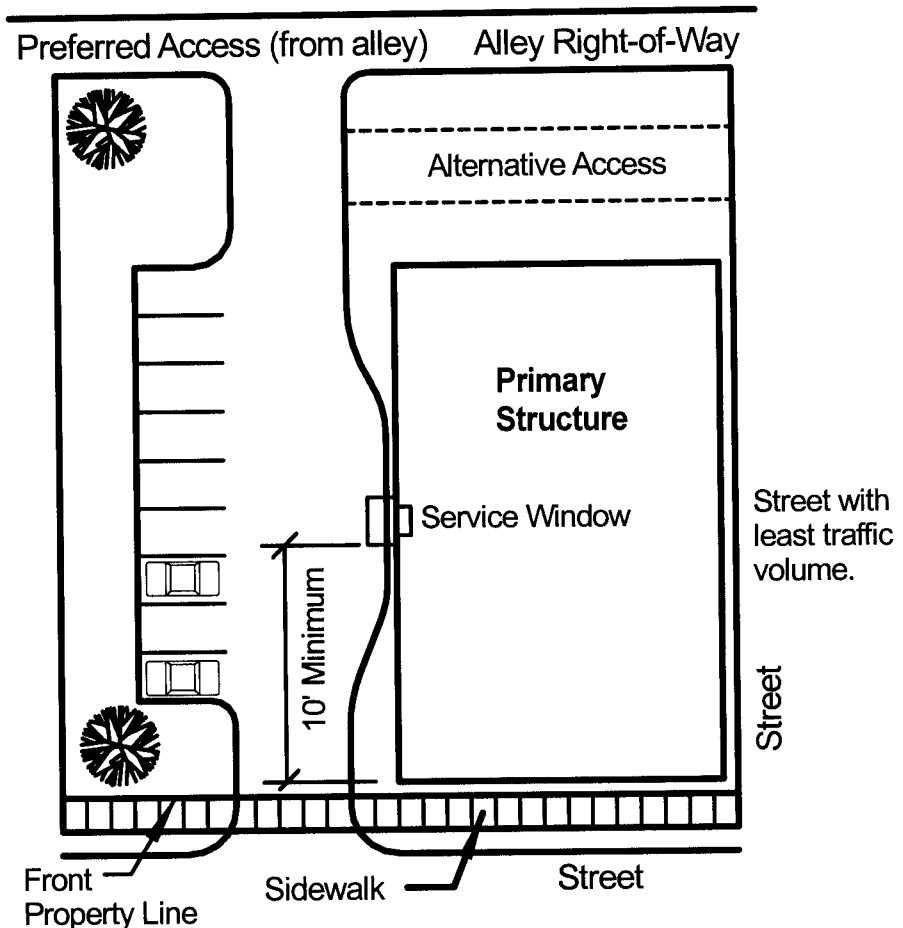
(6) Cornice/roof layer screening

1 Roof-mounted mechanical equipment such as roof vents, metal chimneys, solar
2 panels, television antennae/satellite dishes, or air conditioning units shall be
3 screened so as to not be visible from any adjacent sidewalk or street.

4 (7) Drive-Through Facilities

5 (a) The following requirements shall apply to all drive-through facilities:

- 6 (i) There shall be a direct pedestrian access between the primary
7 entrance and the adjacent public sidewalk.
8 (ii) The drive-through facility shall not have more than two (2) service
9 lanes.
10 (iii) If an additional access point is required to serve a new facility, the
11 access should be provided from an alley if feasible; if alley access is
12 not feasible, the access should be provided from the street with the
13 least traffic volume.

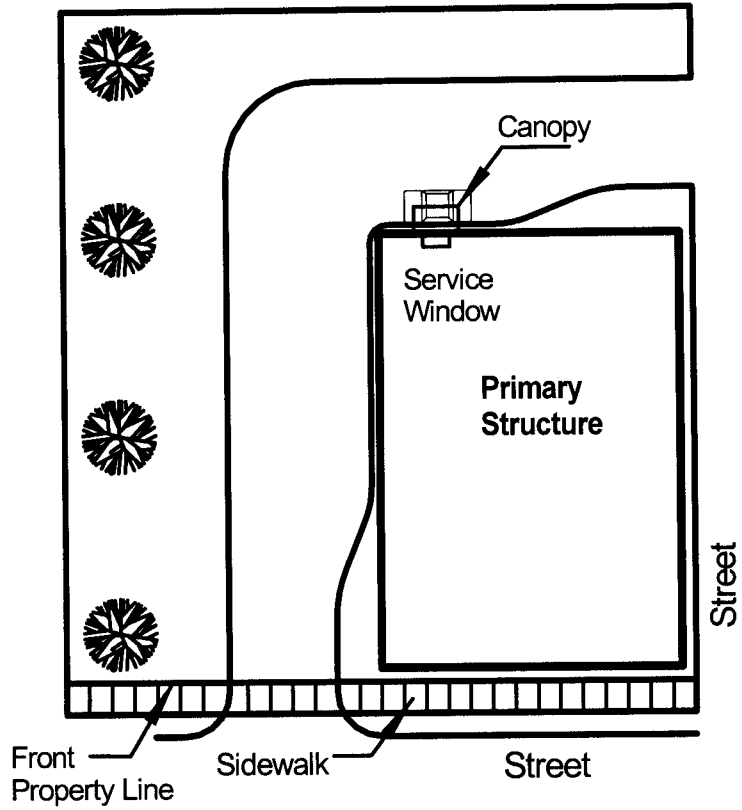


25 **Preferred Additional Vehicular Access Locations**

26 (b) The following requirements shall apply to drive-through facilities
27 proposed as part of a new primary structure:
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- (i) The structure shall be located at the minimum front setback line as established in the Zoning Ordinance for the associated zoning district. Structures located on a corner lot/development parcel shall be considered to have two (2) front setback lines. In this situation, the Plan Commission or Zoning Administrator shall determine the location of any required rear yard.
- (ii) In CM5A districts, drive-through service windows and ordering stations shall be located on the rear of a structure.



Use existing access points if feasible.

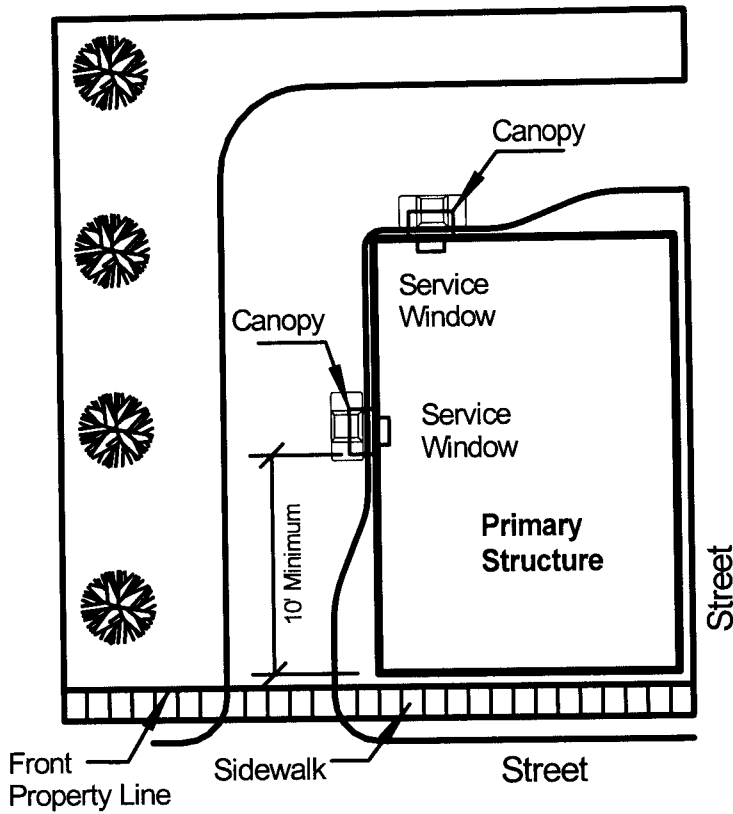
Service windows and ordering stations shall be located on the rear of the structure.

Structure shall be located at the minimum front and side setback line.

CM5A Drive-Through Canopy/Service Window Locations - New Primary Structures

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(iii) In CM5B districts, drive-through service windows and ordering stations shall be located on the interior side or rear of a structure.



Use existing access points if feasible.

Service windows and ordering stations shall be located on the interior side or rear of the structure.

Structure shall be located at the minimum front and side setback line.

CM5B Drive-Through Canopy/Service Window Locations - New Primary Structures

- (iv) In CM5B districts, if the drive-through service window is located on the interior side of the structure, canopies for the drive-through windows shall be attached to the structure and recessed from the front of the structure by a minimum of ten feet (10').
 - (v) In CM5B districts, the drive-through exit lane shall be located a minimum of ten feet (10') from the structure at the location where the exit lane meets the public sidewalk.
- (c) The following requirements shall apply to drive-through facilities proposed as an addition to an existing primary structure:
- (i) In CM5A districts, drive-through service windows and ordering stations shall be located either on the interior side or rear of a structure, with access to the window provided by new or existing alley access points; an existing street access point may also be used.
 - (ii) In CM5B districts, drive-through service windows and ordering stations shall be located either on the interior side or rear of a

1 structure, with access to the window provided by new or existing
2 alley or street access points.

3 (iii) If the drive-through service window is located on the interior side of
4 the structure, canopies for the drive-through lanes shall be attached
5 to the structure and recessed from the front of the structure by a
6 minimum of ten feet (10').

7 (iv) If the drive-through service window is located on the interior side of
8 the structure, the drive-through lanes shall be located a minimum of
9 ten feet (10') from the building at the location where the exit lane
10 meets the public sidewalk.

11 (8) Entrances

12 (a) There shall be at least one (1) unobstructed pedestrian walkway at least
13 five feet (5') wide connecting the primary facade entrance to an adjacent
14 public sidewalk.

15 (b) For new non-residential and mixed use buildings, there shall be a
16 minimum of one (1) direct pedestrian entrance accessed directly from the
17 primary street frontage of a building. A corner entrance shall be permitted
18 as a way of meeting this standard.

19 (c) For new non-residential and mixed use buildings, architectural features
20 shall be provided at primary facade entrances and shall include at least
21 one (1) of the following at each primary entrance:

22 (i) An arch;

23 (ii) An awning or canopy;

24 (iii) Architectural design elements, projecting from the vertical plane of
25 the main exterior wall and raised above the adjoining parapet
26 wall/roof;

27 (iv) Architectural details such as tile work and moldings that are
28 integrated into the building design;

29 (v) Enhanced exterior lighting such as wall sconces, building mounted
30 accent lights, or decorative pedestal lights;

(vi) Pilasters projecting from the plane of the wall by a minimum of
eight inches (8") and/or architectural or decorative columns that
create visual breaks and interest in the facade walls;

(vii) A raised corniced parapet over the door; or

(viii) A recessed entry.

(d) For new non-residential and mixed use buildings, building mounted
lighting shall be provided at primary and secondary entrances.

(e) For new residential buildings, the primary exterior entrance(s) shall face a
primary street frontage or be oriented to the corner, and shall be
highlighted with architectural elements and/or details, including at least
one (1) of the following at each primary entrance:

(i) An arch;

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- (ii) An awning or canopy;
 - (iii) Architectural design elements, projecting from the vertical plane of the main exterior wall;
 - (iv) Architectural details such as tile work and decorative moldings that are integrated into the building design;
 - (v) Enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;
 - (vi) Pilasters projecting from the plane of the wall and/or architectural or decorative columns that create visual breaks and interest in the facade walls;
 - (vii) A porch: or
 - (viii) A recessed entry.
- (9) Façade horizontal divisions (primary facades)
- (a) For new non-residential and mixed use buildings, a clear delineation/division between the street level facade and upper façade shall be created by providing one of the following elements:
 - (i) Awnings;
 - (ii) Variation in window pattern such as large store-front windows at street level and smaller, separated windows on the upper facade level; or
 - (iii) A flush or projecting horizontal band of a different material, color, or pattern.
 - (b) For new non-residential and mixed use buildings, one of the following elements shall be included on the cornice layer:
 - (i) A cornice or other three-dimensional element; or
 - (ii) A flush or projecting horizontal band of a different material, color, or pattern.
- (10) Façade vertical divisions (primary facades)
- (a) For new non-residential and mixed use buildings, the façade shall consist of building bays that are a minimum of thirty feet (30') in width. Building bay widths shall be measured to the center of the column, pilaster, or other element/change in plane.
 - (b) Bays shall be established using at least one of the following architectural features:
 - (i) Changes in texture or materials;
 - (ii) Columns, ribs, or pilasters;
 - (iii) Enhanced entries; or
 - (iv) A change in plane (a recess or projection).

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(11) Façade transparency

For new non-residential and mixed use buildings, a minimum of fifty percent (50%) of the street level façade shall be transparent, as measured by the window and door openings compared to the area of the façade. The length of the area of the façade shall be measured from the top of any foundation wall to the bottom of the first floor ceiling.

(12) Facade design (secondary)

For new non-residential and mixed use buildings, building walls that are visible from public streets, public gathering areas, connecting walkways, or adjacent development shall be subdivided horizontally and vertically as further set forth in (9) and (10) above on at least fifty percent (50%) of the façade.

(13) Mechanical and service area screening

- (a) For new non-residential and mixed use buildings, roof-mounted mechanical equipment such as roof vents, metal chimneys, solar panels, television antennae/satellite dishes, or air conditioning units shall be screened so as not to be visible from any adjacent street or sidewalk.
- (b) For new non-residential and mixed use buildings, loading berths, service areas, trash storage, exterior work areas, storage yards, and truck parking shall be adequately screened from public streets, public open spaces and residential properties using building mass, freestanding walls and gates, and/or landscaping, except at access points. The screening shall be a minimum of six feet (6') in height.
- (c) For new non-residential and mixed use buildings except for dumpsters recessed into a building, the minimum height service area or dumpster enclosure screening shall be six feet (6'). Gates shall be provided.
- (d) For new non-residential and mixed use buildings, ground-mechanical equipment shall be screened with an enclosure constructed of materials that are compatible with the primary structure materials or with evergreen landscaping which is not less than the height of the mechanical equipment at the time of planting.
- (e) For new residential buildings, dumpsters and mechanical equipment located on the ground shall be screened on all sides from any adjacent street or sidewalk by the building, walls, plant material, or fences.

(14) Site lighting

- (a) Site lighting shall be required to illuminate pedestrian areas outside of the public right-of-way including parking areas, service areas, sidewalks and pathways, and plazas.
- (b) Lighting intended for pedestrian pathway illumination shall have a maximum height of fifteen feet (15').
- (c) All parking lot lighting requirements shall also apply to interior drives and other areas on the property used by vehicles.

- 1 (d) The maximum height for all parking lot illuminating light fixtures,
2 including both the pole and the base, shall be twenty-five feet (25') above
3 grade.
4 (e) The maximum average maintained illumination level of parking areas,
5 service areas, pathways, and plazas shall be no more than one and six-
6 tenths (1.6) horizontal footcandles at grade.
7 (f) Cut-off fixtures shall be used for parking lots or building-mounted
8 lighting. Lighting fixtures shall be fully shielded (no direct light emitted
9 past a specified point or property line) or full cut-off (no light emitted
10 above the horizontal plan of the lowest edge of the fixture) in accordance
11 with dark sky principles.
12 (g) The use of spotlights, floodlights, and searchlights shall be prohibited
13 except for short-term events of up to seven (7) days.
14 (h) Holiday lighting shall be exempt from the provisions of this section.
15 (i) Lighting of outdoor display or open sales areas
16 (i) Light fixtures serving areas designated as exterior display or open
17 sales areas shall be full cutoff and/or fully shielded fixtures.
18 (ii) Areas designated as exterior display or open sales areas shall be
19 illuminated so that the average maintained horizontal illumination at
20 grade level does not exceed four (4) foot-candles.
21 (iii) Light fixtures located on the perimeter of display or sales areas and
22 within twenty feet (20') of a property line shall utilize "house-side"
23 shielding to minimize light spillage beyond that property line.

16 (15) Townhouse complexes

- 17 (a) Townhouse units shall only be connected to other units on the sides of the
18 unit (each unit shall have its own exterior front and rear walls).
19 (b) No single building shall have more than 10 ground floor units.
20 (c) Units shall not have garage doors facing public streets.

20 (16) Waivers of design standards

- 21 (a) As part of the review and approval of a primary development plan, the
22 Plan Commission may waive or modify the standards in this section,
23 along with the design standards included in §157.113 (Fences and Walls)
24 and the Off-Street Parking subchapter, based on a written request by the
25 applicant setting forth the reasons why the waiver or modification should
26 be approved, and after consideration of a recommendation by the Design
27 Review Committee. Design standards waivers may only be granted by the
28 Plan Commission, as part of a primary development plan. It is intended
29 that the Commission not grant waivers based solely on financial
30 considerations or representations of additional costs or expenses. The
Plan Commission may grant a waiver or modification if the Plan
Commission determines in writing that:
(i) the applicant has submitted adequate documentation in support of
the requested waiver or modification;

- 1 (ii) the proposed building or site design, after the granting of the
2 requested waiver or modification, will be an attractive and
3 functional design that meets the intent of the design standards and is
4 compatible with the character and pattern of existing development
5 in the surrounding area;
- 6 (iii) the need for the waiver arises from conditions specific to existing
7 site or area characteristics, such that it is not practical to provide the
8 required design feature on the site; and
- 9 (iv) the approval of the waiver or modification will not be unduly
10 detrimental to existing public and/or private investments in the
11 surrounding area.

12 **Amend §157.140 (Purpose) of the Off-Street Parking provisions as follows:**

13 **§157.140 Purpose.**

14 The purpose of this subchapter is to establish standards for the provision of adequate off-
15 street parking facilities, **including standards for bicycle facilities and parking structures**,
16 for permitted residential, commercial, industrial and other nonresidential uses.

17 **Amend §157.141 (General Requirements) of the Off-Street Parking provisions**
18 **as follows:**

19 **§157.141 General Requirements.**

20 **(A) Applicability. The minimum off-street parking requirements of this subsection**
21 **shall apply to:**

- 22 (1) Any new freestanding building or use except in the CM5A and CM5B Districts.
23 **If parking is provided for uses in the CM5A and CM5B districts, there shall**
24 **be a maximum number of parking spaces allowed; parking maximums shall**
25 **be one-half (1/2) of the number of spaces required for the use by the zoning**
26 **ordinance in districts other than the CM5A and CM5B districts.**
- 27 (2) An addition to an existing building where the addition increases the size of the
28 existing building by over 25%, provided the addition does not displace required
29 parking spaces, with the following exceptions:
- 30 (a) For elementary, middle, junior high, and senior high school uses, the
standard shall apply only in cases where additional classrooms are being
added;
- (b) For church uses, the standard shall apply only in cases where additional
sanctuary space is being added; **and**
- (c) **For additions located in the CM5A and CM5B districts.**

(B) Location of spaces. All parking spaces required by this subchapter shall be provided
on the same lot, tract or development parcel as the building, structure, or use for which
the spaces are required, except in the case of off-site parking areas for church,

1 synagogue, or other religious building use, or school uses, where the lot is either under
2 the same ownership or operates under an executed agreement allowing for its use and
3 is located within 500 feet of the primary use (as measured between closest property
4 lines).

5 (C) **Multiple uses and/or buildings.** Where multiple uses exist in the same building or
6 more than one building exists on the same lot, tract or development parcel, off-street
7 parking requirements shall equal the sum of the requirements for the individual uses.
8 Parking areas for multiple buildings may be provided collectively in one or more
9 parking areas as long as the individual use requirements are met and the parking is
10 provided on the same lot, tract or development parcel.

11 (D) **Maintenance.** Off-street parking spaces and any required landscaping shall be
12 provided and maintained by the property owner or other occupant of the property.

13 (E) **Compliance with Americans with Disabilities Act.** The design and construction of
14 all new off-street parking areas shall comply with the applicable requirements of the
15 Americans with Disabilities Act (ADA).

16 (F) **Off-Street Parking Space Credits.** To allow for flexibility concerning parking
17 standards in the City's nonresidential zoning districts (CM1-4; CM5C, SC1-4; and
18 IN1-3) in order to accomplish the Comprehensive Plan's objectives of urban
19 revitalization, enhancing the pedestrian environment, and encouraging the use of
20 transit, parking space credits shall be allowed for nonresidential uses in these districts
21 as set forth below:

22 (1) On-street parking spaces directly in front of and to the side of the lot, tract, or
23 development parcel where the proposed or existing use is located may be
24 counted towards satisfying the minimum off-street parking requirements;

25 (2) One (1) required off-street parking space for each on-site bicycle rack (a rack
26 must store a minimum of four (4) bicycles), up to 2% of the total parking
27 requirement;

28 (3) If access to public transit is located within 400 feet of the lot, tract, or
29 development parcel where the proposed or existing use is located, this may
30 serve in lieu of one (1) required off-street parking space;

 (4) If construction techniques such as pervious pavement, block and concrete
 modular pavers, and grid pavers are used for off-street parking surfaces, each
 space provided as a result may serve in lieu of two (2) required off-street
 parking spaces, up to a maximum of 10% of the number of required spaces;

 (5) However, in the CM5B and CM5C Districts, where existing off-street parking
 exists, or additional spaces are required, the resulting off-street parking provided
 after the application of these credits shall not be less than two spaces (it is
 intended that a minimum of 2-4 off-street parking spaces be provided behind
 existing or proposed structures on the same lot, tract, or development parcel in
 these districts where practical, primarily to accommodate employee parking).

 (G) **Off-Street Parking Space Waivers.** To allow for flexibility concerning parking
 standards in order to accomplish the Comprehensive Plan's objectives of allowing for
 mixed uses, encouraging new construction that is compatible with existing structures

1 and development patterns, encouraging the provision of parking situations more
2 suitable for higher density urban areas, and enhancing the pedestrian environment, the
3 Zoning Administrator may grant waivers of required off-street parking spaces, as part
4 of its review of a Site Plan Routing project or Improvement Location Permit
5 application. To request a waiver, the applicant/owner shall submit a written request
6 setting forth the reasons why a waiver should be granted. Upon receiving a request for
7 a waiver of a required development plan, the Zoning Administrator shall review and
8 either approve or deny the request. The Zoning Administrator shall notify the
9 applicant in writing of the action and reasons for the approval or denial. In reviewing
10 the request, the Zoning Administrator shall consider the following:

- 11 (1) The size of the property;
- 12 (2) The location of existing structures on the property;
- 13 (3) The existing zoning and development patterns in the vicinity of the site;
- 14 (4) The size, site layout, and potential impact of the request on surrounding land
15 uses;
- 16 (5) The benefit of public notice and input on the request;
- 17 (6) The previous use of the property;
- 18 (7) The need for additional on-site parking, based on the intensity of the land use
19 and the availability of parking in the immediate vicinity of the site; and
- 20 (8) Whether the provision of additional on-site parking would create a practical
21 difficulty in the use of the property.

22 (H) **Bicycle facilities**

- 23 (1) In CM5A and CM5B districts, non-residential development over 50,000 square
24 feet shall provide a designated bicycle parking area with a minimum provision
25 for the parking of at least four (4) bicycles. This requirement may be waived if
26 bicycle parking exists within the public right-of-way within fifty feet (50') of the
27 primary entrance.
- 28 (2) In CM5A and CM5B districts, the location of bicycle parking facilities shall be
29 within fifty feet (50') of the primary entrance of the structure they are associated
30 with. Alternatively, facilities to secure bicycles may be located in adjacent
parking lots or structures, or designated interior space.
- (3) High-rise multiple family complexes in CM5A, multi-family dwellings and
complexes in CM5B, and townhouse complexes in CM5B shall provide bicycle
parking consisting of facilities to secure at least four (4) bicycles.

(I) **Parking structures**

- (1) In CM5A and CM5B districts, if commercial or residential uses are not provided
on the ground level, parking structures shall maintain a minimum ten foot (10')
setback along yards with a street frontage. Evergreen trees shall be planted to
screen the first two (2) floors. Architectural features may be used in addition to
the evergreen screening.
- (2) In CM5A and CM5B districts, if a new parking structure is connected to an
existing or proposed building, then the parking structure shall be compatible
with that building, in terms of materials, type, color, pattern, and durability.

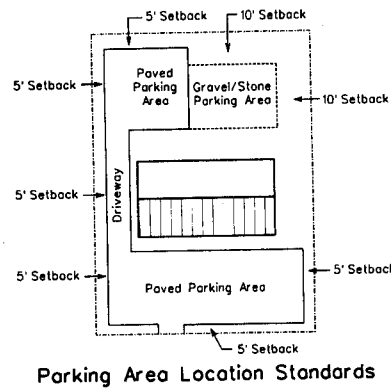
1 (3) Parking structures shall be exempt from maximum parking requirements.

2 **Amend the Location Standards portion (D) and the Accessibility portion (E) of**
3 **§157.142 (Parking Area Improvement Standards) of the Off-Street Parking**
4 **provisions as follows:**

5 **§157.142 Parking Area Improvement Standards.**

- 6 (A) **Establishment of standards.** The Board of Public Works shall establish minimum
7 standards and specifications for paving, surfacing, and drainage of all land used for
8 off-street parking and all driveways serving parking areas, whether required by this
9 subchapter or otherwise provided.
- 10 (B) **Paving and drainage.** All land which is placed in use for off-street parking and all
11 driveways serving parking, delivery, and loading areas, shall be paved with asphalt,
12 concrete, or other approved all-weather hard surface, including construction
13 techniques such as pervious pavement; block, concrete, and similar modular pavers,
14 and grid pavers; and shall be drained with materials and in a manner which meets the
15 current minimum standards and specifications for parking areas adopted by the Board
16 of Public Works. However, in industrial zoning districts, parking areas which are
17 provided in addition to the minimum number of spaces required as set forth in
18 §157.144 shall not be required to be paved, but may have a gravel surface which meets
19 the current minimum standards and specifications for parking areas adopted by the
20 Board of Works. Also, single and two family residential uses which do not include
21 public parking areas as defined in this chapter shall not be required to pave driveways
22 and parking areas. However, the parking, storage, or display of motor vehicles on
23 grass or other similar areas which do not have a paved or gravel surface shall not be
24 permitted.
- 25 (C) **Curbing.** All public parking areas shall have curbing or other acceptable elements
26 around the perimeter of the parking area at a sufficient location to keep vehicles from
27 overhanging or encroaching upon abutting properties, streets, alleys or sidewalks or
28 landscape areas. Curbing shall also be used if necessary to facilitate drainage and to
29 prevent the discharge of water onto adjacent properties.
- 30 (D) **Location standards.** Any area used for off-street public or employee parking,
including driveways or driving lanes, **except for driveways or driving lanes which
provide direct access, shall meet the following standards:**
- (1) **Paved areas** shall be located a minimum of five (5) feet from any property line.
 - (2) **Gravel areas** shall be located a minimum of ten (10) feet from any property
line.
 - (3) **In CM5A and CM5B districts, off-street parking shall not be located in
front of or on the side of any new structure.**
 - (4) In CM5C Districts, parking areas shall be located a minimum of 20 feet from
any front property line; and new parking areas in these districts are intended to
only be permitted where there is an adequate existing alley access, so that a new
driveway onto the primary commercial street is not required.

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- (5) These location standards shall not apply to any single or two family residential driveway or parking area which does not meet the definition of "public parking area" as set forth in this chapter.



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- (E) **Accessibility.** All parking facilities provided pursuant to this subchapter shall be directly accessible from an improved public right-of-way or other approved access provisions. **In the CM5A and CM5B districts, pedestrian pathways shall be provided from public sidewalks to surface parking areas.**

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Amend the Landscape Planting Area and Shade Tree requirements portion (C) and the Waiver of Parking Area Landscaping Requirements portion (E) of §157.143 (Parking Area Landscaping Requirements) of the Off-Street Parking provisions by amending as shown and adding the following:

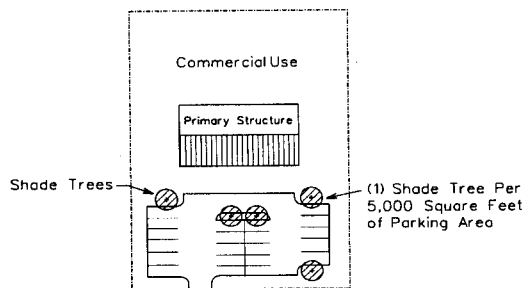
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- (A) **Purpose.** The purpose of this section is to establish standards for providing adequate landscaping in and adjacent to parking areas and driveways serving those parking areas, to carry out the following objectives:
- (1) Provide screening and buffering between parking areas and adjacent uses, structures, and public alleys and roadways;
 - (2) Provide shading for paved parking areas;
 - (3) Provide adequate green space and planting areas in and adjacent to parking areas;
 - (4) Decrease storm water run-off and erosion;
 - (5) Aid in directing the circulation of vehicles and pedestrians;
 - (6) Identify entrances and exits;
 - (7) Conserve or enhance property values;
 - (8) Improve the relationship between the site design of the proposed development and public safety issues such as fire safety and crime prevention; and
 - (9) Improve the appearance of parking areas and the overall area.

1 (B) **Landscape plan.** A landscape plan shall be submitted as necessary to show
 2 conformance with this section. The plan shall be prepared by an individual
 3 knowledgeable of plant materials, landscape and site design, construction processes,
 and growing conditions in this region (USDA Zone 5).

4 (C) **Landscape planting area and shade tree requirements.** The following parking area
 5 landscape planting area and shade tree requirements shall be calculated based on the
 6 gross square footage of the parking areas (not including driveways to and from the
 overall parking area).

7 (1) All off-street public and employee parking areas shall require the provision and
 8 maintenance of deciduous shade trees of a variety hardy to this region,
 according to the requirements in the table below.

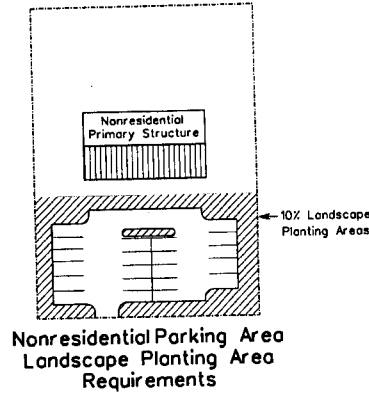
PARKING AREA SHADE TREE REQUIREMENTS	
Proposed Use	Minimum Parking Area Shade Tree Requirement
Multiple family or similar residential use	1 tree per 4,000 square feet of parking area
Commercial use	1 tree per 5,000 square feet of parking area
Industrial, institutional, or other nonresidential use	1 tree per 7,000 square feet of parking area



Commercial Parking Area Shade Tree Requirements

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- 22 (2) Each tree-planting island shall contain at least **180** square feet of area per tree.
- 23 (3) Landscape planting areas which equal at least 10% of the parking area square
 24 footage shall be provided for all off-street parking areas.

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- (4) The provision, installation, planting size, and maintenance of all shade trees and landscaping required under this division shall conform to the applicable City and Plan Commission policies, standards, specifications, and rules.
- (5) **In the CM5A and CM5B districts, new surface parking areas shall be screened from public streets by a continuous buffer that:**
 - (a) Consists of living plant material alone or in combination with masonry walls or permitted fencing;
 - (b) Contains one (1) deciduous shade tree per forty feet (40') of the perimeter (if shade trees already exist in the right-of-way adjacent to the parking area, such trees may be counted to satisfy this requirement).
- (6) **In the CM5A and CM5B districts, interior landscaping is required for new parking areas with more than twenty-five (25) spaces or exceeding eight thousand (8,000) square feet.**
- (D) **Screening and buffering.** Screening and buffering of parking areas shall be provided to meet the requirements of §157.122.
- (E) **Waiver of Parking Area Landscaping Requirements.**
 - (1) The Plan Commission may waive or modify parking area landscaping requirements, **including parking area setback standards**, as part of the review and approval of a primary development plan, in accordance with §157.120(H). **Setbacks for parking areas adjacent to front lot lines or residential zoning districts shall not be eligible for a waiver.**
 - (2) The Planning staff may waive or modify the parking area landscaping requirements as part of the review and approval of a site plan routing submission, upon a written request by the applicant. Such a waiver or modification may be granted provided that the request is in substantial conformance with the following:
 - (a) The waiver or modification is in conformance with the purpose of this subchapter;
 - (b) The staff determines that the applicant has submitted adequate documentation in support of the requested waiver or modification;

- 1 (c) The staff determines the required parking area landscaping is not
2 necessary or practical, based on the existing site or area
3 conditions/characteristics, or size of the proposed parking area;
4 (d) The requested waiver or modification will not create any potential storm
5 water runoff or erosion problems;
6 (e) The requested waiver or modification will not be unduly detrimental to the
7 use and value of the area adjacent to the property included in the request;
8 and
9 (f) The requested waiver or modification will not be unduly detrimental to the
10 overall site design of the proposed development.

11 **Amend §157.223 (Improvement Location Permit) of the Administration and**
12 **Enforcement subchapter as follows:**

13 **§157.223 IMPROVEMENT LOCATION PERMIT.**

14 **(A) General Provisions.**

- 15 (1) No building or structure shall be erected, constructed, reconstructed, enlarged,
16 or moved prior to the issuance of an Improvement Location Permit. **Projects**
17 **meeting the definition of major façade renovation shall also be required to**
18 **obtain an Improvement Location Permit; such projects shall be required to**
19 **be reviewed through the design review process as set forth herein and in the**
20 **Plan Commission's rules, prior to the submission of the Improvement**
21 **Location Permit application.**
22 (2) No Improvement Location Permit shall be issued for a proposal, unless the
23 proposal conforms with the provisions and requirements of this chapter.
24 (3) If a development proposal or permit request requires the approval of a
25 development plan or a site plan routing review, no Improvement Location
26 Permit shall be issued prior to the completion of the applicable review and
27 approval process.

28 **(B) Application and filing fee.**

- 29 (1) All applications for Improvement Location Permits shall be submitted on forms
30 provided by the Planning staff, and accompanied by the required filing fee as
established by the Plan Commission.
(2) The applicant shall also submit site plans and any additional information
necessary to allow a Zoning Enforcement Officer to determine whether the
proposed construction will comply with the provisions of this chapter.
(3) **For major façade renovation projects, the applicant shall also submit:**
(a) **Building elevations showing sizes and locations of awnings, balconies,**
canopies, entrances, lighting, signage and windows, and detailed
descriptions of proposed building façade materials;
(b) **A site plan showing proposed site lighting; freestanding sign locations,**
types, and sizes; fence locations, heights, and materials;

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- (c) Detailed descriptions of proposed façade renovations (if applicable);
and
 - (d) Any other information necessary to show compliance with the
applicable provisions of §157.123 (Design and Additional Standards).
- (4) As part of the application, a Zoning Enforcement Officer may also require the submission of a plot plan or certified land survey. A Zoning Enforcement Officer may defer action on the review and approval of any incomplete application.

1 **Chapter 154 [Sign ordinance] amendments:**

2 **Amend section §154.02 (Definitions) of the Sign Ordinance as follows:**

3 **Replace the following definitions:**

4 **DIRECTION SIGN.** A small auxiliary sign typically used to provide information such as:
5 directions on or to a property, parking locations and limitations, traffic information, address
6 identification, and other similar information. Direction signs may include logos or other
7 proprietary symbols.

8 **MARQUEE SIGN. A sign affixed to a marquee. In the CM5C districts, marquee signs**
9 **shall also include canopy and awning signs.**

10 **PROJECTING SIGN.** A sign, other than a wall sign, which is affixed to a building wall
11 and projects from the building face generally at a right angle to the building, such that the
12 sign is designed to be viewed from a position generally perpendicular to the building.
13 Projecting signs shall not project above the wall of a building, including cornice walls.

14 **WALL SIGN.** A sign attached to the face of a building, or attached to a mansard or similar
15 style of roof, such that the sign is designed to be viewed from a position generally parallel to
16 the building. Signs parallel to and attached to sloping walls or mansard or similar style roofs
17 to allow the sign display surface to remain perpendicular to the ground shall also be
18 considered wall signs. Wall signs shall not project above the wall, cornice line, or top roof
19 line of a building.

20 **Add the following definitions:**

21 **AWNING.** A cover that projects from a wall of a building over a window or entrance to
22 provide weather protection and architectural spatial definition. The top surface of an awning
23 is typically sloped. An awning may be fixed in place or retractable. An awning is completely
24 supported by the building.

25 **AWNING SIGN.** A sign affixed flat to or painted upon the surface of an awning.

26 **BLADE SIGN.** A sign affixed to a building wall which projects from the building face,
27 generally at right angles to the building. Blade signs are: primarily oriented toward
28 vehicular traffic; typically taller than they are wide; and located in higher traffic volume
29 areas. Blade signs shall only be permitted on buildings which are over 60 feet in height.

30 **CANOPY.** A fixed cover that projects from a wall of a building over a window or entrance
to provide weather protection and architectural spatial definition. A canopy typically
projects at a 90-degree (perpendicular) or similar angle. A canopy may be completely
supported by the building, or completely or partially supported by columns, poles, posts, or
similar supports.

CANOPY SIGN. A sign affixed to a canopy.

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CHARACTER. A combination of both the visual (physical design/materials/location) and functional (accessibility/level of activity) qualities of a structure or an area that set it apart from its surroundings and contribute to its individuality.

COMPATIBILITY. The characteristics or features of different buildings or site development which allow them to be located adjacent to or near each other in harmonious and congruent relationships. Compatible does not mean "the same as." Rather, for the purposes of this Manual, compatibility refers to the ability of development proposals to recognize and adapt to the character or context of existing development by successfully coordinating with the characteristics of adjacent buildings or nearby development. Elements that may affect a determination of compatibility include: building height, scale, and mass; building materials; façade design, including building divisions, façade rhythms, and window size and arrangement; access and parking locations; landscaping; and building/site lighting. The size, scale, location, and/or use of a proposed development may also affect determinations of compatibility. It may be appropriate for larger buildings or development proposals, or for certain uses, to establish a unique character for a given area.

DEVELOPMENT PARCEL. A parcel, tract or area of land. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder; it may be a part of a single parcel described in a deed or plat which is recorded in the office of the County Recorder, provided the part to be used is adequate in size to meet all yard requirements of this chapter; or it may include parts of a combination of such parcels when adjacent to one another and used as one. Other arrangements of property may also be determined by the Plan Commission or Zoning Administrator to be development parcels/lots for the purposes of these regulations.

GROUND-MOUNTED SIGN. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles with no clearance between the bottom of the sign and the ground below, and designed to include a continuous or nearly continuous central base.

MARQUEE. A fixed cover that projects from a wall of a building over an entrance to provide weather protection, architectural spatial definition, and lighting. A marquee is completely supported by the building and is typically used in association with a theater or similar use. A marquee is typically deeper than a canopy.

MASTER SIGN PLAN. A plan submitted to the Plan Commission as part of a request for an overall sign program of a consistent architectural design for either a larger scale development (such as a large retail or shopping center, industrial park, medical campus, etc.) on a lot, development parcel, or combination of lots/development parcels; for multiple signs as part of an individual development project; or for a request for a waiver on a site where the Plan Commission has previously approved a development plan.

TEMPORARY SIGN. A sign not intended or designed for permanent display. Easily removed signs attached to windows shall be considered temporary signs.

WINDOW SIGN. Any sign painted or otherwise permanently affixed onto a glass area or installed behind a window for viewing from outside the building, excluding temporary signs.

1 **Amend the Office District section of the Permitted Sign District Provisions,**
2 **§154.16(A) (CM1 Zoning district) as follows:**

3 **§154.16 OFFICE DISTRICT.**

4 **(A) CM1 zoning district.**

- 5 (1) **On-premises wall signs shall be permitted on each façade of a primary**
6 **building; the total copy area of such signs shall not exceed 50 square feet per**
7 **façade.**
- 8 (2) One on-premises free-standing sign per entrance, identifying the name of the
9 office park or activity conducted within the district shall be permitted. Such
10 sign shall not exceed 32 square feet in area, shall have a maximum height of six
11 feet, and shall be permitted with a five foot setback from the front lot line. Such
12 sign shall not face any residential district 50 feet away.
- 13 (3) If there is more than one building, a freestanding directory sign is permitted for
14 each building. Such sign shall be located in the interior of the development with
15 a maximum height of six feet and may not exceed 50 square feet in total area.

- 16 **(B) Pre-existing Signs.** Any sign that was legally erected in this district prior to
17 November 6, 1986 shall be deemed to have received Plan Commission approval as
18 herein required and shall not be a nonconforming sign. Such sign may be converted
19 without Plan Commission approval for new tenants, as long as the location and copy
20 area remains the same or less than that of the pre-existing sign.

21 **Amend the Business Districts section of the Permitted Sign District Provisions,**
22 **§154.17(C) (CM5 Zoning district) as follows:**

- 23 **(C) CM5 zoning district.** In the CM5 zoning district only on-premises signs are
24 permitted.

- 25 (1) On-premise wall signs shall be permitted on building facades attached to the
26 face of the building, or mansard roof or substantially parallel thereto and not
27 projecting above or beyond the roof or top of the cornice wall. **Unless attached**
28 **to a sloping wall or mansard or similar roof, such wall signs shall project not**
29 **more than 12 inches from the facade of the building. The permitted copy area**
30 **of all such wall signs per building facade shall be as follows:**

- 31 (a) **In the CM5A and CM5B districts,** if the sign(s) is/are located up to 50
32 feet height above the sidewalk, ~~the~~ **total copy area shall not exceed 50**
33 **square feet per tenant space; in addition, one of the following shall be**
34 **permitted:**
- 35 (i) If the sign(s) is/are located over 50 feet but less than 100 feet above
36 the sidewalk, ~~the~~ **total copy area shall not exceed 100 square**
37 **feet; or**
- 38 (ii) If the sign(s) is/are located over 100 feet above the sidewalk, ~~the~~ **total copy area shall not exceed 300 square feet.**

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- (2) In addition to the permitted wall signage, blade signs shall be permitted in the CM5A and CM5B districts. Blade signs shall only be permitted on the following streets: Clinton Street; Jefferson Boulevard; Lafayette Street; and Washington Boulevard; one (1) sign shall be permitted per street frontage. Blade signs shall:
- (a) Extend no more than four feet (4') from the facade of the building, and no more than four feet (4') into a public right-of-way;
 - (b) Be no less than eighteen feet (18') above grade, at its lowest point;
 - (c) Not exceed eighty (80) square feet;
 - (d) Not project above the cornice or roof of the building.
- (3) In addition to the permitted wall signage, projecting signs shall be permitted in the CM5A and CM5B districts. A maximum of one sign per street frontage shall be permitted per business. Projecting signs shall:
- (a) Extend no more than four feet (4') from the facade of the building;
 - (b) Be no less than eight feet (8') above grade, at its lowest point; and
 - (c) Not exceed twelve (12) square feet.
- (4) In addition to the permitted wall signage, awning signs shall be permitted in the CM5A and CM5B districts. The total sign area shall not exceed twenty-five percent (25%) of the area of the outer surface of the awning. Awning signs shall:
- (a) Be affixed flat to, or painted upon the surface of the awning;
 - (b) Not extend vertically or horizontally beyond the limits of the awning; and
 - (c) Not be internally illuminated.
- (5) In addition to the permitted wall signage, canopy signs shall be permitted in the CM5A and CM5B districts. The total sign area shall not exceed fifty percent (50%) of the area of the front and side faces of the canopy. Canopy signs shall:
- (a) Be permitted to project above the canopy up to twelve inches (12"), provided that the sign does not project above the cornice or roof of the building; and
 - (b) Individual letters on a canopy sign shall be permitted to be internally illuminated.
- (6) In addition to the permitted wall signage, marquee signs shall be permitted in the CM5A and CM5B districts. Each face of a marquee shall be allowed to have a sign. Such signs shall be permitted to extend the entire length of the marquee, and shall be permitted to project up to six feet (6') above the roof of the marquee. The sign shall not project above the cornice or roof of the building.

1 (7) In addition to the permitted wall signage, window signs shall be permitted
2 in the CM5A and CM5B districts. Window signs shall not exceed twenty-
3 five percent (25%) of the window surface area.

4 (8) In the CM5A and CM5B districts, One on-premises ground-mounted
5 freestanding sign shall be permitted per development parcel per street
6 frontage. Such signs may be internally or externally illuminated. Except
7 for directional signs, no freestanding pole signs shall be permitted in the
8 CM5A and CM5B districts. Ground-mounted signs shall:

9 (a) Not exceed eight feet (8') in height;

10 (b) Not exceed fifty (50) square feet in area; the area of the structural
11 supports shall not be included in the calculation of sign area;

12 (c) Be located a minimum of five feet (5') from a property line;

13 (d) Be located out of the clear vision areas, and not block sight lines at
14 entrances.

15 (9) In the CM5C districts, One on-premises free-standing sign per development
16 parcel per street frontage is permitted. Such sign shall not exceed 100 square
17 feet in area and shall have a maximum height of 35 feet, and shall be located a
18 minimum of five feet from the front lot line and five feet from the side lot line.

19 (10) In the CM5C districts, One on-premises marquee sign may be attached to the
20 marquee but not extend into or over the public right-of-way, provided such signs
21 do not exceed five feet in height and may extend as long as the marquee. Those
22 signs projecting above or below the marquee shall be erected at a 90° angle to
23 the building, and shall project no more than six feet. The sign shall not project
24 above the cornice wall or roof of the building.

25 (11) See §154.06(K) for residential spacing requirements.

26 (12) Strings of light bulbs may be used and signs may blink or flash. **Holiday
27 lighting shall be exempt from the provisions of this section.** Signs having
28 electronically changing copy area shall not exceed the provisions of divisions
29 (C)(1-10) above.

30 **Amend §154.19 (Planned Districts) of the Sign Ordinance by replacing the
section as shown:**

§154.19 DEVELOPMENT PLAN SIGNAGE.

(A) Applicability.

These provisions shall apply to signage proposed for a project which requires the approval of a development plan, as set forth in §157.120(C) and §157.120(D); or as further set forth in (C) below.

1 (B) **Master Sign Plan.**

2 The Plan Commission may approve signs not otherwise allowed under this chapter as
3 part of a Master Sign plan. It is intended that this provision apply to requests for an
4 overall sign program of a consistent architectural design for either a larger scale
5 development (such as a large retail or shopping center, industrial park, medical
6 campus, etc.) on a lot, development parcel, or combination of lots/development
7 parcels; for multiple signs as part of an individual development project; or for a
8 request for a waiver on a site where the Plan Commission has previously approved a
9 development plan. Requests for single signs not otherwise permitted should be
10 submitted to the Board of Zoning Appeals for review and consideration.

11 Master Sign plans shall be submitted and reviewed according to the same process as a
12 primary development plan as set forth in Chapter 157 of City Code. Unless waived by
13 the Commission's staff as having no bearing on the decision to approve or disapprove
14 the Master Sign plan, the plan shall include a site plan that shows the location of each
15 sign, scalable renderings of each sign or type of sign that indicate the area and height
16 of each sign, and information on the proposed lighting for each sign. Master Sign
17 plans shall be reviewed in accordance with the standards set forth in 157.120(F)(6) of
18 City Code; if the plan requests a waiver or modification of the signage standards, or
19 requests approval of a non-permitted sign, the Master Sign plan shall also viewed in
20 accordance with the standards set forth in 157.120(H)(1) of City Code.

21 (C) **Waiver of Sign Standards.**

22 The Plan Commission may waive or modify certain sign design standards as part of its
23 approval of a primary development plan as provided in 157.120(H) of City Code. It is
24 intended that this provision apply to signage waivers or modifications requested in
25 conjunction with a pending development plan request.

26 **Amend the Other Permitted Signs section of the Other Sign Provisions,
27 §154.30(D)(9):**

28 (D) In any zoning district, the following on-premises signs shall be permitted:

29 **[the rest of this section prior to this point remains the same]**

30 (9) Information and/or direction signs are not to exceed six square feet in area and
three feet in height which direct traffic within a premises or which identify the
location of rest rooms, telephone, freight entrances and the like are permitted,
**except that such signs shall not exceed 2 square feet in area and 2 1/2 feet in
height, and shall be limited to one sign per entry, in the CM5A and CM5B
districts.** The sign may include the name of the business or its logo.

**Repeal the Calhoun Street Mall subchapter of the Sign Ordinance by removing
the following Sections:**

§154.75 Purpose; intent
§154.76 Application of provisions
§154.77 Establishment of sign district

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§154.78	Definitions
§154.79	Sign classification; design standards
§154.80	Nonconforming signs
§154.81	Certificate of approval required for certain signs; application
§154.82	[Reserved]
§154.83	Enforcement of provisions

SECTION 5. That this Ordinance shall be in full force and effect from and after January 1, 2011.



Council Member

APPROVED AS TO FORM AND LEGALITY:



Carol T. Taylor, City Attorney

Read the first time in full and on motion by Harper and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____ the _____ day of _____, 2010, at _____ o'clock _____ M.E.S.T.

DATED: 9-14-10

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Harper and duly adopted, placed on its passage. PASSED LOST

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>BROWN</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	<u>✓</u>	_____	_____	_____
<u>GOLDNER</u>	<u>✓</u>	_____	_____	_____
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	<u>✓</u>	_____	_____	_____
<u>PAPE</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 11-23-10

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. G-19-10 on the 23rd day of November, 2010

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Martin A. Bunch
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 2010, at the hour of 3:00 o'clock P M.E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29TH day of November 2010, at the hour of 8:30 o'clock A M.E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR